



COLONIAL OFFICE

Report by the Resumed Conference on the Nigerian Constitution

held in Lagos in January and February, 1954

*Presented by the Secretary of State for the Colonies to Parliament
by Command of Her Majesty
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**REPORT BY THE RESUMED CONFERENCE ON THE NIGERIAN
CONSTITUTION**

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THE NIGERIAN CONSTITUTION,**

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A. INTRODUCTION

The Conference on the Nigerian Constitution which met in London in July and August, 1953, was resumed in Lagos on the 19th January, 1954, under the Chairmanship of the Secretary of State for the Colonies.

B. TERMS OF REFERENCE AND COMPOSITION

Terms of Reference

2. The Conference resumed to consider the report of the Fiscal Commissioner*, various points on which the legal draftsmen found that they needed guidance when they came to draft amendments to the Constitution to carry out the recommendations of the Conference in London, and certain questions which the London Conference had left over. (See the Report by the Conference on the Nigerian Constitution, Cmd. 8934, paragraph 33.)

Composition of Delegations

3. As in London, the composition of the Nigerian delegations was six delegates from each Region, plus one delegate to represent the territory of the Cameroons under United Kingdom Trusteeship. Of the six delegates from the Western and Northern Regions, five were nominated by the majority party in the Regional Houses of Assembly and one by the principal minority party in the Region, while in the Eastern Region four delegates were nominated by the majority party and two by the minority party. In addition, each Regional delegation and the Cameroons' representative were accompanied by advisers.

4. In all, nineteen delegates and forty advisers comprised the Nigerian delegations. The United Kingdom delegation consisted, in addition to the Secretary of State for the Colonies, of three delegates and one adviser. The Governor of Nigeria, Sir John Macpherson, also attended the resumed Conference and was accompanied by four advisers. A list of the delegates and advisers attending the Conference is attached as Annex I.

Duration of Conference

5. The Conference, which met in the House of Representatives, Lagos, held ten plenary sessions and lasted from the 19th January until the 1st February, 1954.

C. GOVERNOR-GENERAL AND GOVERNORS

6. The London Conference agreed to recommend that in view of the proposed considerable enhancement of the responsibilities of Regional Governments and the status of Lieutenant-Governors, the Regional Lieutenant-Governors should in future be styled Governors and the Governor of Nigeria should in future be styled Governor-General. The Secretary of State informed the London Conference that this was a question on which he could not commit Her Majesty's Government without consulting his colleagues and taking Her Majesty's pleasure (paragraph 9 of Cmd. 8934).

7. The Secretary of State announced at the resumed Conference that he had consulted his colleagues and taken Her Majesty's pleasure and that the changes recommended would be made as soon as the amended Constitution came into force.

* Published in December, 1953, as Cmd. 9026.

D. THE CAMEROONS UNDER UNITED KINGDOM TRUSTEESHIP

8. The future administration of the Southern Cameroons was discussed by the Secretary of State with the Cameroons delegation in the light of the general election and of the conclusion* reached by the Fiscal Commissioner that a Southern Cameroons Regional Government would not in the years immediately ahead be financially stable without external financial assistance. The Secretary of State subsequently informed the Conference of the outcome of these discussions in a statement outlining the proposals for the future structure of government in the territory. The text of the statement, which dealt also with the future of the Northern Cameroons, is attached as Annex III to this Report. The Conference endorsed the proposals in this statement.

9. During the discussion of these proposals it was agreed that the Eastern Region should neither lose nor gain (except for minimal amounts) as a result of the proposal to make the Southern Cameroons quasi-Federal territory. The share of the net proceeds of import duties (other than tobacco and motor spirit) to be allotted to the Southern Cameroons should be one per cent. and the share of the Eastern Region should be reduced from 30 per cent. to 29 per cent. The cost of the Commissioner of the Cameroons and his headquarters would be borne on the Southern Cameroons Budget; and the Southern Cameroons would raise a loan of some £300,000, for working capital, with the Federal Government at a rate of interest to be negotiated (see section E).

10. The Conference noted that Members of the proposed Executive Council of the Southern Cameroons would not be called Ministers; but it was agreed that the Commissioner of the Cameroons should assign to individual Members of the Executive Council subjects or groups of subjects within the Territorial field in which those Members would be expected to take a special interest both in the Executive Council and in the Assembly.

11. To avoid a further general election in the territory later this year after the proposed new Legislative Assembly had been constituted, the Conference agreed that the 13 members from the Southern Cameroons who had recently been elected to the Eastern Region House of Assembly should be the first elected members of the Southern Cameroons Assembly. The life of this first Assembly should end not later than the 31st December, 1956.

E. REPORT OF THE FISCAL COMMISSIONER †

12. The Conference considered the Report of the Fiscal Commissioner and agreed that, subject to the modifications set out below, the recommendations should be accepted. During discussion various points were noted, which are also recorded below.

- (i) *Colonial Development and Welfare grants.*—The Commissioner recommended (paragraph 95 (2) of his Report) that Colonial Development and Welfare grants for schemes administered by the Regional Governments should be credited as Regional revenue. It was noted by the Conference that applications for Colonial Development and Welfare aid in respect of new schemes, after the amended Constitution had come into force, could be made direct by Regional Governments in respect of schemes which they would administer.
- (ii) *Payment for goods and services.*—The Commissioner recommended (paragraph 95 (4)) that charges should be made for all goods and

* Paragraph 85 of the Fiscal Commissioner's Report (Cmd. 9026).

† Cmd. 9026.

services supplied by the Federal Government to Regional Governments, or *vice versa*, and for departmental overheads. It was pointed out that the full implementation of this recommendation would throw a heavy burden on the accounting and administrative machinery of Government. The Conference agreed that the principle recommended in the Report should be accepted but that its implementation should, in the first instance, be limited to postal and telegraphic charges, the payment for goods and services supplied by the Public Works Department, and for rentals in respect of offices and quarters. Further application of the principle should be the subject of consultation between the Federal and Regional Governments.

(iii) *Exemptions under the Customs Ordinance.*—The Commissioner recommended (paragraph 95 (5)) that the present exemption of imports by the Federal and Regional Governments from import duty should be withdrawn. The Conference was informed that the Customs Tariff provides distinct categories of conditional exemptions and that a detailed study of the Tariff would be necessary before any final amendments could be made. It appeared that it would be impossible to dispense completely with Part III of the First Schedule to the Customs Ordinance. The Conference accepted the recommendation of the Commissioner in principle but agreed that it should not be applied in the case of:—

- (a) the exemptions accorded by virtue of international usage;
- (b) the exemptions in respect of passengers' baggage; and
- (c) conditional exemptions for particular goods imported by any person or body provided that they are intended for a specified purpose (e.g. stationery for use in schools but not for general use).

It was also decided that a Committee should be set up to make a detailed study of the Tariff and to advise what items should remain in Part III. The Conference was informed that *ex gratia* refunds, provided for under section 51 of the Customs Ordinance, were distinct from refunds in respect of over-payments and statutory drawbacks. It would, therefore, be necessary to amend this section of the Ordinance so as to enable each Government to make such *ex gratia* refunds out of its own revenues.

(iv) *Pensions.*—The Conference accepted the recommendation (paragraph 95 (6)) that the Federal Government should continue to be liable for all pensions in payment when the revised constitution comes into force and should assume the accrued liability in respect of the service of all serving pensionable officers up to that date, including any Regional service. The Conference noted that this would involve the Federal Government in a heavy liability which would have to be kept in mind when any future reallocation of revenue was under consideration.

(v) *Transfer of Assets.*—This recommendation (paragraph 95 (9)) was accepted. The Conference noted that in regard to allocated stores the general principle would be that stores would go to the Region in which they happened to be, unless they were specifically allocated to a Federal project. To decide questions which might arise in connection with assets to be transferred the Conference agreed that provision should be made in the constitution for the appointment of a single Commissioner for this purpose by the Governor-General.

If in any instance the Commissioner's findings were disputed the matter would be referred to a Commission consisting of a Chairman appointed by the Secretary of State, one representative appointed by the Governor-General, and one representative appointed by the Governor of the Region concerned. The decisions of this Commission would be final. In the case of an asset in which two Regions were interested (for example an asset lying on the border of two Regions) the membership of the Commission would be one from each Region concerned and two from the Federation. In the exceptional case of a point of principle arising affecting all the Regions, there would be one member from each Region and three from the Federation. These members would in each case be in addition to the Chairman.

(vi) *Allocation of Import Duties (other than those on motor spirit and tobacco).*—The Conference agreed that in view of the arrangements to be made for the future of the Southern Cameroons (see section D) the recommendation (paragraph 95 (12)) regarding the allocation to the Regional Governments of one half of the net proceeds of duties (other than on motor spirit and tobacco) should be varied, and that the distribution should be in the ratio of 30 per cent. to the Northern Regional Government, 29 per cent. to the Eastern Regional Government, 40 per cent. to the Western Regional Government and 1 per cent. to the Southern Cameroons.

(vii) *Export Duties.*—The Conference accepted the Commissioner's recommendation (paragraph 95 (14)) that one half of the net proceeds of export duties should be allocated to the Regional Governments, but considered that serious anomalies would arise if the distribution were made in all cases in accordance with the level of purchases within a Region during a given period of time rather than on the basis of the Region of origin of the tonnages of produce actually exported. The Conference therefore agreed to accept this recommendation subject to the following qualifications:—

- (a) for produce other than hides and skins not subject to Marketing Board control the test should be the Region of origin as declared by the exporter at the time of export and not necessarily the Region in which he purchased it;
- (b) for produce at present subject to the Cotton Marketing Board the test should be the Region of origin of tonnages actually exported as determined by strains, and not the volume of purchases made by licensed buying agents;
- (c) for produce at present subject to the Groundnut and Cocoa Marketing Boards the test should be the Region of origin of tonnages actually exported, shown separately by grades in the case of groundnuts and by crops in the case of cocoa. The test should not be the level of purchases by licensed buying agents;
- (d) for produce at present subject to the Oil Palm Marketing Board the test should be the level of purchases made by licensed buying agents of kernels and of each grade of oil during the immediately preceding quarter.

As regards hides and skins the Commissioner recommended that half the export duty collected in any financial year (less any refunds) should be allocated to the Northern Regional Government, the other half being retained by the Federal Government. After discussion

the Conference agreed that one half the yield from export duties (less refunds) should be distributed in accordance with the Region of purchase.

The Conference agreed that, to give effect to their decision, provision would be needed in the amending constitutional instruments on the following lines:—

One half of the proceeds of export duties (less refunds) should be retained by the Federation. The other half (less refunds) should be distributed among the Regions in proportion to purchases made within the respective Regions or in proportion to the Regions of origin of the tonnages of produce actually exported. Regulations to be made by the Governor-General would prescribe—

- (a) whether the test in the case of a particular commodity is to be the Region of purchase or the Region of origin ;
- (b) methods, by which Region of purchase or Region of origin of any commodity will be ascertained ; and
- (c) times when, and periods in respect of which, payments will be made to the Regions by the Federation.

N.B.—The export duty on tin and tin ore is not a revenue earning item but a cess on the industry. It will not therefore be available for allocation.

- (viii) *Income Tax*.—The Conference accepted the two recommendations made by the Commissioner in paragraphs 48 and 49 of his report, namely that income tax under the Income Tax Ordinance should continue to be a Federal subject and that tax on company incomes should be retained in full by the Federal Government.

In accepting also the Commissioner's recommendation (paragraph 95 (15)) about the allocation and distribution of revenue received from the tax on personal incomes levied under the Income Tax Ordinance, the Conference agreed it was desirable that there should be a uniform level of tax of personal incomes and profits. It also agreed that the examination should continue of the possibility of assimilating the Income Tax Ordinance and the Direct Taxation Ordinance.

- (ix) *Mining Royalties*.—The Conference accepted the Commissioner's recommendation (paragraph 95 (16)) and agreed that the principle should also apply to royalties imposed on mineral oils.

- (x) *Other Items of Revenue*.—The Commissioner's recommendation (paragraph 95 (17)) was accepted with the proviso that it should be applied to the whole of paragraph 52 of his Report.

- (xi) *Cameroons*.—Following its endorsement of the proposal that the Southern Cameroons should become quasi-Federal territory (see section D) the Conference agreed that:

- (a) the Eastern Region should neither lose nor gain (other than minimal amounts) as a result ;
- (b) the cost of the Commissioner of the Cameroons and his headquarters should be borne on the budget of the Southern Cameroons (paragraph 95 (23)) ;
- (c) the Southern Cameroons would raise a loan of some £300,000 with the Federal Government, at a rate of interest to be negotiated, for working capital (paragraph 86).

- (xii) *Statistics*.—On several occasions during discussion of various aspects of the Report delegations drew attention to the urgent need for reliable statistics, with particular reference to Lagos, in respect of regional consumption, and recommended that as accurate figures as possible should be obtained for the consumption of imported goods in Lagos for use when revenue allocation was considered at the next review of the Constitution.
- (xiii) *Co-ordination of Loan Policies*.—The Conference noted that the Commissioner had made no recommendations on this subject (paragraph 94). The Conference agreed that the Federal Government should be responsible for the raising of all external loans required by the Federal and Regional Governments. The Conference further recommended that a Loans Advisory Board should be set up to advise the Federal Government on applications for loans from the Regional Governments and the Federal Government, and that the Board should consist of an equal number of representatives from each of the four Governments.
- (xiv) *Appendix 1*.—The Conference noted that the figures in Appendix 1 were not final and that the form which departments would take upon reorganisation would be settled in the light of the conclusions reached by the Conference.

F. REPORT OF THE COMMITTEE ON MARKETING BOARDS

13. The Conference considered the Report of the Committee on Marketing Boards (see paragraph 22 (v) of Cmd. 8934) and agreed that, subject to the points mentioned below the Committee's recommendations should be accepted. A copy of the Committee's Report is at Annex IV.

- (i) *Recommendation 17*.—The Conference agreed that additional executive directors should be appointed to the Nigeria Produce Marketing Company Ltd. so that there should be one executive director for each main commodity.
- (ii) *Recommendation 21*.—The Conference agreed that consultation should take place between Regions when money was allocated for research.
- (iii) *Recommendation 23*.—It was agreed that there should be a Marketing Board for the Southern Cameroons.

G. THE ADMINISTRATION OF JUSTICE

14. The Conference discussed the provisions to be made in the revised Constitution concerning the administration of justice. This question was considered in the light of the Report of the Committee on the Administration of Justice (paragraph 22 (iii) and Annex IV to Cmd. 8934) and of Chapter viii of the Scheme for Amendments to the Constitution (Annex II).

15. As regards paragraph 5 (a) of Annex IV to Cmd. 8934, the Conference agreed that the procedure for appeals to the Federal Supreme Court should be a matter for rules of court to be made by the Federal Supreme Court subject to any federal legislation thereon (see paragraphs 134 and 135 of the Scheme).

16. The Conference accepted that in paragraph 5 (b) of Annex IV to Cmd. 8934, which reads—

“(b) whether the conditions of appeal should be determined by Central or Regional legislation”

the reference to “conditions of appeal” should read “right of appeal”.

17. The Conference agreed that, as regards the matters raised in paragraph 5 (b) and (c) of Annex IV to Cmd. 8934, paragraph 132 of the Scheme, which relates to the appellate jurisdiction of the Federal Supreme Court, should be replaced by the following paragraphs:—

132. Notwithstanding anything in any other law, the Federal Supreme Court will, to the exclusion of any other court, have jurisdiction to hear and determine appeals from a decision of the High Court of a Region or Lagos on any question as to the interpretation of the provisions of the Constitution.

132A. (1) Subject to the provisions of paragraph 132, the Federal Supreme Court—

- (a) will have such jurisdiction to hear and determine appeals from decisions of a Regional High Court given in the original jurisdiction of that High Court as the Federal Legislature may by law prescribe ;
- (b) will have such jurisdiction to hear and determine appeals from decisions of a Regional High Court given in the appellate jurisdiction of that High Court as may be prescribed—
 - (i) in respect of a federal matter, by law of the Federal Legislature ; and
 - (ii) in respect of a regional matter, by law of the Regional Legislature ; and
- (c) will have such jurisdiction to hear and determine appeals from decisions of the Lagos High Court, whether given in original or appellate jurisdiction, as the Federal Legislature may by law prescribe.

(2) In this paragraph “federal matter” means any matter within the legislative competence of the Federal Legislature and “regional matter” means any matter within the exclusive legislative competence of the Regional Legislature concerned.

132B. In the case of any person upon whom a Regional court, other than the High Court, has imposed a sentence of death, an appeal shall lie from the first-mentioned court to the Regional High Court and thence to the Federal Supreme Court or, if it is provided by any law of the Legislature of the Region that an appeal lies from the first-mentioned court to any other Regional court or courts (other than the High Court), an appeal shall thereafter lie to the High Court of the Region and thence to the Federal Supreme Court.

18. The question how the senior Judge in each Region was to be styled was considered, and the Conference agreed that “Chief Justice” was the appropriate title for the senior Judge of each Region.

H. THE PUBLIC SERVICE

19. The Conference re-affirmed the decisions reached in London as recorded in paragraphs 22 (ii) and 29 of the Report of the London Conference (Cmd. 8934). In particular the decision was endorsed that from the date of the coming into force of the revised Constitution separate Public Services should be established for the Federation and the Regions. In reaching this decision the Conference took account of the Memorandum addressed to the Chief Secretary to the Government by the Staff Side of the Joint Standing Committee of the National Whitley Council II and the National Industrial Whitley Council in which representations had been made against the decision to divide the Public Service.

20. The Heads of the Nigerian Delegations resolved to issue jointly a statement defining the attitude of their Delegations and Parties towards the future employment of overseas officers in Nigeria. Their statement is reproduced as Annex V to this Report.

21. The Conference considered a statement by the Secretary of State containing proposals for implementing the decisions reached in London and drawing attention to certain consequential considerations. Arising from the discussion on this statement the Conference agreed to the arrangements described in paragraphs 22 to 30 below.

22. From the date of the coming into force of the revised Constitution, under which Federal and Regional Ministers would be entrusted with the general direction and control of, and individual responsibility for, the Departments within their portfolios, it would be open to any overseas pensionable officer then in the Nigerian Service to retire at any time, subject to reasonable notice, on accrued pension or gratuity. This option would be a continuing one.

23. From the same date all established officers of the present Government of Nigeria would become members of the Service of the Federal Government. Certain of these officers would be assigned by the Governor-General for duty under Regional Governments. This would involve acceptance by the Regional Governments of the obligation to meet the expenditure involved in the employment of these officers. This arrangement would continue for a limited transitional period, during which the Governor-General might transfer officers, with their consent, to a Regional Service. This process would begin as soon as the revised Constitution came into force and would, if possible, be completed within one year from that date and should in any case not exceed two years. All established officers assigned to a Region who, by the end of the two-year period, had not accepted transfer would be required to leave the Service.

24. Overseas pensionable officers transferred to the Service of any Region would retain, after transfer, their right to retire on accrued pension or gratuity.

25. Overseas pensionable officers transferred to a Regional service would retain their status as members of the Colonial Service, including their existing eligibility for consideration for transfer or promotion to Colonial Service posts in other Territories. Arrangements would also be devised to enable officers who so desired to be considered for transfer and promotion to other Nigerian Public Services than that to which they immediately belonged.

26. Under the new arrangements proposed for the Southern Cameroons officers serving there would form part of the Federal Service.

27. A right to retire on accrued pension plus an additional allowance, or alternatively a gratuity, would be extended to any overseas pensionable officer who transferred to the Service of a Regional Government in which there were no longer ex-officio members of Executive or Legislative Councils. This would apply for the time being only to the Eastern and Western Regions. Officers would be required to serve under the Regional Government for a qualifying period of one year after transfer to the Regional Service before becoming eligible to retire on accrued pension plus additional allowance. The option to retire under these arrangements would be a continuing one.

28. The liability for accrued pension would be governed by the recommendation in paragraph 19 of the Fiscal Commissioner's Report which the Conference had accepted (see Section E). The liability for additional

allowance would, in the case of officers whose whole service had been in Nigeria, be similarly apportioned. In the case, however, of officers with previous Colonial Service in Territories other than Nigeria, the whole liability for additional allowance would be borne by the Regional Government concerned.

29. On the attainment of regional self-government by any Region it would be necessary for the Government of that Region to introduce and accept financial responsibility for a full lump sum compensation scheme under which overseas pensionable officers in the Service of that Government at the time would immediately acquire a continuing option to leave with a lump sum payment in addition to accrued pension, as an alternative (at the option of the officer) to accrued pension plus an additional allowance.

30. Overseas pensionable officers who continued to serve in any Region after the attainment of regional self-government would continue to be eligible for consideration by the Secretary of State for transfer or promotion to Colonial Service posts elsewhere. The Regional Governments would co-operate in the release of any officers who might be offered and wished to accept any such transfers or promotions and would maintain the present practice with regard to the preservation of pension rights on transfer.

31. Overseas pensionable officers appointed to a Nigerian Service, or transferred to a Nigerian Service from another Colonial territory, after the date on which the revised Constitution came into force, would not be eligible to retire on accrued pension plus additional allowance under the arrangements provided for in paragraph 27. Overseas pensionable officers appointed to the Service of the Federation or to any of the Regions after the same date would acquire a continuing right to retire on accrued pension or gratuity at any time after completing ten years qualifying service. Overseas pensionable officers transferred to a Nigerian Service from other Colonial territories after the same date would have the option to retire on accrued pension at any time after they had completed three years in that Service provided that they had completed not less than ten years Colonial service in all. In the case of such transferred officers the normal practice of apportioning the liability for pension among the different employing Governments should be followed. The eligibility, if any, of overseas pensionable officers appointed or transferred to a Nigerian Service after the same date to come within the scope of the arrangements for lump sum compensation described in paragraph 29 would be considered by a Committee consisting of one representative from the Centre and one from each Regional Government. The Conference noted that it would be important to reach a decision on this question as soon as possible, in order that there should be no doubt in the minds of potential candidates as to the terms and conditions which they would enjoy in the service of the Federal or any Regional Government.

32. The arrangements described in paragraph 23 above would apply equally to African pensionable officers. These officers would not, however, become entitled to retire prematurely on accrued pension or on accrued pension plus additional allowance. The hope was expressed that these officers would wish to continue to serve the country either in a Federal or Regional Public Service, as might be appropriate. Nevertheless, any African officer who was selected for his appointment by the Secretary of State or holds his appointment by virtue of the approval of the Secretary of State, and who could show to the satisfaction of the Secretary of State that his future prospects in the Service had been prejudiced or that he had legitimate cause for anxiety about his future in the Service, would be permitted to retire on the same terms as those accorded to overseas officers.

Other African officers would have the right to submit similar representations to the Governor-General and, in the event of their representations being considered to be well founded, would also be eligible to retire on the same terms.

33. The Conference accepted the general principle that when a Regional Government took over a public servant from the Central Government it would take over at the same time the existing obligations of the Government of Nigeria to him.

Officers on Contract

34. Contracts of service entered into by the present Government of Nigeria would be taken over and honoured by the Federal Government. When the contract was with an officer assigned to a post on the establishment of a Region, any sums payable under the contract would be paid by the Regional Government concerned, except that all gratuities due under existing contracts would be met by the Federal Government. Such contracts would be terminable by the Governor-General only in accordance with the contractual terms. On completion of any such contract it would be for the Regional Government to decide whether to offer re-engagement, and any subsequent contract would be with the Regional Government.

Established but Non-pensionable Staff

35. It was noted that established but non-pensionable employees of the Government of Nigeria had no statutory entitlement to any pension or gratuity, but that it had been the practice to award such employees on retirement an annual allowance or gratuity computed in accordance with the Superannuation Allowances and Gratuities Rules, 1947. These officers would also be subject to the arrangements described in paragraph 23 above. The following principles would apply in their case:—

- (a) the Federal and Regional Governments would extend to them the same treatment in regard to ex gratia allowances and gratuities as they would have received had they remained in the service of the Government of Nigeria ;
- (b) officers assigned or transferred to the Federal and Regional Governments would accordingly continue to be eligible for retirement benefits awarded under the Superannuation Allowances and Gratuities Rules 1947 ;
- (c) their services with the Government of Nigeria would be treated as continuous with subsequent service in the Federal or Regional Government for the purposes of the Rules ; and
- (d) the liability for allowances and gratuities due under the Rules would be apportioned to the length of service with Governments concerned.

Daily Paid Staff

36. In the case of daily paid staff the new Federal and Regional Governments as appropriate would replace the Government of Nigeria as employer on an appropriate date ; but their employment would be regarded as continuous. It was noted that it had also been the practice for annual allowances or gratuities to be paid to daily paid employees with lengthy periods of continuous service ; and the principles set out in sub-paragraphs (a) to (d) of paragraph 35 above would also apply to them.

Widows and Orphans Pensions

37. The Conference agreed that it would be necessary to make arrangements to ensure that on the setting up of the four new Public Services there

would be the same liability on the part of the officers to contribute to a scheme and the same liability on the part of the Government receiving their contributions to pay pensions which were no less favourable than those paid under existing arrangements.

I. THE SCHEME FOR AMENDMENTS TO THE CONSTITUTION

38. The Conference had before them the Scheme for Amendments to the Constitution (Annex II) which had been drafted on the basis of the decisions reached by the London Conference and recorded in Cmd. 8934. Subject to the undernoted modifications the Conference approved the Scheme, including those passages (printed in italics) dealing with matters upon which the London Conference had been silent but which were thought to represent the views of that Conference:—

Paragraph 10 (2)

The President of the Northern House of Assembly, if appointed from among the members of the House, will *not* be required to vacate his seat.

Paragraph 11 (1)

The appointment of the Deputy President of the Northern House of Assembly will be by the Governor in his discretion *after consultation with the leaders of the majority and opposition parties.*

Paragraph 12

The Western House of Chiefs will include not more than *four Special Members*, who will be Chiefs and will be nominated by the Governor in Council.

Paragraph 16 (2)

The Speaker of the Western House of Assembly, if elected from among members of the House, will *not* be required to vacate his seat (cf. modification of paragraph 10 (2)).

Paragraph 18 (b)

The number of elected members in the Eastern House of Assembly will be *84*.

Paragraph 20 (2)

(The Speaker of the Eastern House of Assembly, if appointed from among the members of the House, will *not* be required to vacate his seat (cf. modification of paragraphs 10 (2) and 16 (2)).

Paragraph 20 (4)

The Deputy Speaker of the Eastern House of Assembly will be *elected by that House from among its members.*

Paragraph 20 (5)

The provisions governing the tenure of office by the Deputy Speaker of the Eastern House of Assembly will be the same as those relating to the Deputy Speaker of the Western House of Assembly, and his vacation of office will *not* be subject to the Governor's pleasure.

Paragraph 22

It will be provided that a member of the House of Representatives will be eligible to stand for election to a House of Assembly, provided that he vacates his seat in the former House upon being elected to the latter House.

Paragraph 39 (1) and (3)

The Speaker and Deputy Speaker of the House of Representatives will be appointed by the Governor-General in his discretion *after consultation with the leaders of the majority and opposition parties.*

Paragraph 57 (a)

The provision that “any Regional Bill empowering any court to apply or enforce any native law or custom in any area except the native law and custom prevailing among the inhabitants of such area” must be reserved for the signification of Her Majesty’s pleasure will be *deleted.*

Paragraph 58 (1) (The Legislative Lists)

“The control of imports into and exports from the Federation” (now included in Item 13) will be made a *separate Item* in the Federal List.

Item 23 will be amended to read “The construction, alteration and maintenance of all roads *declared by the Governor-General to be Federal trunk roads*”.

Item 28 will be amended to *delete* “The Ife Museum” and to *add* “The House of Images at Esie”.

Item 52, in the Concurrent Legislative List, will be amended to read “Professional qualifications in respect of such professions as and to the extent that the Governor-General may designate; *registration and disciplinary control of members of professions so designated*”.

The following new Items will be *added* to the *Concurrent Legislative List*—

- “ Antiquities ;
- Bankruptcy ;
- Evidence ;
- Administrator-General and Official Trustee ;
- Registration of business names ;
- Commercial and industrial monopolies, combines and trusts ;
- Incorporation of trustees of bodies established for religious, educational, literary, social, scientific or charitable purposes ;
- Sanctioning of cinematograph films for exhibition ;
- The maintaining and securing of public safety and public order (but not including defence) ; the providing, maintaining and securing of such supplies and services as the Governor-General may by Order declare to be essential supplies and services.”

Paragraph 81 (2) (a)

The number of Regional Ministers in the Western Region Executive Council to be appointed from among the Head Chiefs and other Chiefs of the Western House of Chiefs will be *three*.

Paragraph 82 (2)

The requirement that the Regional Ministers of the Eastern Region will include a member representing the Cameroons in the Eastern House of Assembly will be *deleted.*

Paragraph 95 (5)

This provision, which prescribes the minimum number of Ministers in the Northern Region who will hold portfolios, will be *deleted.*

Paragraph 98

Provision will be made for *Parliamentary Secretaries in the Northern Region* as well as the Western and Eastern Regions.

Paragraph 105

The number of Ministers in the Council of Ministers will be *increased to ten*.

Paragraph 108

Of the Ministers in the Council of Ministers there will be three from each Region *and one from the Southern Cameroons*.

Following paragraph 115

A new paragraph will be inserted *making provision for Parliamentary Secretaries in the Federal Government*.

Paragraph 130 (3) and (4)

These sub-paragraphs will be *deleted and the following substituted—*

- “(3) If any question as to the interpretation of the Constitution arises in any proceedings in any other court of a Region, the person presiding in that Court may, and
- (a) if any party to the proceedings so requires, or
 - (b) if the question appears to the person presiding to be a substantial question of law as to the validity of a Federal law under the provisions of the Constitution,
- will, apply to the High Court of that Region for an order of that High Court referring that question to the Federal Supreme Court, and the High Court may, as they see fit and subject to sub-paragraph (4), either make the order or refuse it.
- (4) If any question as to the interpretation of the Constitution is, in the opinion of the High Court before whom it arises, or to whom application is made under the provisions of sub-paragraph (3), a substantial question of law as to the validity of a Federal law under the provisions of the Constitution, the High Court will be required to refer that question to the Federal Supreme Court.”

39. In approving the inclusion of “Geological Survey” in Item 19 of the Federal Legislative List the Conference noted that a Region could make administrative arrangements with the Federation for geological survey services in that Region which the Federation might not otherwise provide (cf. Item 20 of Section A of Annex II to Cmd. 8934).

40. While it was agreed that the Forest School, Ibadan, and the Veterinary School, Vom, should remain in the Federal Legislative List (*vide* item 27), the Conference expressed the view that in maintaining these institutions the Federal Government should have special regard to the wishes and needs of the Region in which the institution concerned was situated, particularly in such matters as the standards of qualification for entry and the courses of instruction given.

41. Item 37 in the Federal Legislative List relates to audit of Federal public accounts. The Conference confirmed that all Nigerian and Regional audit should continue to be supervised by the Director-General of Colonial Audit.

42. The Conference was advised that, under paragraph 56 (6) (a) of the Scheme, Regional Laws which now apply to Lagos will continue in force there except in so far as they are amended or repealed by a law of the Federal Legislature.

43. It was accepted that additional amendments and provisions, would be required in consequence of decisions reached by the Conference on other subjects (e.g. the courts of justice, the public service, finance, marketing boards, and the Southern Cameroons). The Conference agreed that these

matters and any difficulties arising could be left, subject to the supervision of the Chairman, to be dealt with by the draftsmen when they prepared the amending constitutional instruments for submission to Her Majesty in Council, and would not require any further reference to the delegates.

J. AMENDMENT OF THE CONSTITUTIONAL INSTRUMENTS AND TRANSITIONAL ARRANGEMENTS

44. The Conference noted that the task of preparing amending constitutional instruments to give effect to its conclusions would be one of considerable magnitude and complexity. Moreover the instruments would have to contain a number of detailed transitional provisions to deal with certain matters between the time when the instruments were promulgated and the time when they could take their full effect. Such matters would include the reorganisation of the public service and the courts of justice, the transfer of assets from the existing marketing boards to the new boards, revenue allocation and transfer of assets from the Centre to the Regions and *vice versa*. It was unlikely that the work of preparing the new instruments including these transitional provisions, could be completed in less than six months. Every effort would be made to have the main constitutional instruments ready for submission to Her Majesty in Council by about the end of July.

45. The House of Representatives would be dissolved when the amending Order in Council came into force. The holding of elections throughout the country after new electoral regulations had been made would then take some months. Meanwhile the Council of Ministers would continue in office until the new Ministers could be appointed after the new House of Representatives had met.

46. From the date when the financial provisions of the amending Order in Council took effect, revenue would pass to the Regions, in accordance with the new system of allocation, by operation of the Constitution and without the need for reference to the Central Legislature. Budgets for the financial year 1954-55 would be prepared on the normal twelve-monthly basis, it being fully recognised that supplementary budgets to take into account the new revenue and expenditure items resulting from the revision of the constitution would be introduced both by the federal and by the regional governments as soon as practicable after the revised constitution came into force.

47. The work of reorganising the machinery of Government and of allocating an establishment of staff to the Regions and the Centre to accord with the impending constitutional changes had already begun and would proceed with all speed ; but it would not be possible to have it complete in all its details by the date on which the amending Order in Council was promulgated.

K. RIGHT OF SECESSION

48. A discussion took place on the question whether any Region should have the right to secede from the Federation. It was agreed that no secession clause should be written into the amended constitution. There was, however, no wish on the part of any delegation, or of Her Majesty's Government, either to restrict the scope of the conference due to be held in 1956 (see paragraph 27 of Cmd. 8934) or to prejudge its decisions on any issue.

Signed on behalf of the Conference,
OLIVER LYTTELTON, *Chairman*.

A. R. J. Jabez-Smith,
Secretary-General.
Lagos,
1st February, 1954.

ANNEX 1

List of those taking part in the resumed Conference

DELEGATES

Action Group

The Hon. Obafemi Awolowo, M.H.R.: Leader of Government and Minister of Local Government, Western Region.

The Hon. Sir Adesoji Aderemi, K.B.E., C.M.G., M.H.R., The Oni of Ife: Central Minister without Portfolio.

The Hon. S. L. Akintola, M.H.R.: Central Minister of Health.

The Hon. Chief Arthur Prest, M.H.R.: Central Minister of Communications.

Mr. Ayotunde Rosiji.

Kamerun National Congress

Dr. E. M. L. Endeley.

National Council of Nigeria and the Cameroons

The Hon. Dr. Nnamdi Azikiwe: Leader of Government and Minister of Local Government, Eastern Region.

Mr. Kolawole Balogun.

Mr. E. O. Eyo, M.H.R.

The Hon. K. O. Mbadiwe, M.H.R.: Central Minister of Land and Natural Resources.

Mr. D. C. Osadebay, M.H.R.

National Independence Party

Professor Eyo Ita.

Mr. A. C. Nwapa.

Northern Elements Progressive Union

M. Aminu Kano.

Northern People's Congress

The Hon. Ahmadu, C.B.E., M.H.R., Sardauna of Sokoto: Minister of Local Government and Community Development, Northern Region.

Alhaji, The Hon. Usuman Nagogo, C.M.G., C.B.E., M.H.R., Emir of Katsina: Central Minister without Portfolio.

The Hon. Abubakar Tafawa Balewa, O.B.E., M.H.R.: Central Minister of Transport.

The Hon. Mohammadu Ribadu, M.B.E., M.H.R.: Central Minister of Mines and Power.

M. Ibrahim Imam, M.H.R.

The Governor of Nigeria

Sir John Macpherson, G.C.M.G.


United Kingdom

- The Right Hon. Oliver Lyttelton, D.S.O., M.C., M.P.: Secretary of State for the Colonies.
Mr. W. L. Gorell Barnes, C.M.G.: Assistant Under-Secretary of State, Colonial Office.
Mr. A. R. Thomas, C.M.G.: Assistant Under-Secretary of State, Colonial Office.
Mr. T. B. Williamson, C.M.G.: Assistant Secretary, Colonial Office.

ADVISERS

Action Group

- The Hon. S. O. Awokoya, M.H.R.: Minister of Education, Western Region.
Mr. L. J. Dosumu.
Mr. Anthony Enahoro, M.H.R.
Mr. G. C. Nonyelu.
The Obi of Idumuje Ugboko.
Mrs. Tanimowo Ogunlesi.
The Hon. Olagbegi II, the Olowo of Owo: Minister without Portfolio, Western Region.
Mr. A. O. Rewane.
Mr. S. O. Shonibare.
M. Mudi Sipikin.
Chief Rotimi Williams.

Kamerun National Congress

- Mr. S. A. George.
The Rev. J. C. Kangsen.

National Council of Nigeria and the Cameroons

- Chief F. S. Edah.
Mrs. Margaret Ekpo.
Mr. E. G. Gundu, M.H.R.
M. Bello Ijumu.
Mr. N. N. Mbile.
Chief Yamu Numa.
Mr. V. A. Nwankwo.
M. Mbonu Ojike.
Mr. L. P. Ojukwu, O.B.E.
Chief H. Omo Osagie.
Chief J. T. Princewill-Amachree.

National Independence Party

Mr. Okoi Arikpo.
 Chief Davies Manuel.
 Mr. E. Njoku.
 Dr. E. U. Udoma.
 Mr. J. A. Wachuku.

Northern Elements Progressive Union

M. Yerima Balla.

Northern Peoples' Congress

Alhaji Shehu Ahmadu, M.H.R., Madakin Kano.
 Mr. Benjamin Akiga.
 M. Sa'adu Alanamu, M.H.R.
 The Hon. Aliyu, O.B.E., M.H.R., Makaman Bida: Minister of Education
 and Social Welfare, Northern Region.
 M. Nuhu Bamalle.
 Abba Habib, M.H.R., Ajiyan Bama.
 M. Dauda Kwoi.
 Pastor David Lot, M.H.R.
 Mr. G. U. Ohikere.
 Alhaji Sanda.

United Kingdom

Mr. J. C. McPetrie, O.B.E., Assistant Legal Adviser, Colonial Office.

Advisers to the Governor of Nigeria

Mr. A. E. T. Benson, C.M.G., Chief Secretary.
 Mr. A. McKisack, Q.C., Attorney-General.
 Mr. A. R. W. Robertson, C.M.G., C.B.E., Financial Secretary.
 Mr. R. F. A. Grey, O.B.E., Development Secretary.

Public Relations Officer

Mr. J. Stocker.

SECRETARIES

Mr. A. R. J. Jabez-Smith, Cabinet Office, Secretary-General.
 Mr. A. F. F. P. Newns, Secretary to the Council of Ministers, Nigeria.
 Mr. D. A. Murphy, Western Region.
 Mr. B. Greatbatch, M.B.E., Northern Region.
 Mr. E. G. Stumpfenhusen-Payne, Eastern Region.

CHAPTER I—PRELIMINARY

PART 1—INTERPRETATION

1. It will be provided that, unless it is otherwise expressly provided by or required by the context of this Scheme,—

- (a) for references to the Governor in the Order there will be substituted references to the Governor-General ;
- (b) for references to Nigeria in the Order there will be substituted references to the Federation ;
- (c) for references to a Central Bill, a Central law and the Central Legislature in the Order there will be substituted references, respectively, to a Federal Bill, a Federal law and the Federal Legislature ;
- (d) for references to a Lieutenant-Governor in the Order there will be substituted references to a Governor ;
- (e) for references to the Attorney-General in the Order there will be substituted references to the Federal Attorney-General ;
- (f) for references to the Legal Secretary of a Region in the Order there will be substituted references to the Attorney-General of a Region.

2. Section 5 of the Order (which provides for the division of Nigeria into Regions) will be replaced by provisions to the following effect—

(1) There will be a Federation of Nigeria, comprising the Northern Region, the Western Region, the Eastern Region, and the Federal Territory of Lagos.

(2) The boundaries of the Northern and Eastern Regions will remain as now delimited in the First Schedule to the Order.

(3) The boundaries of the Western Region will be as delimited in the First Schedule to the Order excluding the area of the Federal Territory of Lagos (which Territory is referred to in this Scheme as "Lagos").

(4) The boundaries of Lagos, which will be described in a Schedule, will be the same as those set out in the Western Region Order in Council No. 7 of 1953.

PART 2—TERRITORIAL DIVISIONS

3. Section 6 of the Order (which provides for the division of a Region into Provinces and Divisions for the purposes of the Order) will be amended to delete the provision requiring Lagos to be declared a Division.

4. Section 7 of the Order (which provides for the division of a Region for any purpose for which special provision is not made elsewhere in the Order) will be amended to provide that the power of making such divisions will be exercisable by the Governor of the Region.

5. Section 11 of the Order (which provides for additions to be made to the Fourth Schedule of the Order) will be deleted.

* The Constitution is contained principally in the Nigeria (Constitution) Order in Council, 1951, which has been amended by the Nigeria (Constitution) (Amendment) Order in Council, 1953, and the Nigeria (Constitution) (Amendment) (No. 2) Order in Council, 1953. This is referred to in this Scheme as "the Order". The Scheme contains proposals which relate, unless otherwise specified, to the Order and it follows the same arrangement as the Order. Where any amendment to one of the other constitutional instruments (viz.: the Royal Instructions to the Governor or Royal Instructions to Lieutenant-Governors) arises from the proposals in the Scheme, it is indicated in the text of the Scheme or in a footnote,

CHAPTER II—THE REGIONAL LEGISLATIVE HOUSES

PART 1—THE NORTHERN REGION

6. Section 14 of the Order (which defines certain terms used in relation to the Northern Legislative Houses) will be amended to provide that the recognition of Chiefs and the withdrawal of such recognition will be a function of the Governor of the Northern Region.

7. (1) Section 16 of the Order will be amended to provide for the following composition of the Northern House of Chiefs—

- (a) the Governor of the Northern Region, who will be President of the House ;
- (b) all first-class Chiefs ;
- (c) 37 other Chiefs selected for membership in accordance with regulations made under section 56 of the Order ;
- (d) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly ;
- (e) an adviser on Moslem law.

(2) It will be provided that the members of the Executive Council who are members of the Northern House of Assembly will not be entitled to vote in the Northern House of Chiefs.

8. Section 17 of the Order (which relates to Official Members of the Northern House of Chiefs) will be deleted.

9. *Provision will be made in the Order for a Deputy President of the Northern House of Chiefs on the following lines—*

(1) The Governor of the Northern Region in his discretion may appoint either from among the members of the Northern House of Chiefs or from outside that House a Deputy President of the Northern House of Chiefs.

(2) The Deputy President will hold office during the Governor's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed ; but—

- (a) he may at any time resign his office by notice in writing addressed to the Governor ;*
- (b) if he is appointed from among the members of the House, he will vacate his office—*
 - (i) if he ceases to be a member of the House ; or*
 - (ii) if he becomes a Regional Minister.*

10. Section 20 of the Order (which relates to the President of the Northern House of Assembly) will be replaced by provisions to the following effect—

(1) The Governor of the Northern Region in his discretion will appoint a President of the Northern House of Assembly.

(2) The President may be appointed either from among the members of the House or from outside the House, but, if he is a member of the House at the time of his appointment and agrees to serve as President, he will thereupon vacate the seat which he holds at that time.

(3) The President will hold office during the Governor's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed ; he may at any time resign his office by notice in writing addressed to the Governor, and will vacate his office upon a dissolution of the House.

11. There will be provision for a Deputy President of the Northern House of Assembly to the following effect—

(1) The Governor of the Northern Region in his discretion may appoint from among the members of the Northern House of Assembly a Deputy President of that House.

(2) The Deputy President will hold office during the Governor's pleasure but—

(a) he may at any time resign his office by notice in writing addressed to the Governor; and

(b) he will vacate his office—

(i) if he ceases to be a member of the House; or

(ii) if he becomes a Regional Minister.

PART 2—THE WESTERN REGION

12. (1) Section 27 of the Order will be amended to provide for the following composition of the Western House of Chiefs—

(a) a President;

(b) such Head Chiefs and other Chiefs as are referred to in section 28 of the Order;

(c) those members of the Executive Council of the Western Region who are members of the Western House of Assembly.

(2) It will be provided that the members of the Executive Council who are members of the Western House of Assembly will not be entitled to vote in the Western House of Chiefs.

13. Section 29 of the Order (which relates to Official Members of the Western House of Chiefs) will be deleted.

14. There will be provision for a President and Deputy President of the Western House of Chiefs to the following effect—

(1) When the Western House of Chiefs first meets after the coming into operation of the relevant provisions of this Scheme, or after any dissolution of the House, and before it proceeds to the despatch of any other business, the members will elect a President *and a Deputy President*, and, so often as the office of President *or Deputy President* falls vacant otherwise than by a dissolution of the House, the members will as soon as possible elect a person to fill that vacancy.

(2) The President may be elected from among the members of the Western House of Chiefs or from outside that House; if a member of the House is elected as President, he will not vacate his seat as such member and the House will be deemed to be duly constituted notwithstanding that any member is holding the office of President of the House.

(3) *The Deputy President will be elected from among the members of the House.*

(4) The President may at any time resign his office by notice in writing addressed to the House, and will vacate his office—

(i) at the dissolution of the House next following his election as President; or

(ii) in the case of a person appointed from among the members of the House, if he becomes a Regional Minister or a Parliamentary Secretary.

(5) *The Deputy President may at any time resign his office by notice in writing addressed to the House, and will vacate his office—*

(a) *if he ceases to be a member of the House ; or*

(b) *if he becomes a Regional Minister, or a Parliamentary Secretary.*

15. Section 30 of the Order will be amended to provide for the following composition of the Western House of Assembly—

(a) a Speaker ;

(b) 80 Elected Members ;

(c) such Special Members as may be appointed under the provisions of section 34 of the Order.

16. Section 31 of the Order (which relates to the President of the Western House of Assembly) will be replaced by provisions to the following effect—

(1) A *Speaker and Deputy Speaker* of the Western House of Assembly will be elected by that House, and the provisions of sub-paragraph (1) of paragraph 14 of this Scheme will apply with the necessary adaptations.

(2) The Speaker may be elected either from among the members of the House or from outside the House, but, if he is a member of the House at the time of his election and agrees to serve as Speaker, he will thereupon vacate the seat which he holds at that time.

(3) *The Deputy Speaker will be elected from among the members of the House.*

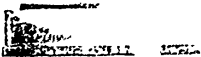
(4) The Speaker may at any time resign his office by notice in writing addressed to the House, and will vacate his office at the dissolution of the House next following his election as Speaker.

(5) The Deputy Speaker may at any time resign his office by notice in writing addressed to the House, and will vacate his office—

(a) *if he ceases to be a member of the House ; or*

(b) *if he becomes a Regional Minister or a Parliamentary Secretary.*

17. Section 32 of the Order (which relates to Official Members of the Western House of Assembly) will be deleted.



PART 3—THE EASTERN REGION

18. Section 36 of the Order will be amended to provide for the following composition of the Eastern House of Assembly—

(a) a Speaker ;

(b) [97] Elected Members.

19. Section 37 of the Order (which relates to Official Members of the Eastern House of Assembly) will be deleted.

20. There will be provision for a *Speaker and Deputy Speaker* of the Eastern House of Assembly on the following lines—

(1) The Governor of the Eastern Region in his discretion, after consultation with those members of the Eastern House of Assembly who appear to him to be the leaders of the parties represented in that House, will appoint a Speaker of the House, and, whenever the office of Speaker falls vacant, will appoint a person to fill that vacancy.

(2) The Speaker may be appointed either from among the members of the House, or from outside the House, but, if he is a member of the House at the time of his appointment and agrees to serve as Speaker, he will thereupon vacate the seat which he holds at that time.

(3) The Speaker will hold office during the Governor's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed; he may at any time resign his office by notice in writing addressed to the Governor, and will vacate his office upon a dissolution of the House.

(4) *The Governor of the Eastern Region may in like manner appoint from among the members of the House a Deputy Speaker.*

(5) *The Deputy Speaker will hold office during the Governor's pleasure, but—*

(a) *he may at any time resign his office by notice in writing addressed to the Governor; and*

(b) *he will vacate his office—*

(i) *if he ceases to be a member of the House; or*

(ii) *if he becomes a Regional Minister or a Parliamentary Secretary.*

21. Sections 39 and 40 of the Order (which relate respectively to Special Members and the Vice-President of the Eastern House of Assembly) will be deleted.

PART 4—QUALIFICATIONS AND DISQUALIFICATIONS FOR ELECTED MEMBERSHIP OF HOUSES OF ASSEMBLY

22. Section 42 of the Order (which specifies the disqualifications for elected membership of a House of Assembly) will be amended to provide that membership of the House of Representatives will be an additional disqualification.

PART 5—TENURE OF SEATS. TEMPORARY MEMBERSHIP. MISCELLANEOUS PROVISIONS

23. Section 44 of the Order (which relates to tenure of seat by the President of the Northern or Western House of Assembly) will be deleted.

24. Section 46 (2) of the Order (which relates to the power to declare the President of the Northern or Western House of Assembly unable to act by reason of illness) will be deleted.

25. Section 47 (2) of the Order (which relates to the tenure of seats by Chiefs in the Northern House of Chiefs) will be amended to provide that (in addition to the other circumstances specified in the sub-section which cause vacation of a seat) a Chief other than a first-class Chief will vacate his seat in the Northern House of Chiefs upon his becoming a member of the House of Representatives.

26. Section 48 (3) of the Order (which relates to the tenure of seats by Chiefs in the Western House of Chiefs) will be amended to provide that (in addition to the other circumstances specified in the sub-section which cause vacation of a seat) a Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 56 of the Order will vacate his seat upon his becoming a member of the House of Representatives.

27. Section 49 of the Order (which relates to the tenure of seats by Elected Members of a House of Assembly) will be amended to provide that the circumstances in which the seat of an Elected Member becomes vacant will include the following—

- (a) upon his being elected to the House of Representatives ; or
- (b) upon his becoming the President or Speaker of a Regional Legislative House.

28. Section 50 of the Order (which relates to the power to appoint a temporary President of the Northern or Western House of Assembly) will be deleted.

29. Section 52 of the Order (which relates to the summoning of a public officer to a Regional Legislative House) will be deleted.

30. Section 53 of the Order (which specifies the person who shall preside at a sitting of a Regional House) will be replaced by a provision that the person presiding at any sitting of a Regional Legislative House will be—

- (a) the President (or Speaker) of that House ; or
- (b) *in the absence of the President (or Speaker) or if the office of President (or Speaker) is vacant, the Deputy President (or Deputy Speaker) of the House ; or*
- (c) if there be no Deputy President (or Deputy Speaker), or in the absence of the Deputy President (or Deputy Speaker), such member of the House as the House may elect for the sitting.

31. There will be provision that any functions conferred on the President or Speaker of a Regional Legislative House under this Scheme or by any law which may require to be performed between a dissolution of the Regional Legislative House and the date when that House first meets thereafter shall, except in the case of the President of the Northern House of Chiefs, be performed by such person as the Governor of the Region in his discretion may appoint in that behalf.

32. Section 55 of the Order (which declares that a person may be at the same time an Official Member of the House of Chiefs and of the House of Assembly of a Region) will be deleted.

33. Section 56 of the Order (which confers powers upon the Governor of Nigeria to make regulations for the selection of Chiefs for membership of a House of Chiefs) will be amended to provide that in respect of the Northern House of Chiefs such regulations will be made by the Governor of the Northern Region in his discretion, and in respect of the Western House of Chiefs by the Governor of the Western Region in his discretion.

PART 6—JOINT COUNCILS IN NORTHERN AND WESTERN REGIONS

34. Sections 57 to 62 of the Order (which relate to Joint Councils in the Northern and Western Regions) will be deleted.

PART 7—ELECTORAL LAW

35. Section 63 of the Order (which provides for the making of regulations governing the election of members to a Regional House of Assembly) will be amended to provide that such regulations shall be made by the Governor of the Region.

36. Section 64 of the Order (which requires that regulations made for the election of members of Houses of Assembly shall make provision for the representation of each Province in the Northern Region and each Division in the Western and Eastern Regions and the town of Calabar) will be deleted.

37. In section 65 of the Order (which relates to the power to make rules, etc., for the purpose of electoral regulations) the reference to the Governor of Nigeria will be replaced by a reference to the Governor of a Region.

CHAPTER III

THE FEDERAL LEGISLATIVE HOUSE THE HOUSE OF REPRESENTATIVES

38. Section 67 of the Order will be amended to provide for the following composition of the House of Representatives—

- (a) a Speaker ;
- (b) three *ex-officio* Members ;
- (c) 184 Representative Members ;
- (d) such Special Members as may be appointed under the provisions of section 70 of the Order.

39. Section 68 of the Order (which relates to the President of the House of Representatives) will be replaced by provisions to the following effect—

(1) *The Governor-General in his discretion will appoint a person from outside the House of Representatives to be Speaker of that House.*

(2) *The Speaker will hold office during Her Majesty's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed; he will not vacate his office by reason of a dissolution of the House, but may at any time resign his office by notice in writing addressed to the Governor-General.*

(3) *The Governor-General in his discretion may appoint from among the members of the House of Representatives a Deputy Speaker of that House.*

(4) *The Deputy Speaker will hold office during the Governor-General's pleasure but—*

- (a) *he may at any time resign his office by notice in writing addressed to the Governor-General; and*
- (b) *he will vacate his office if he ceases to be a member of the House or becomes a Minister.*

40. Section 69 of the Order (which specifies the *ex-officio* Members of the House of Representatives) will be amended by deletion of the reference to the Lieutenant-Governors.

41. Sections 71, 72, 73 and 74 of the Order (which relate respectively to Representative Members for the Northern Region, Representative Members for the Western Region, Representative Members for the Eastern Region, and the eligibility of public officers for election or to vote at an election) will be deleted.

42. Provision will be made for the allocation of the 184 seats of Representative Members as follows:--

Northern Region	...	...	...	...	...	92
Western Region	...	...	...	...	...	42
[Eastern Region, excluding the Southern Cameroons,	...	...	...	...	...	42]
[Southern Cameroons	...	...	...	...	...	6]
Lagos	...	...	...	...	...	2

43. It will be provided that the provisions of section 41 of the Order which specify the qualifications for elected membership of a House of Assembly, will apply with the necessary adaptations to Representative Members of the House of Representatives.

44. It will be provided that the provisions of section 42 of the Order (excluding paragraph (f) of sub-section (1)),* which specify disqualifications for membership of a House of Assembly, will apply with the necessary adaptations to representative membership of the House of Representatives. *It will also be provided that a first-class Chief in the Northern Region or a Head Chief who is the only Head Chief in a Division in the Western Region will be disqualified for election.*

45. Section 75 of the Order (which relates to the method of election of Representative Members) will be replaced by a provision that the Governor-General may make regulations for the election of Representative Members of the House of Representatives, and that for this purpose the provisions of section 63 of the Order will apply with the necessary adaptations.

46. Regulations made under paragraph 45 will be required to provide that each Division of the Northern, Western and Eastern Regions will be represented by at least one Representative Member.

47. Section 76 of the Order (which relates to tenure of seats by Representative and Special Members of the House of Representatives) will be amended so as to apply to Special Members only, and paragraph (c) of sub-section (2) will be deleted.

48. It will be provided that the provisions of section 49 of the Order, which specify the circumstances in which the seat of an Elected Member in a House of Assembly becomes vacant, will apply with the necessary adaptations to the seat of a Representative Member in the House of Representatives.

49. Section 80 of the Order (which specifies the person who shall preside at a sitting of the House of Representatives) will be replaced by a provision that the person presiding at any sitting of the House of Representatives will be—

- (a) the Speaker of the House ; or
- (b) *in the absence of the Speaker or if the office of Speaker is vacant, the Deputy Speaker of the House ; or*
- (c) *if there be no Deputy Speaker or in the absence of the Deputy Speaker, such member as may be elected by the House for the sitting.*

* Section 42 (1) (f) of the Order disqualifies persons who are members of any other Regional Legislative House from standing for election to a House of Assembly. Under the Scheme a Member of a Regional Legislative House is not disqualified for standing for election as a Representative Member, but if elected will, under paragraphs 25, 26 and 27, vacate his seat in the Regional House.

LEGISLATION. MISCELLANEOUS PROVISIONS WITH
RESPECT TO LEGISLATIVE HOUSES

PART 1—LEGISLATIVE POWERS

50. Part 1 of Chapter IV of the Order will be a new Part containing provisions on the lines of paragraphs 51 to 58 of this Scheme. Part 2 of Chapter IV will comprise those sections of the existing Parts 1 and 2 which will still be required.

51. (1) Subject to the provisions of this Scheme, it will be lawful for the Governor-General, with the advice and consent of the House of Representatives, to make laws for the peace, order and good government of the Federation to the extent authorised by or under this Scheme.

(2) Subject to the provisions of this Scheme, it will be lawful for the Governor of a Region, with the advice and consent of the Legislative Houses thereof, to make laws for the peace, order and good government of such Region to the extent authorised by this Scheme.

52. (1) Subject to the provisions of this Scheme, the Federal Legislature will have power to make laws for the peace, order and good government of the Federation with respect to any matter included in the list set out in paragraph 58 (1) of this Scheme and with respect to any other matter incidental to the execution of any powers conferred by or under this Scheme on the Governor-General, the Federal Legislature or the Federal judicature.

(2) The power of the Federal Legislature to make laws with respect to any matter included in Part 1 of the List in paragraph 58 (1) (in this Scheme referred to as "the Federal Legislative List") will be to the exclusion of any power of the Legislature of a Region.

(3) Subject to the provisions of this Scheme, the Legislature of a Region as well as the Federal Legislature will have power to make laws with respect to any matter included in Part 2 of the List set out in paragraph 58 (1) (in this Scheme referred to as "the Concurrent Legislative List").

(4) Subject to the provisions of this Scheme, the Legislature of a Region will, and the Federal Legislature will not, have power to make laws for the peace, order and good government of the Region with respect to any matter not included in the Federal Legislative List or the Concurrent Legislative List.

(5) It will be provided for the avoidance of doubt that a law of the Federal Legislature may make provision for part only of the Federation or may make different provision for different parts of the Federation.

53. Subject to the provisions of this Scheme, the Federal Legislature will, and the Legislatures of the Regions will not, have power to make laws for the peace, order and good government of Lagos with respect to any matter.

54. *(1) Subject to the provisions of this Scheme, the Legislature of a Region will be empowered to confer by law upon the Federal Legislature authority to make laws for that Region with respect to any matter not included in the Federal or Concurrent Legislative List which may be specified in the law by which the authority is conferred.

* These provisions have been inserted to give some flexibility to the working of the Constitution.

(2) It will be provided that—

- (a) any such authority may be general or may be granted for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and that while that authority remains in force the matter to which the authority extends will, in relation to the Region concerned and to the extent of the authority conferred, be deemed to be included in the Concurrent Legislative List ;
- (b) any authority conferred upon the Federal Legislature under this paragraph, whether granted generally or for a specified period, may be revoked at any time by a subsequent law of the Legislature by which it was conferred.

55. Where a law of the Federal legislature makes provision in relation to any Region with respect to any matter which is not itself included in the Federal or Concurrent Legislative List, and is within the legislative competence of the Federal Legislature by reason only of the inclusion in the Federal Legislative List of the power to implement treaties, conventions and agreements with, and other obligations towards, countries or organisations outside the Federation, that provision will not have effect in relation to that Region unless and until the Governor of the Region has declared by notice in the official Gazette of the Region that it shall so have effect.

56. (1) If any provision of a law of the Legislature of a Region is inconsistent with any provision of a law of the Federal Legislature which the Federal Legislature was competent to enact, then, subject to sub-paragraph (4) of this paragraph, the Federal law, whether made before or after the Regional law, will prevail and the Regional law will to the extent of the inconsistency be void.

(2) If any provision of a law of the Legislature of a Region is inconsistent with any provision of an existing Nigerian law with respect to any matter in the Concurrent Legislative List, the existing Nigerian law will prevail and the Regional law will to the extent of the inconsistency be void.

(3) A law of the Federal Legislature with respect to any matter for the time being within the legislative competence of that Legislature may amend or repeal, or provide, for the amendment or repeal of, any law of the Legislature of a Region with respect to that matter.

(4) If the Legislature of a Region has under paragraph 54 of this Scheme conferred on the Federal Legislature authority to make laws with respect to any matter and that authority is subsequently revoked, the law by which the authority is revoked, or any subsequent law of the Legislature of that Region coming into force after the revocation becomes effective, may amend or repeal, or provide for the amendment or repeal of, any law of the Federal Legislature made in pursuance of that authority ; but save as aforesaid, the Legislature of a Region will not have power to amend or repeal any law of the Federal Legislature.

(5) Where authority to make laws with respect to any matter has been conferred under paragraph 54 on the Federal Legislature and has subsequently been revoked, the provisions of any law of the Federal Legislature made in pursuance of that authority will continue to have effect after the revocation has become effective except insofar as they are amended or repealed by virtue of sub-paragraph (4) of this paragraph by a law of the Legislature of the Region by which the authority was conferred and revoked.

- (6) It will be declared for the avoidance of doubt that—
- (a) *the provisions of any law of the Legislature of a Region in force immediately before the commencement of the relevant provisions of this Scheme with respect to any matter within the exclusive legislative competence of the Federal Legislature will continue to have effect except insofar as they are amended or repealed by a subsequent law of the Federal Legislature ;
 - (b) *subject to paragraph 54 of this Scheme, the provisions of any existing Nigerian law with respect to any matter within the exclusive legislative competence of a Region in force immediately before the commencement of the relevant provisions of this Scheme will continue to have effect except insofar as they are amended or repealed by a subsequent law of the legislature of that Region.
- (7) It will be provided that nothing in this paragraph will operate—
- (a) to revive with respect to any Region any provision of any existing Nigerian law which before the commencement of the relevant provisions of this Scheme had become inoperative in that Region by reason of its inconsistency with a provision of a Regional law ; or
 - (b) to avoid any provision of a Regional law, which is inconsistent with a provision of an existing Nigerian law and had, by virtue of the provisions of the Order in force immediately before the commencement of the relevant provisions of this Scheme, prevailed over that law, by reason only of its inconsistency with that law.
- (8) In this paragraph and the following paragraph ‘existing Nigerian law’ means any law enacted before the commencement of the relevant provisions of this Scheme by any Legislature in Nigeria other than a Regional Legislature.
57. It will be provided by Royal Instructions that the following Bills will be included among the classes of Bills required to be reserved for the signification of Her Majesty’s pleasure—
- (a) any Regional Bill empowering any court to apply or enforce any native law or custom in any area except the native law and custom prevailing among the inhabitants of such area; and
 - (b) any Federal or Regional Bill empowering any court to enforce or apply any native law and custom which is repugnant to natural justice, equity or good conscience or inconsistent with the provisions of the Order or of any Federal law, existing Nigerian law or any Regional law in force in the area of jurisdiction of the court.
58. (1) The following are the matters with respect to which the Federal Legislature may make laws:—

PART 1—THE FEDERAL LEGISLATIVE LIST

(Matters with respect to which the Federal Legislature has, and the Legislature of a Region has not, power to make laws).

Item.

1. External affairs, that is to say—

- (a) such external relations as may from time to time be entrusted to the Federation by Her Majesty’s Government in the United Kingdom ;

* Existing Nigerian and Regional laws may also be modified under any powers to adapt such laws conferred by the amended constitution.

- (b) the implementation of treaties, conventions and agreements with, and other obligations towards or arrangements relating to, countries or international or similar organisations outside the Federation,

but not including relations between the United Kingdom and any of the Regions.

2. Passports and visas.
3. Immigration into and emigration from the Federation.
4. Citizenship of the Federation.
5. Aliens ; naturalisation.
6. Deportation.
7. Defence.
8. The generation, supply and use of nuclear energy.
9. Trade and commerce with other countries ; the establishment of standards of quality for goods to be exported out of the Federation.
10. The regulation of trade and commerce among the Regions.
11. Copyright, patents, trade marks, *designs and merchandise marks*.
12. Duties of customs *and excise (including export duties)*.
13. Exchange control : *control of imports into and exports from the Federation*.
14. Currency, coinage and legal tender.
15. Banks and banking ; *bills of exchange and promissory notes*.
16. Public debt of the Federation.
17. Borrowing of monies by the Federation.
18. *Companies, that is to say, general provision as to the incorporation, regulation and winding up of bodies corporate, other than bodies incorporated directly by a law of the Legislature of a Region, and other than co-operative societies*.
19. Mines and minerals (including oilfields and oil mining) ; *geological survey*.
20. Railways and ancillary services, including ancillary transport services.
21. Maritime shipping and navigation, including shipping and navigation on tidal waters ; lighthouses, lightships, beacons, and other provisions for the safety of shipping and navigation ; ports appointed or declared by or under existing or federal law, (including their delimitation, and the constitution and powers of port authorities) ; shipping and navigation on the River Niger and its affluents and on any other inland waterway declared by the Governor-General to be an international waterway or to be an inter-Regional waterway.
22. Aviation, aerodromes and ancillary services, including ancillary transport services ; safety of aircraft.
23. The construction, alteration and maintenance of all roads scheduled as Trunk Roads A by the Ten-Year Development Plan for Nigeria published in the year 1946.
24. Posts, telegraphs and telephones ; *wireless other than broadcasting or television* ; Post Office Savings Bank.

25. Broadcasting and television other than broadcasting and television provided by a Regional Government ; allocation of times and wavelengths for wireless and television transmission.

26. The control, distribution and use of water from sources designated by the Governor-General by order as affecting more than one Region.

27. The following higher educational institutions—

The University College, Ibadan

The University College Teaching Hospital

The Nigerian College of Arts, Science and Technology

The West African Institute of Social and Economic Research

The Pharmacy School, Yaba

The Forest School, Ibadan

The Veterinary School, Vom

The Man O'war Bay Training Centre.

28. The following existing museums and any other museums established by the Federal Government—

The Jos Museum

The Oron Museum

The Ife Museum

The Nigerian Museum, Lagos.

29. Meteorology.

30. Weights and measures.

31. Census.

32. Police (other than local government or native authority police) including bureaux of intelligence and investigation.

33. Compulsory acquisition of land for the purpose of any of the matters in this List.

34. Works, lands and buildings in the possession of, or vested in or held in trust for, Her Majesty for the purposes of the Federation.

35. The Federal public service (including the settlement of disputes between the Federation and its officers); pensions and gratuities payable out of Federal funds.

36. Federal public relations.

37. Audit of Federal public accounts.

38. Archives, other than the public records of Regional Governments relating to the period after the 23rd January, 1952.

39. Offences against laws with respect to any of the matters in this List.

40. Jurisdiction of the courts, other than the Federal Supreme Court, in respect of any of the matters in this List.

41. Any other matter with respect to which by virtue of this Scheme the Federal Legislature has and a Regional Legislature has not power to make laws.

PART 2—THE CONCURRENT LEGISLATIVE LIST

(Matters with respect to which both the Federal Legislature and the Legislature of a Region have power to make laws).

42. Statistics.
43. *Dangerous drugs.*
44. *Chemical (including analytical) services.*
45. Subject to Item 52, trigonometrical, cadastral and topographical surveys.
46. Welfare of labour ; conditions of labour ; *industrial relations ; trade unions.*
47. Higher education, that is to say, institutions and other bodies offering courses of a university, technological or professional character, other than institutions referred to in item 27.
48. Insurance.
49. Scientific and industrial research.
50. Industrial development.
51. Electricity, gas and water-power.
52. Professional qualifications in respect of such professions as, and to the extent that, the Governor-General may by order designate.
53. National parks, that is to say, the control of any area designated as a national park by the Governor-General with the consent of the Governor of the Region in which that area is situated ; monuments designated by the Governor-General, with the consent of the Governor of the Region in which the monument is situated, as National Monuments.
54. Prisons and other institutions for the treatment of offenders against the law, whether or not that law is within the legislative competence of the Federal Legislature or, as the case may be, of the Legislature of the Region.
55. Fingerprints, identification and criminal records.
56. *Movement of persons between Regions or between Lagos and any Region.*
57. The service and execution in any Region of the civil and criminal processes, judgments, decrees, orders and decisions of the courts of any other Region or country, and the attendance of persons from any Region at the courts of any other Region or country.
58. Promotion of tourist traffic.
59. Commissions of inquiry.
60. Quarantine.
61. *Compulsory acquisition of land for the purpose of any of the matters in this List.*
62. *Regulation of traffic on roads mentioned in item 23.*
63. *Offences against laws with respect to any of the matters mentioned in this List.*
64. Any other matter with respect to which by virtue of this Scheme both the Federal Legislature and the Legislature of the Region have for the time being power to make laws.

(2) Where under the provisions of any item of sub-paragraph (1) of this paragraph the Governor-General is empowered to make any declaration or designation, such declaration or designation will be made by Order and any such Order may be varied or revoked by a subsequent Order of the Governor-General.

PART 2—LEGISLATIVE PROCEDURE

59. Section 81 of the Order (which relates to the power of the Central Legislature to make laws) will be deleted.

60. Section 85 of the Order (which imposes restrictions with regard to Bills and motions affecting the public service) will be amended by the insertion of additional provisions to the following effect—

(1) The Governor-General will not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with sub-section (1) if, in his opinion, any alteration which would be effected by such Bill or motion would not prejudicially affect any public officer.

(2) The provisions of a Bill or motion which would effect only the abolition of any public office which is vacant will be deemed not to prejudicially affect a public officer for the purposes of the section.

(3) Nothing in the section will be construed as derogating from the powers of the House of Representatives conferred by the Constitution to discuss or dispose of any Bill or motion relating to the creation of any new public office.

61. Section 89 of the Order (which provides for Central Bills to be considered by Regional Legislative Houses) will be deleted.

62. Sections 91 and 92 of the Order (which relate respectively to the power of a Regional Legislature to make laws and the powers of delegation by the Central Legislature) will be deleted.

63. Section 93 of the Order (which applies sections 82 to 86 of the Order to Regional Legislative Houses) will be amended to restrict its effect to the application of sections 82 and 84 of the Order.

64. Provision will be made that section 83 of the Order (which relates to the introduction of Bills in the House of Representatives) will apply in relation to the Legislative Houses of a Region with the necessary adaptations *and, as if, in its application to the Legislative Houses of the Western and Eastern Regions, there were added provisions on the following lines—*

(1) The Governor in his discretion, may—

(a) send by message to the Speaker or President of any such Legislative House the draft of any Bill or motion which it appears to the Governor should be introduced or moved in that House ;

(b) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a requirement of the Governor in accordance with sub-paragraph (b) is not complied with the Bill or motion shall be deemed for all purposes to have been introduced or moved in the House on the date specified in the message.

65. It will be provided that section 85 of the Order (which relates to restrictions on Bills and motions affecting the public service in the House of Representatives) will apply in relation to the Legislative Houses of the Northern Region with the necessary adaptations.

66. There will be provisions to the following effect which will apply to each of the Legislative Houses of the Western and Eastern Regions—

(1) In this paragraph “reserved Bill or motion” means any Bill or motion before a Legislative House which would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to such officer or his widow, children, dependants or personal representatives; “Speaker” means, in relation to the Western House of Chiefs, the President.

(2) It will be the duty of the Speaker of the House or other person presiding therein to consider whether any Bill or motion before the House is a reserved Bill or motion, and if he is of the opinion that it is he will forthwith so inform the House and the Governor, and no further proceedings will, save with the consent of the Governor, be taken upon the Bill or motion during the period commencing on the day on which the House is informed or the day on which the Governor is informed, whichever is the earlier, and ending two days after the day on which the Governor is informed.

(3) The Governor may, with respect to any Bill or motion, at any time give notice to the Speaker that the Bill or motion is, in the opinion of the Governor, a reserved Bill or motion. When such notice is given, no further proceedings will, save with the consent of the Governor, be taken upon the Bill or motion.

(4) Where a Bill or motion, other than a motion for the amendment of a Bill, which has been passed by the House appears to the Governor to be one which would prejudicially affect any public officer, then—

(a) in the case of a Bill, he will, when the Bill is presented for his assent, reserve the Bill for the signification of Her Majesty’s pleasure;

(b) in the case of a motion, the Governor may, within a period of seven days from the date on which it was passed certify by writing under his hand that he considers that any alteration which has been or would be effected by such motion is one which prejudicially affects, or would so affect, any public officer, and in such case the motion will not have effect unless and until it is approved by a Secretary of State.

(5) Where any reserved Bill or motion is before a committee of the House, the duty imposed by sub-paragraph (2) of this paragraph on the Speaker of the House will be performed by the person presiding in that committee, and the notice referred to in sub-paragraph (3) will be given to such committee.

(6) Any such notice as is referred to in sub-paragraph (3) may be given by the Governor in such manner as he may think fit.

(7) The powers conferred by this paragraph will be exercised by the Governor in his discretion.

(8) The Governor will not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been

given in accordance with sub-paragraph (3) if, in his opinion, any alteration which would be effected by such Bill or motion would not prejudicially affect any public officer.

(9) The provisions of a Bill or motion which would effect only the abolition of any public office which is vacant will be deemed not to prejudicially affect a public officer for the purposes of this paragraph.

(10) Nothing in this paragraph will be construed as derogating from the powers of a Legislative House of a Region conferred by the Constitution to discuss or dispose of any Bill or motion relating to the creation of any new public office.

67. It will be provided that section 86 of the Order (which relates to the Governor-General's reserved powers) will apply in relation to the Legislative Houses of a Region with the necessary adaptations.

68. Section 95 of the Order (which provides that a Regional Bill shall not become a law unless assented to) will be replaced by provision that section 87 of the Order (as amended by this Scheme), which relates to the assent to Bills passed by the House of Representatives, will apply in relation to a Regional Bill with the necessary adaptations.

69. Sections 96 to 101 of the Order (which relate to Regional Bills submitted to the Governor of Nigeria and the assent to Regional Bills) will be deleted.

PART 3—SPECIAL PROCEDURE IN CASE OF DISAGREEMENT BETWEEN THE TWO HOUSES OF THE LEGISLATURE IN THE NORTHERN OR WESTERN REGION

(No amendments of substance will be required in this Part of the Order.)

PART 4—MISCELLANEOUS PROVISIONS WITH REGARD TO LEGISLATION AND LEGISLATURES

70. Section 107 of the Order (which relates to inconsistency between a Regional law and a Central or existing law) will be deleted.

71. Section 110 of the Order (which prescribes the number of members necessary to constitute a quorum in a Legislative House) will be amended to provide that, in the case of the House of Representatives, the number will be fifty.

72. Section 112 of the Order (which requires members of Legislative Houses to take the Oath of Allegiance before taking their seats) will be amended by substituting for the references in sub-section (2) to a judge of the Supreme Court and to the President of a Legislative House references, respectively, to a judge of such court as the Governor-General or (as the case may require) the Governor of a Region may direct and to the Speaker or President of such House.

73. Section 113 of the Order (which empowers the Central Legislature to make laws determining and regulating the privileges, immunities and powers of all Legislative Houses and their members) will be amended to provide that the Federal and the Regional Legislatures, respectively, will exercise this power in respect of their own Legislative House (or Houses).

74. Provision will be made on the following lines—

(1) The Governor-General in his discretion may address the House of Representatives and may for that purpose require the attendance of members.

(2) The provisions of sub-paragraph (1) of this paragraph will apply in relation to the Governor and the Legislative Houses of a Region.

75. In section 118 of the Order (which relates to the prorogation and dissolution of Regional Legislative Houses) the provisions of sub-section (2) will be replaced by provision that—

(a) the Governors of the Northern and Western Regions will be required to dissolve the Legislative Houses of the Region at the expiration of five years from the date of the first sitting of a Legislative House of the Region after any dissolution ;

(b) the Governor of the Eastern Region will be required to dissolve the Eastern House of Assembly at the expiration of five years from the date of the first sitting of that House after any dissolution.

CHAPTER V

THE REGIONAL EXECUTIVE

PART 1—EXECUTIVE AUTHORITY OF A REGION

76.* Section 119 of the Order (which specifies the executive authority of a Region) will be amended by the addition of a provision that the Governor-General may, with the consent of the Governor of a Region, entrust to the Governor or to any other officer or authority of the Region functions in relation to any matter to which the executive authority of the Federation extends.

77. Section 121 of the Order (which provides that the Governor of Nigeria may issue directions with respect to the exercise of the executive authority of a Region) will be deleted.

78. Section 122 of the Order (which provides that a central law may confer powers or impose duties on persons or authorities in a Region) will be amended by the addition of provision to the effect that the provisions of any Federal Bill which confer powers or impose duties on the Governor or any officer or authority of a Region with respect to any matter to which the executive authority of the Region does not extend shall not come into operation until the Governor of the Region shall, by order, have signified his consent to their coming into operation.

79. Section 124 of the Order (which relates to the general powers of a Lieutenant-Governor) will be amended by substituting for sub-section (2) provisions to the following effect—

(1) Save as is otherwise provided by Royal Instructions, the Governor of a Region will—

(a) consult with the Executive Council of the Region in the exercise of all powers conferred upon him by the Order other than powers which the Order directs or empowers him to exercise in his discretion or on the recommendation of any person ; and

* Under the provisions of this paragraph a Region can be enabled to make such arrangements for its own services as are referred to in item 20 of Annex II of the Conference report.

- (b) act in accordance with the advice of the Executive Council in any matter on which he is by this sub-paragraph obliged to consult with that Council.

(2) Where under this Scheme the Governor of a Region is directed to exercise a power on the recommendation of any person, he will exercise that power in accordance with such recommendation.

(This paragraph deals only with powers conferred by the Order. As regards other powers the Governor's obligations to consult the Executive Council and act on their advice will be governed by the Royal Instructions; clause 2 (2) (a) (iv) of the existing Royal Instructions to Lieutenant-Governors (which provides that a Lieutenant-Governor need not consult the Executive Council in the exercise of powers conferred by any law enacted before the 24th January, 1952, other than powers expressed to be exercisable by the Lieutenant-Governor in Council) will be replaced by a provision to the effect that the Governor of a Region will not be required to consult the Executive Council in the exercise of any power conferred upon him by any law (other than a power expressed to be exercisable by the Governor in Council) which, in the judgment of the Governor:—

- (a) is a power pertaining to the administration of justice or is a judicial or quasi-judicial power; or
- (b) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges;
- (c) relates to the appointment of any person for the execution of any law or the dismissal of such person (other than a chairman or a member of a corporation directly incorporated by law); or
- (d) relates to the appointment (including transfer or promotion) or dismissal, or the exercise of disciplinary control over, any public officer or any officer, servant or employee of a corporation directly incorporated by law, or the grant of a pension, gratuity or other like benefit to any such officer, servant or employee or his widow, children, dependants or personal representatives; or
- (e) is of such a nature that its exercise is too unimportant to require the advice of the Council.)

PART 2—REGIONAL EXECUTIVE COUNCILS

80. (1) Section 125 of the Order will be amended to provide for the following composition of the Executive Council of the Northern Region—

- (a) the Governor, who will be President of the Council;
 - (b) three *ex officio* Members, viz., the Civil Secretary of the Region, the Regional Attorney-General and the Financial Secretary of the Region;
 - (c) thirteen Regional Ministers of whom one shall be Premier, appointed in accordance with the provisions of this Scheme.
- (2) It will be provided that of the thirteen Regional Ministers—
- (a) not less than two or more than four will be appointed from among the first-class Chiefs and other Chiefs who are members of the Northern House of Chiefs; and
 - (b) the remainder will be appointed from among the Elected and Special Members of the Northern House of Assembly.

81. (1) Section 126 of the Order will be amended to provide for the following composition of the Executive Council of the Western Region—

- (a) the Governor, who will be President of the Council ;
 - (b) such number of Regional Ministers, not being less than nine, of whom one shall be Premier, as may be appointed in accordance with the provisions of this Scheme.
- (2) It will be provided that of the Regional Ministers—
- (a) two will be appointed from among the Head Chiefs and other Chiefs who are members of the Western House of Chiefs ; and
 - (b) the remainder will be appointed from among the Elected and Special Members of the Western House of Assembly.

(3) Subject to the provisions of this paragraph, the number of Regional Ministers who will be appointed will be such as the Governor, on the recommendation of the Premier, may prescribe.

82. (1) Section 127 of the Order will be amended to provide for the following composition of the Executive Council of the Eastern Region—

- (a) the Governor, who will be President of the Council ;
- (b) such number of Regional Ministers, not being less than nine, of whom one shall be Premier, appointed from among the Elected Members of the Eastern House of Assembly in accordance with the provisions of this Scheme.

[(2) It will be provided that the Regional Ministers will include at least one member who represents in the Eastern House of Assembly a Division which is in the Cameroons.]

(3) Subject to the provisions of this paragraph, the number of Regional Ministers who will be appointed will be such as the Governor, on the recommendation of the Premier, may prescribe.

83. Provision for the appointment and tenure of office of Regional Premiers will be made on the following lines—

(1) The Premier of each Region will be appointed by the Governor of the Region in his discretion. (Royal Instructions will direct the Governor to appoint a person who appears to him to be a leader of the party which commands a majority in the House of Assembly and who is willing to accept office.)

(2) The Governor in his discretion will be empowered to dismiss the Premier. (Royal Instructions will direct the Governor to exercise this power only when it appears to him that the Premier no longer enjoys the confidence of the majority of the House of Assembly).

(3) The Premier may at any time resign his office by writing under his hand addressed to the Governor.

(4) The seat of the Premier in the Executive Council will become vacant—

- (a) if he is dismissed ; or
- (b) if he resigns ; or
- (c) upon his death ; or
- (d) in the circumstances specified in section 131 of the Order (as amended by paragraph 88 of this Scheme).

84. Section 128 of the Order (which relates to the method of appointment of Regional Ministers) will be deleted.

85. There will be provision for the appointment and tenure of office of Regional Ministers (other than the Premier) to the following effect—

(1) The Regional Ministers of each Region will be appointed by the Governor of the Region on the recommendation of the Premier.

(2) The Governor will dismiss a Regional Minister on the recommendation of the Premier.

(3) A Regional Minister may at any time resign his office by writing under his hand addressed to the Governor.

(4) In the case of a Regional Minister of the Eastern Region, the Governor, without prejudice to the power conferred by sub-paragraph (2) of this paragraph, will, if the Eastern House of Assembly by resolution so requests him, dismiss the Regional Minister.

(5) The seat of a Regional Minister in the Executive Council will become vacant—

(a) if he is dismissed ; or

(b) if he resigns ; or

(c) upon his death ; or

(d) if the seat of the Premier in the Executive Council becomes vacant ; or

(e) in the circumstances specified in section 131 of the Order (as amended by paragraph 88 of this Scheme).

86. Sections 129 and 130 of the Order (which relate, respectively, to the tenure of office of Official Members of Executive Councils and the revocation of the appointment of Regional Ministers) will be deleted.

87. It will be provided that any person appointed to be or to act as a Member of Executive Council or Regional Minister will, before entering on his office, take and subscribe before the Governor of the Region oaths or affirmations of allegiance and for the due execution of his office in the form set out in the Official Oaths Ordinance.

88. Section 131 of the Order (which makes further provision as to tenure of office of Regional Ministers) will be amended—

(a) to provide that if a Regional Minister ceases to be a member of a Regional Legislative House by reason of a dissolution of that House, he will not on that account vacate his seat in the Executive Council until such time as the Governor appoints a person to be Premier from among the persons who become members of the Legislative Houses of that Region in the general election next following that dissolution ; and

(b) to provide that the power to grant permission to a Regional Minister to be absent from the Federation will be exercisable by the Governor on the recommendation of the Premier ; and

(c) to delete sub-section (2), which relates to the resignation of a Regional Minister (now provided for in paragraph 85 (3) of this Scheme).

89. Section 132 of the Order (which provides for the appointment of temporary members of an Executive Council) will be amended—

- (a) to provide that the power to appoint a person to be a temporary member on account of a vacancy among the Regional Ministers other than the Premier or to revoke such appointment, or to notify the person appointed that the vacancy no longer exists, shall be exercisable by the Governor on the recommendation of the Premier ;
- (b) to provide, in place of the provisions of sub-section (4), that a person appointed a temporary member by reason of a vacancy among the *ex-officio* Members will, while the appointment subsists, be deemed to be an *ex-officio* Member ;
- (c) to provide that, in the case of a temporary member appointed by reason of a vacancy among the Regional Ministers the provisions of paragraph 85 of this Scheme (other than the provisions contained in sub-paragraphs (3) and (5)) will not apply.

90. Section 133 of the Order (which relates to the method of voting on the appointment and removal of a Regional Minister) will be amended to restrict its application to voting on a resolution in the Eastern House of Assembly for the purposes of paragraph 85 (4) of this Scheme.

91. Section 135 of the Order (which relates to the precedence of Members of Executive Councils) will be deleted.

92. Section 136 of the Order (which relates to the person presiding in Executive Council) will be replaced by provision on the following lines—

(1) The Governor will, so far as is practicable, attend and preside at all meetings of the Executive Council of a Region.

(2) In the absence of the Governor of the Northern Region from a Meeting of the Executive Council the Governor's Deputy will preside, and in his absence, the Premier will preside.

(3) *In the absence of the Governor of the Western Region or Eastern Region from a meeting of the Executive Council of the Region the *Deputy-Governor of the Region will preside, or in the absence of the Deputy-Governor of the Region, the Premier will preside.*

93. Section 138 of the Order (which relates to the summoning and quorum of Executive Councils) will be replaced by provisions to the following effect—

(1) The Executive Council of a Region will not be summoned except by the authority of the Governor, acting in his discretion, but it will be so summoned if the Premier so requests in writing.

(2) No business will be transacted in the Executive Council of a Region if objection is taken by any member present that there are present less than the following number of members, besides the Governor or other member presiding,—

(a) in the case of the Executive Council of the Northern Region, 8 ;

(b) in the case of the Executive Council of the Western and Eastern Regions, 6.

PART 3—ASSIGNMENT OF DEPARTMENTS AND SUBJECTS. PARLIAMENTARY SECRETARIES

94. Part 3 of Chapter V of the Order (which provides for special responsibility of Regional Ministers) will be replaced by provisions on the lines of paragraphs 95 to 101 of this Scheme.

* Appropriate provision will be made for a permanent Deputy-Governor of the Region, in the case of the Eastern and Western Regions. In respect of the Northern Region there will be provision for the appointment of a Governor's Deputy in certain circumstances, similar to the provisions in Article 8 of the Nigeria Letters Patent, 1951.

95. (1) The Governor of the Northern Region, acting in his discretion, may by directions in writing—

(a) charge any member of the Executive Council of that Region with the responsibility for any Department of the Government of the Region or any subject to which the executive authority of the Region extends ; and

(b) revoke or vary any directions given under this sub-paragraph.

(2) The Governor of the Western Region may, on the recommendation of the Premier of that Region, by directions in writing—

(a) charge any Regional Minister of that Region with the responsibility for any Department of the Government of the Region or any subject to which the executive authority of the Region extends ; and

(b) revoke or vary any directions given under this sub-paragraph.

(3) The provisions of sub-paragraph (2) of this paragraph will apply in relation to the Eastern Region as if references in that sub-paragraph to the Western Region were references to the Eastern Region.

(4) A Regional Minister who is not charged with responsibility for a Department or subject will be styled a Regional Minister without Portfolio.

(5) Of the Regional Ministers of the Northern Region at least eight will be charged with responsibility in accordance with sub-paragraph (1) (a) of this paragraph.

96. (1) *Responsibility for criminal prosecutions in a Region and for advising the Government of the Region upon legal matters will not be assigned to a Regional Minister but will be discharged by the Attorney-General of the Region, who will be a public officer.*

(2) *A Regional Minister to whom responsibility for the Department of the Attorney-General is assigned will by virtue of such assignment be responsible only for—*

(a) *submitting to the Executive Council questions referring to such Department ;*

(b) *conducting government business relating to such Department in the Regional Legislative House of which the Minister charged with responsibility is a member.*

(3) *Nothing in this paragraph shall prevent the Attorney-General from discharging any other duties which may be referred or assigned to him by the Governor of the Region.*

97. (1) If it is decided by the Governor of the Northern Region in his discretion that a Regional Minister of that Region is for any cause temporarily unable to administer any Department or subject with the responsibility for which he is charged, then the Governor in his discretion may, by directions in writing, charge any other Regional Minister of that Region with the responsibility for that Department or subject until such time as the first-mentioned Regional Minister is declared by the Governor in his discretion again to be able to administer the same ; and the Governor in his discretion may, by directions in writing, revoke or vary any directions given under this sub-paragraph.

(2) The provisions of sub-paragraph (1) of this paragraph will apply in relation to the Western Region and the Eastern Region as if—

(a) references therein to the Northern Region were references to the Western Region or the Eastern Region (as the case may require) ; and

(b) references therein to the Governor of the Northern Region in his discretion were references to the Governor of the Western or Eastern Region (as the case may require), on the recommendation of the Premier of the Region.

98. (1) The Governor of the Western Region may, on the recommendation of the Premier of that Region, appoint from among the members of the Legislative Houses of the Region a Parliamentary Secretary to assist any Regional Minister charged with responsibility for any subject or Department in the discharge of his duties and functions.

(2) The provisions of sub-paragraph (1) of this paragraph will apply in relation to the Eastern Region, with the necessary adaptations.

99. (1) The Governor of the Western Region, on the recommendation of the Premier of that Region, may at any time revoke the appointment of a Parliamentary Secretary of the Western Region and his appointment will be deemed to be revoked if the seat of the Premier in the Executive Council becomes vacant.

(2) A Parliamentary Secretary of the Western Region may at any time resign his office by writing under his hand addressed to the Governor of the Western Region.

(3) A Parliamentary Secretary will vacate his office if he vacates his seat in the Legislative House of which he is a member. But, if his seat becomes vacant by reason of a dissolution of that House, he will not on that account cease to hold the office of Parliamentary Secretary until such time as the Governor appoints a person to be Premier from among the persons who become members of the Legislative Houses of that Region in the general election next following that dissolution.

(4) Whenever a Parliamentary Secretary of the Western Region is, from any cause whatsoever, unable to perform any of the functions of his office, the Governor of the Region, on the recommendation of the Premier of that Region, may appoint, from among the members of the Legislative Houses of the Region, a person to act in the place of that Parliamentary Secretary, either generally or in the performances of any particular function. For the purposes of this Scheme, a person so appointed shall be deemed to be a Parliamentary Secretary so long as his appointment subsists.

(5) Any person appointed to be or act as a Parliamentary Secretary will, before entering on the duties of his office, take and subscribe before the Governor of the Region oaths or affirmations of allegiance and for the due execution of his office in the forms set out in the Official Oaths Ordinance.

(6) The provisions of the preceding sub-paragraphs of this paragraph will apply in relation to a Parliamentary Secretary of the Eastern Region with the necessary adaptations.

100. (1) *There will be for each Regional Ministry a Permanent Secretary who will be a person who is a public officer and who will be appointed by the Governor of the Region in his discretion.*

(2) *Each Permanent Secretary will, subject to the general direction and control of his Regional Minister, exercise supervision over the Department or Departments for which his Regional Minister is responsible.*

(3) *A person may be appointed under this paragraph to be, at the same time, Permanent Secretary to more than one Regional Ministry.*

101. The Governor of the Northern Region in his discretion, or the Governor of the Western or Eastern Region on the recommendation of the Premier of the Region, may grant leave of absence from his duties to any Regional Minister or Parliamentary Secretary.

CHAPTER VI
THE FEDERAL EXECUTIVE—THE COUNCIL OF MINISTERS

PART 1—GENERAL

102. Section 144 of the Order (which defines certain terms used in relation to the Council of Ministers) will be amended to provide that references to the members of the House of Representatives returned by a Region will be construed as references to members elected in a Region in accordance with regulations made under section 75 of the Order.

103. There will be provision defining the extent of the executive authority of the Federation on the following lines—

(1) The executive authority of the Federation will extend to all matters with respect to which the Federal Legislature is empowered to make laws.

(2) The Governor of a Region may, with the consent of the Governor-General, entrust to the Governor-General or to any officer or authority of the Federation functions relating to any matter to which the executive authority of the Region extends.

104. Provision will be made to the following effect—

(1) Subject to the provisions of sub-paragraph (2) of this paragraph, a Regional law may, notwithstanding that it relates to a matter to which the executive authority of the Federation does not extend, confer powers or impose duties, to authorise the conferring of powers or the imposition of duties, upon the Governor-General or any officer or authority of the Federation.

(2) The provisions of any Regional law conferring such powers or imposing such duties as are referred to in sub-paragraph (1) of this paragraph or authorising their conferment or imposition, shall not come into operation until the Governor-General shall, by order, have signified his consent to their coming into operation.

105. Section 145 of the Order (which provides for the composition of the Council of Ministers) will be amended to reduce the numbers of *ex-officio* Members to 3 and the number of Ministers to 9.

106. Section 146 of the Order (which relates to the functions of the Council of Ministers and the exercise of the Governor's powers) will be amended by substituting for sub-section (2) provisions to the following effect—

(1) Save as is otherwise provided by Royal Instructions the Governor-General will—

(a) consult with the Council in the exercise of all powers conferred upon him by the Order other than powers which the Order directs or empowers him to exercise in his discretion or on the recommendation of any person ; and

(b) act in accordance with the advice of the Council in any matter on which he is by this sub-paragraph obliged to consult with the Council.

(2) Where under this Scheme the Governor-General is directed to exercise a power on the recommendation of any person, he will exercise that power in accordance with such recommendation. (This paragraph deals only with powers conferred upon the Governor-General by the Order. As regards other powers the Governor-General's obligations to

consult the Council of Ministers and act on their advice will be governed by the Royal Instructions ; clause 4 (2) (a) (iii) of the Royal Instructions to the Governor of Nigeria (which provides that the Governor need not consult the Council of Ministers in the exercise of powers conferred by any law enacted before the 24th January, 1952 other than powers expressed to be exercisable by the Governor in Council) will be replaced by a provision to the effect that the Governor-General will not be required to consult the Council of Ministers in the exercise of any power conferred upon him by any law (other than a power expressed to be exercisable by the Governor-General in Council) which, in the judgment of the Governor-General—

- (a) is a power pertaining to the administration of justice or is a judicial or quasi-judicial power ; or
- (b) is a power pertaining to the remission or mitigation of penalties, fees, duties or other charges ; or
- (c) relates to the appointment of any person for the execution of any law or the dismissal of such person (other than the chairman or a member of a corporation directly incorporated by law) ; or
- (d) relates to the appointment (including transfer or promotion) or dismissal, or the exercise of disciplinary control over, any public officer or any officer, servant or employee of a corporation directly incorporated by law, or the grant of a pension, gratuity or other like benefit to any such officer, servant or employee or his widow, children, dependants or personal representatives ; or
- (e) relates to external affairs ; or
- (f) relates to immigration into the Federation, aliens, naturalisation or deportation ; or
- (g) relates to the armed forces of the Crown).

107. Section 147 of the Order (which specifies the *ex-officio* Members of the Council of Ministers) will be amended by deletion of the reference to the Lieutenant-Governors.

108. (1) Section 148 (1) of the Order (which specifies the number of Ministers to be appointed from each Region) will be amended to provide that three Ministers shall be appointed from each Region.

[(2) Sub-section (2) of section 148 of the Order will be replaced by a provision that of the Ministers appointed from among the Members returned by the Eastern Region one shall be a person who represents in the House of Representatives a Division which is in the Cameroons.]

109. Sections 149, 150 and 151 of the Order (which relate to the appointment of Ministers) will be deleted.

110. It will be provided that the Ministers will be appointed by the Governor-General on the recommendation of the person or persons prescribed by Royal Instructions.

(Royal Instructions will require the Governor-General to act in the appointment of Ministers on the recommendation—

- (a) of the person appearing to the Governor-General to be the leader in the House of Representatives of the party having a majority over all other parties therein ; or
- (b) if, in the opinion of the Governor-General, there is no such party, then, with respect to the Ministers appointed from among the members returned by each Region, on the recommendation of the

member returned by the Region appearing to the Governor-General to be the leader in the House of Representatives of the party which commands a majority among the members returned by the Region.)

111. It will be provided that any person appointed to be or to act as an *ex-officio* Member of the Council of Ministers or a Minister, will, before entering on his office, take and subscribe before the Governor-General oaths or affirmations of allegiance and for the due execution of his office in the form set out in the Official Oaths Ordinance.

112. Section 155 of the Order (which provides for the method of voting on the appointment or removal of a Minister) will be amended to restrict its application to voting in the House of Representatives on the removal of a Minister.

113. Section 160 of the Order (which relates to the summoning and quorum of the Council of Ministers) will be amended to require the Governor-General to summon the Council on the written request of 5 or more members and to provide that the quorum of the Council shall be 5 (besides the member presiding).

PART 2—ASSIGNMENT OF DEPARTMENTS AND SUBJECTS

114. Part 2 of Chapter VI of the Order (which relates to the special functions of Ministers) will be replaced by provisions on the lines of paragraphs 115 to 120 of this Scheme.

115. (1) The Governor-General in his discretion may by directions in writing—

(a) charge any Minister with the responsibility for any Department of the Federal Government or any subject to which the executive authority of the Federation extends (other than the subjects referred to in paragraph 116 of this Scheme);

(b) revoke or vary any directions given under this paragraph.

(2) A Minister who is not charged with responsibility for a Department or subject will be styled a Minister without Portfolio.

(3) Nothing in this paragraph will prevent the Governor-General, in his discretion, from assigning to *ex-officio* Members of the Council such functions or responsibilities as he may think fit.

116. (1) The Governor-General will have responsibility for the use and control of the police (other than local government and native authority police).

(2) In discharging his functions under sub-paragraph (1) the Governor-General will act in his discretion.

117. (1) If in the opinion of the Governor-General acting in his discretion a Minister is for any cause temporarily unable to administer any Department or subject with the responsibility for which he is charged, then the Governor-General in his discretion may, by directions in writing, charge any other Minister with the responsibility for that Department or subject until such time as the first-mentioned Minister is declared by the Governor-General in his discretion again to be able to administer the same.

(2) The Governor-General in his discretion may, by directions in writing, revoke or vary any directions given under this paragraph.

118. (1) *There will be for each Ministry a Permanent Secretary who will be a person who is a public officer and who will be appointed by the Governor-General in his discretion.*

(2) *Each Permanent Secretary will, subject to the general direction and control of his Minister, exercise supervision over the Department or Departments for which his Minister is responsible.*

(3) *A person may be appointed under this paragraph to be, at the same time, Permanent Secretary to more than one Ministry.*

119. *There will be an officer to be styled the Governor-General's Secretary and Secretary to the Council of Ministers, who will be appointed by the Governor-General in his discretion.*

The said officer—

(a) *in his capacity as Governor-General's Secretary, will have such functions as the Governor-General, acting in his discretion, may from time to time direct ;*

(b) *in his capacity as Secretary to the Council of Ministers, will, subject to the provisions of the Royal Instructions, be responsible for arranging the business for, and keeping the minutes of, meetings of the Council of Ministers and for conveying the decisions of the Governor-General to the appropriate person or authority, and will have such other functions as the Governor-General may from time to time direct.*

120. The Governor-General in his discretion may grant leave of absence from his duties to any Minister.

CHAPTER VII

THE PUBLIC SERVICE

(Not yet drafted.)

CHAPTER VIII

JUDICIAL POWERS

121. After Chapter VII of the Order there will be inserted a new Chapter containing provisions on the lines of paragraphs 122 to 139 of this Scheme.

122. There will be established a Federal Supreme Court consisting of—

(a) a Chief Justice of the Federation ; and

(b) so many other judges (in this chapter referred to as "Federal Justices") as the Federal Legislature may by law prescribe.

123. (1) The Chief Justice of the Federation and any Federal Justice will be appointed by the Governor-General on the instructions of Her Majesty.

(2) A person will not be qualified to be appointed as the Chief Justice of the Federation or as a Federal Justice unless—

(a) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions ; or

(b) he is and has for not less than ten years been, qualified to practise as an advocate in a court or courts having such jurisdiction.

(3) In computing for the purposes of the last foregoing paragraph the period during which any person has been qualified to practise as an advocate, any period during which he has held judicial office after becoming so qualified will be included.

(4) Every judge of the Federal Supreme Court will be required before he enters upon the functions of his office to make and subscribe before the Governor-General or some person authorised by the Governor-General in that behalf an oath or affirmation of allegiance and for the due execution of his office in the forms set out in the official Oaths Ordinance.

(5) The Chief Justice of the Federation will be President of the Federal Supreme Court and take precedence of all other judges of that Court, and the seniority of the other judges of that Court will be determined in accordance with directions to be given from time to time by the Governor-General.

(6) The Chief Justice of the Federation and any Federal Justice will hold office during Her Majesty's pleasure: provided that—

(a) he shall not hold his office after he attains the age of 65 years ;

(b) he may at any time by notice in writing addressed to the Governor-General resign his office.

124. (1) If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason temporarily unable to perform the functions of his office, then, until some other person has been appointed to and has assumed the functions of that office, or, as the case may be, until the Chief Justice has resumed those functions, those functions will be performed by such one of the other judges of the Federal Supreme Court as the Governor-General in his discretion may appoint for that purpose.

(2) Save when the context otherwise requires, any reference in this Scheme to the Chief Justice of the Federation will be construed as including a reference to any person who under this paragraph is for the time being performing the functions of the Chief Justice of the Federation.

125. If the office of any Federal justice is vacant, or if any Federal justice is appointed to act temporarily as the Chief Justice of the Federation or is for any reason temporarily unable to perform the functions of his office, the Governor-General in his discretion may appoint a person qualified for appointment as a Federal justice to act as a judge of the Federal Supreme Court, and any person so appointed will continue so to act until his appointment is revoked by the Governor-General in his discretion:

Provided that he may at any time by notice in writing addressed to the Governor-General resign his acting office.

126. There will be paid to the Chief Justice of the Federation, to any Federal justice and to any acting judge of the Federal Supreme Court such salary and allowances as may be prescribed by any law of the Federal Legislature:

Provided that the salary of any such judge will not be diminished during his continuance in office.

127. The Federal Supreme Court will be a superior court of record and will sit at Lagos and at such other places, if any, as the Chief Justice of the Federation may, with the approval of the Governor-General, from time to time appoint.

128. (1) The Legislature of a Region and, in respect of Lagos, the Federal Legislature may by law establish in and for the Region or Lagos, as the case may be, a High Court which will exercise such jurisdiction, and consist of so many judges, as such Legislature may by law prescribe.

(2) The following provisions will, notwithstanding the provisions of any other law, apply to a High Court when it is established in accordance with sub-paragraph (1)—

- (a) such court shall be a superior court of record ;
- (b) any judge of the High Court shall be appointed by the Governor of the Region or, in the case of Lagos, the Governor-General, on the instructions of Her Majesty ;
- (c) a person shall not be qualified to be appointed a judge of a High Court unless—
 - (i) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions ; or
 - (ii) he is, and has for not less than ten years been, qualified to practise as an advocate in a court or courts having such jurisdiction ;
- (d) in computing for the purposes of this sub-paragraph the period during which any person has been qualified to practise as an advocate, any period during which he has held judicial office after becoming so qualified will be included ;
- (e) a judge of the High Court shall hold office during Her Majesty's pleasure ; provided that—
 - (i) he shall not hold his office after he attains the age of 62 years ;
 - (ii) he may at any time by notice in writing addressed to the Governor of the Region resign his office ;
- (f) a judge of the High Court shall receive such salary and allowances as may be prescribed by law of the Regional Legislature or, in the case of Lagos, the Federal Legislature: provided that the salary of any such judge will not be diminished during his continuance in office.

129. The Federal Supreme Court will, to the exclusion of any other court, have original jurisdiction—

- (a) in any dispute between the Federation and a Region or between Regions, if and insofar as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends ;
- (b) in any matter in which a writ or order of mandamus or prohibition or an injunction is sought against an officer or authority of the Federation as such ;
- (c) in any matter arising under any treaty ;
- (d) in any matter affecting consuls or other representatives of other countries.

130. (1) The Federal Supreme Court will, to the exclusion of any other court, have original jurisdiction to determine any question as to the interpretation of the Constitution which is referred to them under the subsequent provisions of this paragraph or which may be required by any law of the Federal Legislature to be referred by a lower court to the Federal Supreme Court for decision.

(2) Subject to the provisions of any law of the Federal Legislature referred to in sub-paragraph (1) of this paragraph, if any question as to the interpretation of the Constitution arises in any proceedings in the High Court of a Region that High Court may, if they see fit and subject to sub-paragraph (4) refer that question to the Federal Supreme Court.

(3) If any question as to the interpretation of the Constitution arises in any proceedings in any other court of a Region, the person presiding in that court will be required to apply to the High Court of that Region for an order of that High Court referring that question to the Federal Supreme Court, and the High Court may, as they see fit and subject to sub-paragraph (4), either make the order or refuse it.

(4) If any such question as is mentioned in sub-paragraph (2) or (3) is, in the opinion of the High Court before whom it arises or, as the case may be, to whom application is made, a substantial question of law as to the validity of a Federal law under the provisions of the Constitution, the High Court will be required to refer that question to the Federal Supreme Court.

131. The Federal Legislature may make laws conferring original jurisdiction on the Federal Supreme Court in any matter—

- (i) arising under any laws made by the Federal Legislature ;
- (ii) of Admiralty or maritime jurisdiction :

Provided that the Federal Supreme Court will not have original jurisdiction in any criminal matter, and any law of the Federal Legislature purporting to confer such jurisdiction will be void.

132. Notwithstanding anything in any other law, the Federal Supreme Court will, to the exclusion of any other court, have jurisdiction to hear and determine appeals from the High Court of a Region or Lagos—

- (a) on any question as to the interpretation of the provisions of the Constitution ;
- (b) subject to such exceptions and conditions as the *.....Legislature may by law prescribe, from all other judgments, decrees, orders and sentences given in exercise of the original jurisdiction of the court ;
- (c) from such judgments, decrees, orders and sentences given in the exercise of the appellate jurisdiction of the court, and subject to such conditions, as *.....may by law prescribe.

133. (1) All authorities throughout the Federation will be required to act in aid of the Federal Supreme Court.

(2) Without prejudice to paragraph 135 of this Scheme, the Federal Supreme Court will have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of court, which the High Court of any Region have power to make as respects the area within their jurisdiction ; and any such order, and any other order of the Federal Supreme Court, will be enforceable by all courts and authorities in any of the Regions (including, for this purpose, Lagos) as if it were an order duly made by the High Court of that Region.

134. (1) Subject to the provisions of any law of the *..... Legislature made by virtue of paragraphs 132 and 135 of this Scheme, the

* The London Conference did not reach agreement on whether central or regional legislation should (a) regulate the procedure for appeals; and (b) determine the conditions of appeal. It also reached no agreement as to the extent of the right of appeal from a Regional High Court exercising its appellate jurisdiction. Consequently portions of paragraphs 132 and 134 have been left uncompleted. In addition, no provision has been included conferring a right of appeal from lesser courts to the Regional High Court, as no decision was reached on this subject by the Conference.

Federal Supreme Court may from time to time, with the approval of the Governor-General, make rules of court for regulating generally the practice and procedure of the Court with respect to appeals to or reviews by the Court, including rules as to the persons practising before the Court, as to the time within which any requirement of the rules is to be complied with, as to the costs of and incidental to any proceedings in the Court, and as to the fees to be charged in respect of proceedings therein, and in particular may make rules providing for the summary determination of any appeal which appears to the Court to be frivolous or vexatious or to be brought for the purpose of delay.

(2) Rules made under this paragraph may fix the minimum number of judges who are to sit for any purpose, so, however, that no matter shall be finally determined by less than three judges.

(3) Subject to the provisions of any law of the Federal Legislature made by virtue of the next following paragraph or of any rule of court, the Chief Justice of the Federation will determine what judges are to sit for any purpose.

(4) Subject as aforesaid, any final determination by the Federal Supreme Court will require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court:

Provided that nothing in this paragraph shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

135. The * Federal Legislature may by law make provision with respect to any of the matters referred to in the preceding paragraph or for conferring upon the Federal Supreme Court such additional or supplemental powers not inconsistent with the provisions of this Scheme as may appear to be necessary or desirable for enabling the Court more effectively to exercise any jurisdiction conferred upon them by this Scheme or by any law of the Federal Legislature or a Regional Legislature.

136. †(1) Notwithstanding the other provisions of this Chapter, and subject to sub-paragraph (2) of this paragraph, the existing Supreme Court will, subject to the provisions of paragraphs 129, 130 and 131 of this Scheme, continue to have and to exercise jurisdiction throughout the Federation in accordance with the provisions of the Supreme Court Ordinance and any other law for the time being in force relating thereto, and the following provisions will have effect—

(a) any judgment, decree, order or sentence of the existing Supreme Court sitting in any Region will for the purposes of paragraph 132 of this Scheme be deemed to be a judgment, decree, order or sentence of the High Court of that Region ;

(b) the power of the existing Supreme Court for the enforcement of orders will, for the purposes of paragraph 133 of this Scheme, be deemed to be the power of the High Court of the Region.

(2) When a High Court has been established in a Region and has assumed its functions the existing Supreme Court will cease to have jurisdiction in that Region.

* Exceptions will have to be made with regard to the Federal Legislature's power to legislate under this paragraph if the resumed conference decides that any procedural matter in the Supreme Court should be regulated by Regional legislation.

† The existing law as to other courts in Nigeria will continue to have effect in accordance with paragraph 56 of the Scheme, until modified by the appropriate legislature.

(3) The Chief Justice of the existing Supreme Court will be empowered, subject to the approval of the Governor-General, to make rules of court for giving effect to the provisions of sub-paragraphs (1) and (2) of this paragraph.

(4) In this and the next following paragraph—

“existing Supreme Court” means the Supreme Court of Nigeria established under the Supreme Court Ordinance ;

“Region” includes Lagos.

137. (1) Until provision is made by the.....Legislature prescribing the exceptions and conditions to the right of appeal from the judgments, decrees, orders or sentences of the High Court of a Region in its original jurisdiction to the Federal Supreme Court in accordance with paragraph 132 (b) of this Scheme, the provisions of any law and any rules of court with respect to the conditions and restrictions on appeals from the existing Supreme Court to the West African Court of Appeal in force immediately before the commencement of the relevant provisions of this Scheme will apply to appeals from the High Court of a Region to the Federal Supreme Court.

(2) Until provision is made by the appropriate legislature prescribing the right of appeal and conditions in respect of the judgments, decrees, orders or sentences of the High Court of a Region in its appellate jurisdiction, the provisions of any law and any rules of court in force immediately before the commencement of the relevant provisions of this Scheme with respect to the right of appeal and the conditions of appeal from the existing Supreme Court in its appellate jurisdiction will apply to the High Court of the Region.

138. Until the Federal Supreme Court has been duly established and has assumed its functions, any functions conferred on that Court by or under paragraphs 129 to 132 of this Scheme will be performed by the West African Court of Appeal and the provisions contained in any Nigerian law or in any Rules of Court made under the West African Court of Appeal Order in Council, 1948, with respect to appeals or references to the said Court, and for the time being in force, will continue to have effect.

139. For the purposes of this Scheme the High Court of a Region or Lagos will be deemed to have assumed its functions on such date after its establishment by law of the appropriate Legislature as the Governor of the Region or the Governor-General (as the case may be) may by proclamation appoint ; and the Federal Supreme Court will be deemed to have assumed its functions on such date as the Governor-General may by proclamation appoint.

ANNEX III

Statement by the Secretary of State on the Cameroons under United Kingdom Trusteeship

I wish to inform the Conference of the course of my discussions with the Kamerun National Congress delegation.

2. At the beginning of our meeting Abba Habib of the Northern People's Congress delegation was also present, and he informed me that the Northern Cameroons adhered to the view which he had expressed to me during the London Conference, and still wished to remain part of the Northern Region.

3. I then discussed the future of the Southern Cameroons with Dr. Endeley and his advisers in the light of the results of the recent general election and of the Fiscal Commissioner's Report. Her Majesty's Government will continue to assist the Trust Territory with Colonial Development and Welfare funds. These funds could not, however, be used to supplement ordinary revenue in order to meet a current deficit. For some years to come there may be a need for external financial assistance and, if the Southern Cameroons were to remain part of the Federation, though not part of the Eastern Region, this could only come from the Federal Government.

4. Dr. Endeley told me that the Southern Cameroons did not wish to leave the Federation. I therefore explained to him that if the Federal Government were to be asked to accept a contingent liability to assist the Southern Cameroons in the event of deficits, the other delegations to the Conference were certain to require the fullest guarantees that government in the territory would be conducted on the soundest financial and economic principles. This the Kamerun National Congress delegation accepted.

5. We then discussed a possible structure of government in the territory, and reached agreement on the following proposals. The Southern Cameroons would cease to be part of the Eastern Region, but would remain part of the Federation of Nigeria and be quasi-Federal territory.

6. The Federal Legislature and the Federal Executive would have jurisdiction in the territory with respect to matters in the Federal and Concurrent Lists.

7. The territory would also have a Legislature of its own. This territorial legislature would consist of the Governor-General, who would be the authority to assent to Bills on Her Majesty's behalf, and an Assembly made up as follows:—

- (i) the Commissioner of the Cameroons (President) ;
- (ii) 13 elected Members ;
- (iii) 6 representatives of the Native Authorities ;
- (iv) 2 representatives of special interests or communities not otherwise adequately represented ; and
- (v) 3 *ex officio* Members.

The 3 *ex officio* Members would be:—

An officer with duties corresponding to those now performed by the Civil Secretary of a Region (who would have the title of Deputy Commissioner) ;

an officer concerned with financial and developmental matters ;

a Legal Officer.

8. The territorial legislature would have power to make laws for the territory on matters in the Concurrent List and on residual matters (i.e. matters in neither list). It would have power to raise revenue from those sources open to a Regional Legislature. It would consider an annual Budget and would pass an appropriation Bill based on that Budget. This Bill would, like any other Bill, come to the Governor-General for assent.

9. There would be an Executive Council, which would consist of the Commissioner, the three *ex officio* Members of the Legislature, and four Members nominated by the Governor-General after consultation with the Commissioner. These four Members would be selected from amongst the 21 unofficial Members of the Assembly and the Commissioner, before submitting recommendations to the Governor-General, would consult the leader of the majority party in the Assembly. The Commissioner would be obliged to consult the Executive Council, except in certain specified circumstances, but he would be authorised to act against the Council's advice if he deemed it right to do so.

10. As we agreed at the London Conference, the Southern Cameroons would be represented in the Federal Legislature by six Members. There would, as at present, be one Minister from the Southern Cameroons in the Council of Ministers.

11. The Southern Cameroons could not be treated like a Region for purposes of revenue allocation. The Government of Nigeria has for some years past made available for expenditure in or on behalf of the Trust Territory all Government revenue derived from the Trust Territory. It has done this through Central and Regional Estimates and through the Cameroons Development Fund. An assurance has been given to the Trusteeship Council that all revenue derived from the Trust Territory will continue to be devoted to the Trust Territory and arrangements must be made to this end.

12. I hope the Conference will agree that the suggestions I have made provide reasonable safeguards for the Federation's interests while meeting the legitimate aspirations of the Southern Cameroons. Accordingly, I invite the Conference to endorse these proposals.

ANNEX IV

Report of the Committee on Marketing Boards

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SUMMARY OF RECOMMENDATIONS

1. A single all-purpose Marketing Board should be established in each Region. (Paragraph 11.)
2. The functions of the Regional Marketing Boards should be as follows:—
 - (a) To fix the prices to be paid to producers within a Region from time to time and at any place within that Region.
 - (b) To carry out price support and stabilisation policies.
 - (c) To purchase produce and to be responsible for the evacuation of that produce from their Regions to the ports in conformity with instructions issued by the Central Marketing Board executive to the Regional Marketing Boards' executives and passed on by the latter to licensed buying agents.
 - (d) To appoint licensed buying agents.
 - (e) To fix the prices to be paid to licensed buying agents for produce.
 - (f) To grant, renew and withhold licences to licensed buying agents, to impose conditions upon the granting or renewal of such licences and to cancel or suspend them for any good cause.
 - (g) To control and regulate the activities and remuneration by licence or otherwise of all persons connected with the export trade of the commodities with which they deal.

- (h) To take over the powers of the existing Marketing Boards with regard to the local processing of the produce with which they deal.
- (i) To make grants to Regional Production Development Boards.
- (j) To apply funds to the cost of scientific research into all matters affecting the produce with which they deal.
- (k) Where applicable to prescribe specific periods during which the buying for export of produce shall be prohibited, restricted or allowed.
- (l) To do all things necessary for and in connection with the sale of seed cotton and transport and packing of seed cotton, cotton lint and cottonseed.
- (m) To appoint licensed ginning agents.

[(l) and (m) would, of course, be applicable only in the case of Boards dealing with cotton.] (Paragraph 12.)

3. The composition of the Regional Marketing Boards is a matter for determination by the Regional Governments, but it is hoped that the Boards would be made as fully representative as possible. (Paragraph 13.)

4. Regional Marketing Boards should be advised by Representative Committees. (Paragraph 15.)

5. Every effort should be made through the use of consultative machinery to ensure that, insofar as is practicable, the prices fixed by the Regional Boards handling the same commodities are identical. The Regional Boards should keep separate accounts for each of the commodities they handle and should not subsidise the price of one commodity out of the reserves deriving from another. (Paragraph 18.)

6. The Central Marketing Board would provide the best machinery for consultation between the various Regional Marketing Boards on price policy and other matters of common concern. It is therefore recommended that:—

- (a) The Central Marketing Board should be empowered to tender advice to the Regional Marketing Boards on the following matters:—
 - (i) Price fixing, price support and stabilisation, particularly for crops produced on a considerable scale in more than one Region.
 - (ii) Appointment of buying agents and their terms and conditions of appointment.
 - (iii) Appointment of cotton ginning agents and their terms and conditions of appointment.
 - (iv) Local processing of commodities.
 - (v) Research and development.
 - (vi) Pest Control.
 - (vii) Any other matters which a Regional Marketing Board may refer to it.
- (b) In regard to the specific matter of price fixing, the Central Marketing Board should prepare papers containing factual information which the Regional Marketing Boards will need to have at their disposal in exercising their powers of determining prices.
- (c) The Secretary of the Central Marketing Board should attend the meetings of the Regional Marketing Boards as a Liaison Officer. The Secretary would not have a deliberative voice but would be there to give information as required. (Paragraph 20.)

7. The Functions of the Central Marketing Board, in addition to the duty of advising the Regional Marketing Boards on the matters listed above, should be as follows:—

- (a) To make all necessary arrangements for the export, shipping and sale of produce which is subject to Regional Marketing Board control.
 - (b) To prescribe grades and standards of quality for produce which is subject to Regional Marketing Board arrangements.
 - (c) To issue instructions to the Regional Marketing Boards' executives calling forward produce from the Regions to the ports.
 - (d) To appoint agents for the bulk storage of palm oil at port.
- (Paragraph 21.)

8. The Central Marketing Board should be constituted as follows:—

Chairman One official of the Central Government to be appointed by office or name Two members representing the Northern Regional Marketing Board Two members representing the Eastern Regional Marketing Board Two members representing the Western Regional Marketing Board One member representing the Southern Cameroons Regional Marketing Board (if established)	}	To be appointed by the Governor - General - in - Council. To be appointed by the Governor - General - in - Council on the recommendation of the Governor-in-Council of the appropriate Region. To be appointed by the Governor - General - in - Council on the recommendation of the appropriate Southern Cameroons Regional Executive Authority.
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(Paragraph 22.)

9. The Central Marketing Board should use the Department of Marketing and Exports as its executive. (Paragraph 26.)

10. There should be one accounts system for the marketing operations of all Boards ; this system should be operated by the Central Marketing Board executive organisation on behalf of the Regional Marketing Boards unless and until the Regional Marketing Boards establish their own separate executive organisations. The procedure to be adopted should in broad outline be as follows:—

- (a) The Central Marketing Board would keep separate commodity accounts for each Regional Marketing Board.
- (b) The Regional Marketing Boards would keep their accounts in funds to enable payments to be made therefrom by the Regional Marketing Boards to licensed buying agents when produce is taken over.
- (c) The Central Marketing Board would receive the proceeds of sales from the Nigerian Produce Marketing Company Limited and would share out these sales proceeds to the Regional Marketing Boards in accordance with the purchases. Approximate payments assessed by the Central Marketing Board accountants would be made from time to time by the Central Marketing Board to the Regional Marketing Boards ; the necessary final adjustments being made at the end of each crop year.

- (d) Arrangements would also be made by the Central Marketing Board for inter-Regional Board financing as and when required.
- (e) The expenses of the Central Marketing Board and its executive organisation would be debited to Regional Marketing Boards on the derivation basis assessed on f.o.b. selling values.

(Paragraph 29.)

11. All Regional Boards, as well as the Central Marketing Board, should continue to use the executive organisation of the existing Boards until such time as:

- (a) The Regional Boards may wish to set up their own executive organisations to take over, should that course be decided upon.
- (b) In such an event, the necessary conditions had been created to ensure a smooth and efficient hand-over.

(Paragraph 30.)

12. All the legislation to establish the new Regional Boards and the Central Board should come into force on the same day. The best time to bring the new legislation into effect would be just before the beginning of the main crop seasons.

(Paragraph 31.)

13. A shadow Central Marketing Board and shadow Regional Marketing Boards should be set up to do the preparatory work for the establishment of these Boards ahead of legislation.

(Paragraph 32.)

14. Produce Inspection legislation should continue to be a function of Government and remain a Central subject. This would necessitate the retention of the Central Produce Inspection Board. In addition to the Northern Regional Produce Inspection Advisory Committee, separate Advisory Committees should be established in each of the other Regions.

(Paragraph 37 (a).)

15. Each Regional Government should have its own Produce Inspection Service, but checktesting at the ports should be carried out by a Central service.

(Paragraph 37 (b).)

16. Pest control should be the responsibility of the Regional Boards, but co-operation between them would be desirable.

(Paragraph 37 (c).)

17. The Board of Directors of the Nigerian Produce Marketing Company Limited should be constituted as follows:—

Chairman (ex officio) Chairman of the Central Marketing Board.

Directors (ex officio) The Regional representatives on the Central Marketing Board.

Directors (to be appointed by Governor-General-in-Council) { Managing Director.
Two Assistant Managing Directors.
One "London" Director.

(Paragraph 41.)

18. The shares of the Nigerian Produce Marketing Company should be re-allocated as follows:—

Northern Regional Board	...	...	...	80,000 shares
Eastern Regional Board	...	...	...	80,000 shares
Western Regional Board	...	...	...	80,000 shares
Southern Cameroons Regional Board	...	...	...	10,000 shares
Total	...	...	...	250,000 shares

(Paragraph 44.)

19. The commitments of the existing Marketing Boards should be honoured. Some of them might appropriately be commuted now by lump sum payments; others might be taken over by the new Regional Boards. (The most important of these commitments is a joint undertaking by the existing Marketing Boards to invest the sum of £14 million with the Central Government as part of the Central Government Development Loan programme, each Board's contribution to be in proportion to the size of its price stabilisation reserves. This commitment should be taken over by the new Regional Boards.) (Paragraph 45.)

20. The surplus funds of the existing Marketing Boards should be distributed among the new Regional Boards on the derivation basis. (Paragraph 46.)

21. The Regional Marketing Boards should be given the existing powers of the present Boards to allocate sums to aid development and research. The Committee has no specific recommendation to make on the percentage of surplus funds which should be allocated by Regional Marketing Boards for those purposes. (Paragraph 48.)

22. The Federal Authority should empower the Western Regional Board to discharge the functions of a Regional Board in regard to the produce buying area in Lagos. (Paragraph 49.)

23. All recommendations regarding the Southern Cameroons are made on the assumption that the Southern Cameroons becomes a separate Region and sets up its own Regional Marketing Board. (Paragraph 50.)

I. INTRODUCTION

Terms of Reference

The proposals of the London Conference on the Nigerian Constitution with regard to the future of the Nigerian Marketing Boards are recorded as follows in paragraph 22 (v) of the Report of the Conference:—

“*Marketing Boards*—The Conference agreed in principle that the Centre should, through the medium of a Central Marketing Board, continue to be responsible for the overseas marketing and export of the principal Nigerian commodities on behalf of the Regional Boards, and for laying down standards of quality for such produce, to which Regions would have to conform. The Regions should on the other hand be empowered to establish Regional Marketing Boards which would be empowered to fix producer prices, carry out price support and stabilisation policies and control standards of quality and grading of produce. There would have to be machinery for consultation between those Regional Boards handling the same commodity. It was also agreed in principle that the present shares and funds of the Nigerian Produce Marketing Company Limited held by the four Marketing Boards should be divided in proper proportion between the proposed new Regional Boards. The Conference further agreed that the Governor should convene a Committee in Nigeria, on which the Centre and the Regions would each have two representatives, and the Cameroons one, to work out a detailed scheme for the implementation of the above proposals. The two representatives from the Centre should be the Financial Secretary or his representative and the Chairman of the existing Marketing Boards. The scheme should be submitted to the reassembled Conference.”

It is also relevant to observe that in Annexure II to the Report of the Conference "Foreign Trade and the establishment of standards of quality for goods to be exported out of Nigeria" is included in the list of functions assigned to the Centre.

Membership of the Committee

2. The Committee appointed by His Excellency the Governor to work out a detailed scheme for the implementation of the above proposals comprised the following members:—

A. N. Galsworthy, Esq., C.M.G., Chief (*Chairman.*)
Secretary of the West African Inter-Territorial Secretariat.

The Hon. the Financial Secretary, A. R. W. Robertson, Esq., C.M.G., C.B.E.	} Representatives from the Centre.
The Chairman of the Marketing Boards, A. H. Young, Esq., C.B.E.... ..	

The Hon. M. Mohamradu Ribadu, M.B.E., M.H.R.... ..	} Representatives from the Northern Region.
Abba Habib, Ajiyan Bama, M.H.R.	

F. R. A. Williams, Esq.... ..	} Representatives from the Western Region.
S. O. Shonibare, Esq.	

Dr. E. U. Udoma, M.H.R.	} Representatives from the Eastern Region.
L. P. Ojukwu, Esq., O.B.E.	

S. A. George, Esq., M.H.R.	} Representative from the Cameroons.
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E. E. Sabben-Clare, Esq. (*Secretary.*)

3. The Committee assembled in Lagos on the 4th December, 1953, and held five meetings, concluding its business on the 10th December, 1953.

II. THE PRESENT MARKETING BOARD SYSTEM IN NIGERIA

4. The Committee began by a study of the functions, responsibilities and methods of operation of the existing Marketing Boards in Nigeria, i.e. the Nigeria Cocoa Marketing Board, the Nigeria Oil Palm Produce Marketing Board, the Nigeria Groundnut Marketing Board and the Nigeria Cotton Marketing Board.

5. The Committee noted that the three main tasks laid upon the existing Boards were:—

- (a) to stabilise producer prices to the maximum extent possible ;
- (b) to further the economic benefit of the producers and the areas of production ;
- (c) To encourage and finance research.

The Committee further noted that the Nigeria Cocoa Marketing Board, the Nigeria Oil Palm Produce Marketing Board and the Groundnut Marketing Board have adopted a common policy in allocating funds between these three main aims. Of the surpluses accruing on the operations of these three

Boards, after allowing for the funds required for working capital (i.e. covering stocks afloat), 70 per cent. is set aside for price stabilisation, 22½ per cent. is made available to Regional Production Development Boards for development purposes and 7½ per cent. is allocated for research. In the case of cotton, however, it was decided that the size and production potentialities of this crop were such as to justify the retention by the Nigeria Cotton Marketing Board of direct responsibility for its development. In addition therefore, to making contributions to general development schemes sponsored by the Northern Regional Production Development Board, the Board has financed special measures designed to increase the production of seed cotton.

6. The Committee noted that, in regard to their function of price stabilisation, the existing Marketing Boards have operated since their inception under exceptionally favourable selling conditions. As a result; while paying producer prices that have been generally regarded as satisfactory, the Boards have also been able to accumulate price stabilisation reserves totalling on the latest available figures something over £70 million. It was, however, explained to the Committee that signs are not lacking that the "seller's market" which existed during the post-war period is disappearing and that the Marketing Boards are now entering on a new phase in their operations. The Nigeria Oil Palm Produce Marketing Board has already had to draw on its reserves to reduce the impact on the producers of falling world prices.

7. The Committee also took note of the following features of the present operational system.

(a) *Executive Organisation*

All four Boards have appointed the Department of Marketing and Exports (exclusive of the Produce Inspection Service) as their executive organisation in Nigeria.

(b) *Relations with Licensed Buying Agents and other Special Agencies*

Most of the firms acting as licensed buying agents buy for more than one Board and the biggest work on a Nigeria-wide basis. Under such circumstances it is obviously desirable that there should be the maximum uniformity of treatment in the relations between the Boards and their buying agents. This applies particularly to general marketing arrangements and policy and such specific items as buying allowances. The fact that the Boards have a common executive makes possible the achievement of the necessary measure of uniformity.

All palm oil purchased in Nigeria is taken over by the Nigeria Oil Palm Produce Marketing Board when it is delivered by licensed buying agents to the Bulk Oil Plants situated at Apapa, Koko, Burutu, Abonnema, Port Harcourt, Opobo and Calabar (i.e. in both the Western and Eastern Regions). (At the Burutu Bulk Oil Plant purchases of oil from stations in all three Regions are bulked together and transshipments of oil between Bulk Oil Plants to meet shipping and selling requirements similarly lead to the mixing of oil from the different Regions.) These Bulk Oil Plants are owned by the United Africa Co. Ltd. which has been appointed the bulking agent of the Board. At the Bulk Oil Plants the palm oil is cleaned and stored in tanks pending shipment.

In analagous fashion, all seed cotton purchased in Nigeria is taken over by the Nigeria Cotton Marketing Board on delivery by licensed buying agents to ginneries located at Oshogbo, Kontagora, Zaria, Mai Inchi, Mallam Fashi, Gusau, Funtua, Misau, Gombe and Lokoja. These ginneries are

owned and operated by the British Cotton Growing Association which has been appointed the ginning agent of the Board. During the ginning process, the cotton lint is separated from the cottonseed.

(c) *Evacuation Routes*

The channels by which up-country purchases of produce eventually reach port serve all types of produce and follow the quickest and best routes irrespective of Regional boundaries. For example groundnuts and cotton lint and seed from the Northern Region are railed to Apapa and Port Harcourt, whilst some groundnuts are railed to Baro for onward carriage by river steamer to Warri or Burutu. The produce of the Middle Belt, groundnuts, benniseed, soya beans, cotton lint and seed is moved to port by the river fleets. In the Eastern Region, palm kernels and palm oil move to port by road, rail and water, and in the Western Region cocoa and palm kernels share the same evacuation routes.

(d) *Shipping Arrangements*

The Department of Marketing and Exports is responsible for estimating the shipping space required for Marketing Board produce and the co-ordination of the movement of vessels loading such produce.

(e) *Financial Arrangements*

To a certain degree, the peak purchasing periods, which are of course also the times of highest working capital requirement of the Boards, are complementary. By making the maximum use of inter-Board financial arrangements, it is possible to minimise the need for the organisation as a whole to obtain outside financial assistance. The extent of inter-Board lendings and borrowings, which during the calendar year 1952 amounted to an aggregate figure of £10·8 million, represents a large measure of internal short-term investments within Nigeria. These arrangements, mutually advantageous to all four Marketing Boards, call for careful co-ordination of the working capital requirements and the liquid resources of the four Boards.

III. SCHEME TO IMPLEMENT THE PROPOSALS OF THE LONDON CONFERENCE

A. THE REGIONAL MARKETING BOARDS

8. The general framework agreed by the London Conference is that Regional Marketing Boards should be empowered to fix producer prices and carry out price support and stabilisation policies and that the Central Marketing Board should be responsible for the overseas marketing and export of the principal Nigerian commodities on behalf of the Regional Marketing Boards (the question of standards of quality is dealt with in paragraph 21 (b) below). The Committee regarded its terms of reference as extending only to the commodities now subject to Marketing Board arrangements.

9. In view of the agreement reached at the London Conference, the Committee considered that the purchase of produce and all matters necessary thereto should be the responsibility of the Regional Marketing Boards. On the other hand, the Committee agreed that the Central Marketing Board through its executive organisation must be in a position to ensure that produce is available at the ports in the right quantities, the right grades and at the right times to meet the requirements of the selling organisation

(viz. : the Nigerian Produce Marketing Company Limited) and to make the best use of shipping space.* For this purpose, the Committee agreed that it must be a function of the Central Marketing Board to issue instructions calling produce forward. After considerable discussion, the Committee agreed that if the Regional Boards establish their own separate executive organisations, such instructions should be transmitted by the Central Board's executive to the Regional Boards' executives, who would be responsible for relaying them to the licensed buying agents.

10. The Committee was also of the opinion that it would be in keeping with the spirit of the London Conference's decisions that the allocation of funds for development and research should be within the determination of the Regional Boards.

Nature of Regional Boards

11. The Committee considered whether a single all-purpose Board in each Region or separate commodity Boards could most appropriately be established. The Committee is of the opinion that a system of separate commodity Boards would be cumbersome and uneconomical. It would result in the creation of three Boards in the West, four in the North, three in the East and two in the Southern Cameroons if a separate Regional administration is established there. The Committee therefore recommends that a single all-purpose Marketing Board should be established in each Region to deal with all produce in that Region subject to Marketing Board arrangements.

Functions of Regional Boards

12. With the above considerations in mind the Committee recommends that the functions of the Regional Marketing Boards should be as follows:—

- (a) To fix the prices to be paid to producers within a Region from time to time and at any place within that Region.
- (b) To carry out price support and stabilisation policies.
- (c) To purchase produce and to be responsible for the evacuation of that produce from their Regions to the ports in conformity with instructions issued by the Central Marketing Board's executive to the Regional Marketing Boards' executives and passed on by the latter to licensed buying agents.
- (d) To appoint licensed buying agents.
- (e) To fix the prices to be paid to licensed buying agents for produce.
- (f) To grant, renew and withhold licences to licensed buying agents, to impose conditions upon the granting or renewal of such licences and to cancel or suspend them for any good cause.
- (g) To control and regulate the activities and remuneration by licence or otherwise of all persons connected with the export trade of the commodities with which they deal.

* In this connection the Committee considered a suggestion that possible advantage might accrue from relieving the Central Board's executive of much routine work in regard to shipping by coming to some arrangements whereby the large licensed buying agents would deliver produce c.i.f. (i.e. at port of selling) instead of f.o.b. as at present. The Central Marketing Board might then consider appointing shipping agents to which the smaller licensed buying agents might deliver produce locally. It was pointed out, however, that lack of port storage and port facilities would preclude such a system coming into operation in the near future. The Committee agreed to leave consideration of the suggestion to the new Central Board who would no doubt wish to consult the Managing Director of the Nigerian Produce Marketing Company Limited and the local Committee of the Licensed Buying Agents as to whether such an arrangement would be practicable and advantageous.

- (h) To take over the powers of the existing Marketing Boards with regard to the local processing of the produce with which they deal.
- (i) To make grants to Regional Production Development Boards.
- (j) To apply funds to the cost of scientific research into all matters affecting the produce with which they deal.
- (k) Where applicable to prescribe specific periods during which the buying for export of produce shall be prohibited, restricted or allowed.
- (l) To do all things necessary for and in connection with the sale of seed cotton and transport and packing of seed cotton, cotton lint and cottonseed.
- (m) To appoint licensed ginning agents.

[(l) and (m) would, of course, be applicable only in the case of Boards dealing with cotton.]

Composition of Regional Marketing Boards

13. The Committee agreed that the composition of the Regional Marketing Boards was a matter for determination by the Regional Governments concerned but expressed the hope that they would be made as fully representative as possible.

Representative Committees

14. Under the present marketing system, the Marketing Boards are assisted by a number of Advisory Committees. These are:—

- Oil Palm Produce Representative Committee.
- Groundnut Representative Committee.
- Northern Cotton Representative Committee.
- Western Cotton Representative Committee.
- Cocoa Marketing Advisory Committee.

The functions of these bodies are:—

- (a) to advise their respective Marketing Boards on price policy;
- (b) to advise their respective Marketing Boards on all matters in connection with the purchase and grading of the crops with which they are concerned;
- (c) to advise the appropriate Regional Production Development Boards as and when required.

As far as the functions listed in (b) and (c) above are concerned, these advisory bodies have the right to initiate advice.

15. The Committee is of the opinion that these advisory bodies serve a useful purpose in bringing the Marketing Boards into close touch with the views of producers and recommends that the system should continue as part of the Regional Marketing Board organisation. The Committee considered whether a Regional Marketing Board should be advised by a single all-purpose Representative Committee or by a number of commodity committees as required. The Committee feels that the latter would be the more appropriate arrangement. Such bodies should however no longer be concerned with questions of grades and standards since these would be, in accordance with the decisions of the London Conference, a matter for the Central Marketing Board.

B. MACHINERY FOR CONSULTATION BETWEEN REGIONAL BOARDS

The Need for Consultation in regard to Price Fixing

16. The report of the London Conference draws attention to the need for machinery for consultation between those Regional Boards handling the same commodity. The Committee was unanimous in considering that such consultation would be especially necessary in regard to the fixing of producer prices by the Regional Boards, in view of the possibility of different prices being fixed for the same crop in different Regions. This applies with particular force in the case of palm oil and palm kernels, which are extensively produced in both the Eastern and Western Regions and also in the Northern Region and the Southern Cameroons. Any substantial differentiation in Regional prices would lead to a serious danger of produce being diverted from one Region to another. The result of such diversion would be to distort derivation statistics, to upset the pattern of trade, to encourage unhealthy trading conditions and to aggravate storage and evacuation problems.

17. The Committee recognised that some differences in the prices fixed for the same produce by the various Regional Boards may arise. One Region might for some particular reasons of its own such as the development of a backward producing area wish to encourage production by particularly high prices. On other occasions, when prices were falling, one Region might be able to afford a higher price than another because its reserves were greater. Again, one Region might for political reasons find it difficult to reduce prices as much as economic conditions seemed to dictate. In the long run no Region could arbitrarily fix higher prices than were warranted without making ruinous raids on its resources, but this would not get over the immediate difficulties.

18. The Committee was unanimous in considering that some risk of differing prices must be accepted. The only way of avoiding this risk altogether would be the establishment of some arbitrating or sanctioning authority to control the Regional Boards' price fixing policy. The Committee, however, considered that such a course was unacceptable as it would conflict with the power of the Regional Marketing Boards to fix producer prices as agreed at the London Conference. Nevertheless, the Committee considers that every effort should be made through the use of consultative machinery to ensure that, insofar as is practicable, the prices fixed by the Regional Boards handling the same commodities are identical. The Committee also considers that if one all-purpose Regional Board is set up in each Region the Board should keep separate accounts for each of the commodities it handles and should not subsidize the price of one commodity out of the reserves deriving from another.

Consultative Machinery Suggested

19. The Committee considers that the Central Marketing Board itself would provide the best machinery for consultation between the various Regional Marketing Boards on price policies and other matters of common concern, particularly since, as will be seen from paragraph 22, it is recommended that most of the members of the Central Marketing Board should be drawn from the Regional Marketing Boards.

20. The Committee therefore recommends:—

(a) the Central Marketing Board should be empowered to tender advice to the Regional Marketing Boards on the following matters:—

(i) Price fixing, price support and stabilisation, particularly for crops produced on a considerable scale in more than one Region.

- (ii) Appointment of buying agents and their terms and conditions of appointment.
 - (iii) Appointment of cotton ginning agents and their terms and conditions of appointment.
 - (iv) Local processing of commodities.
 - (v) Research and development.
 - (vi) Pest control.
 - (vii) Any other matters which a Regional Marketing Board may refer to it.
- (b) In regard to the specific matter of price fixing, the Central Marketing Board should prepare papers containing factual information which the Regional Marketing Boards will need to have at their disposal in exercising their powers of determining prices.
- (c) The Secretary of the Central Marketing Board should attend the meetings of the Regional Marketing Boards as a Liaison Officer. The Secretary would not have a deliberative voice but would be there to give information as required.

C. CENTRAL MARKETING BOARD

Functions

21. The Committee recommends that the functions of the Central Marketing Board, in addition to the duty of advising the Regional Marketing Boards on the matters listed in paragraph 20 above, should be as follows:—

- (a) To make all necessary arrangements for the export, shipping and sale of produce which is subject to Regional Marketing Board control.
- (b) To prescribe grades and standards of quality for produce which is subject to Regional Marketing Board arrangements.
- (c) To issue instructions to the Regional Marketing Boards' executives calling forward produce from the Regions to the ports.
- (d) To appoint agents for the bulk storage of palm oil at port.

Membership

22. As has been stated above, the Committee recommends that the Central Board be composed mainly of members drawn from the Regional Marketing Boards together with a Chairman and one other member who should be an official of the Central Government. The Committee recommends that the Central Marketing Board should be constituted as follows:—

Chairman.

One official of the Central Government to be appointed by office or name.

Two members representing the Northern Regional Marketing Board.

Two members representing the Eastern Regional Marketing Board.

Two members representing the Western Regional Marketing Board.

To be appointed by the Governor-General-in-Council.

To be appointed by the Governor-General-in-Council on the recommendation of the Governor-in-Council of the appropriate Region.

One member representing the Southern Cameroons Regional Marketing Board (if established).

To be appointed by the Governor-General-in-Council on the recommendation of the appropriate Southern Cameroons Regional Executive authority.

D. EXECUTIVE ORGANISATION AND FINANCIAL ARRANGEMENTS

The present System

23. As is mentioned in paragraph 7 above, all four existing Marketing Boards, with the approval of the Governor, have appointed the Department of Marketing and Exports (exclusive of the Produce Inspection Branch) to be their executive organisation. As such the Department is responsible for the implementation of the policy laid down by the Boards. The Department, which came into being on 1st September, 1948, comprises Marketing, Shipping and Accounts Sections, each under an Assistant Director, and the Produce Inspection Branch.*

24. The functions of those Sections of the Department which form the executive of the Marketing Boards may be summarised as follows:—

(i) *Marketing Section :*

The Section's responsibilities include the internal purchasing arrangements of each Marketing Board, involving the preparation and operation of the Marketing Schemes and issue of Circular Instructions. Fifteen Marketing Schemes are at present operated (two Cocoa Board: six Groundnut Board: four Oil Palm Produce Board and three Cotton Board). Each Marketing Scheme involves in the course of a buying season the issue of ten or twelve instructions to licensed buying agents on matters affecting the purchase of the crops, such as buying stations and buying-station prices, evacuation routes and costs, purchase and stock returns, buying allowances and payment arrangements, containers, storage and care of stocks, sales for local utilisation. The supervision of the operations of the Boards' licensed buying agents, of which there are at present 69, also falls within the responsibilities of the Marketing Section. It may be mentioned here that uniform terms and conditions and a uniform basis of remuneration and reimbursement of costs apply to all licensed buying agents of all four Marketing Boards.

Correspondence with the selling organisation of the Marketing Boards in London (The Nigerian Produce Marketing Company Limited) regarding selling arrangements is also conducted by the Marketing Section which is responsible, working in close association with the Shipping Section, for the correct fulfilment of contract sales, i.e. sales of definite quantities of produce of specified quality at an agreed price for shipment at a specified date to a nominated port and to a specified buyer. The Boards have now embarked on contract sales operations on a progressively increasing scale and, since 1952, the Marketing Section has included a Contracts

* It should be noted that the inclusion of the Produce Inspection Branch within the Departmental organisation results in the Department exercising a dual responsibility. The Produce Inspection Branch remains a service of the Government, and exercises its functions on behalf of the Government, and not on behalf of the Marketing Boards. The terms in which each Marketing Board has appointed the Department as its executive organisation expressly exclude the Produce Inspection Service from the appointment. The Government is reimbursed by the Marketing Boards for the services which the Department performs on their behalf on the basis of ninety per cent. of the Departmental expenditure exclusive of the expenditure of the Produce Inspection Branch of the Department. The activities of the Marketing Boards are thus quite distinct from the activities of Produce Inspection.

Office to handle contract selling operations and to regulate the movement of produce to the ports in conformity with selling requirements.

The activities of the Contracts Office of the Marketing Section and of the Departmental Shipping Staff are closely interconnected and together they form what may be regarded as the operational side of the work of the Boards' executive.

The executive and secretarial work involved in the preparation of material for the meetings of the Marketing Boards and their Representative Committees is also undertaken in the Marketing Section. This includes the issue of conditions of appointment of licensed buying agents on behalf of each Marketing Board, the receipt of applications for such appointments, the taking-up of the applicants' references and the assembly of all necessary information and data to enable the Boards to consider these applications.

(ii) *Shipping Section*

The Shipping Section has its main office in the Departmental headquarters in Lagos and has, in addition, Shipping Offices in Lagos, Apapa, Warri, Port Harcourt and Calabar. The Section's main functions are:—

- (a) To assist in estimating shipping space requirements for Marketing Board produce and to co-ordinate the movement of vessels loading Marketing Board cargoes. Shipping space is booked on the basis of the estimates furnished by the "Availabilities Committee" which meets monthly, the actual movements of ships being arranged at weekly shipping co-ordination meetings on the basis of the latest port stock figures and information of expected arrivals at port supplied over the Shipping Section's radio-telephone network linking Lagos with the out-ports.
- (b) The equitable allocation of shipping space between the licensed buying agents of the Marketing Boards.
- (c) Checkweighing. The arrangements for checkweighing Marketing Board produce at all ports before shipment are operated by the Shipping Section.
- (d) General supervision of loading to ensure that the prescribed stowage requirements for Marketing Board produce are complied with. A fleet of five harbour launches and two smaller craft is operated by the Section for supervisory duties at Lagos and the out-ports.
- (e) Taking over produce in Railway transit sheds and in Marketing Board stores. Arrivals of groundnuts at Apapa and Port Harcourt and of palm kernels at Port Harcourt are taken over from licensed buying agents by the Shipping Section on delivery to the Railway transit sheds. In addition, the Section operates a number of permanent stores at Apapa for the receipt of cocoa and palm kernels.
- (f) Documentation. The Shipping documentation of all produce taken over in store is carried out by the Section which also receives for checking and despatch sets of documents prepared by licensed buying agents on deliveries on board ocean vessel.

(iii) *Accounts Section*

The Section comprises four sub-sections each keeping the accounts of one Marketing Board, a fifth sub-section handling Joint Marketing Board and miscellaneous accounts and a Treasury sub-section handling the Government accounting work of the Department.

The accounts of the Marketing Boards are kept in accordance with commercial practice. The Boards' licensed buying agents are paid on receipt

of their consignments into port store or on delivery on board ocean vessel. In the case of cocoa and groundnuts, part of the total invoice value is paid to licensed buying agents in advance of delivery. Sales proceeds are received by the Boards through the Nigerian Produce Marketing Company Limited when payment is made by the overseas buyers against documents. The time-lag between payment by the Board at time of shipment (or earlier) and receipt of sales proceeds is, on an average, of about six weeks' duration and the funds committed for this period while the produce is "afloat" or "in course of delivery" represent the working capital of the Marketing Boards. The combined working capital requirements of the four Boards amount to about £11.5 million exclusive of special additional requirements to finance advance payment schemes.

Proposed Future Arrangements

25. The Committee wishes to stress the overriding importance to the Regions and to Nigeria as a whole of ensuring that under the proposed new system the day-to-day executive operations of the Central Marketing Board and the Regional Marketing Boards are carried out with the highest degree of efficiency and commercial alacrity. The Committee noted that the present value of exports controlled by the Marketing Boards has averaged over the last four years approximately £100 million per annum and that this constitutes approximately 85 per cent. of all Nigerian exports.

Central Marketing Board Executive

26. As far as the Central Marketing Board is concerned, the Committee considers that it is clearly desirable that the Central Marketing Board should use the Department of Marketing and Exports as its executive. It would be for the Central Marketing Board to decide whether the operations now performed by the Department regarding matters which will be of concern to the Central Marketing Board should be continued in the same way as before or modified.*

Accounting Arrangements

27. The Committee discussed the accounting functions that would have to be undertaken by the Marketing Boards' executive organisation. The Regional Marketing Boards would require to have at their disposal sums for payment to licensed buying agents at the time when the Boards receive advice from the Central Board that produce has been taken over. If the Regional Marketing Boards established their own separate executive organisations, arrangements would have to be made to ensure that no delay arose in making payments to licensed buying agents. The Central Board would not itself receive payment from the Nigerian Produce Marketing Company until the produce was actually sold which might well be a considerable time later. Proceeds of sales would be received from the Nigerian Produce Marketing Company Limited by the Central Marketing Board in the first place. At agreed intervals the Central Marketing Board would pay to the appropriate commodity accounts the Regional Marketing Boards concerned their shares of total sales proceeds received in the period. This periodic apportionment would be on an ad hoc basis and subject to final adjustment at the end of the crop year in the light of actual purchases in the Regions.

28. The Committee recommends that the existing arrangements for the financing of one Board by another should continue. As has been explained in paragraph 7 (e) at the moment inter-Board financing is arranged on a considerable scale. It is possible for instance for the Oil Palm Produce Marketing Board to lend sums to the Cocoa Marketing Board at a time

* See footnote to paragraph 9 above.

when they are required at interest rates which were lower than the Cocoa Marketing Board could hope to obtain from the banks but yet higher than the Oil Palm Produce Marketing Board could itself hope for from a short-term investment.

29. In the light of the above, the Committee recommends that there should be one accounts system for the marketing operations of all Boards; that this system should be operated by the Central Marketing Board executive organisation on behalf of the Regional Marketing Boards unless and until the Regional Marketing Boards establish their own separate executive organisations and that the procedure to be adopted should in broad outline be as follows:—

- (a) The Central Marketing Board would keep separate commodity accounts for each Regional Marketing Board.
- (b) The Regional Marketing Boards would keep their accounts in funds to enable payments to be made therefrom by the Regional Marketing Boards to licensed buying agents when produce is taken over.
- (c) The Central Marketing Board would receive the proceeds of sales from the Nigerian Produce Marketing Company Limited and would share out these sales proceeds to the Regional Marketing Board in accordance with the purchases. Approximate payments assessed by the Central Marketing Board accountants would be made from time to time by the Central Marketing Board to the Regional Marketing Boards, the necessary final adjustments being made at the end of each crop year.
- (d) Arrangements would also be made by the Central Marketing Board for inter-Regional Board financing as and when required.
- (e) The expenses of the Central Marketing Board and its executive organisation would be debited to Regional Marketing Boards on the derivation basis assessed on f.o.b. selling values.

Executive Arrangements for Regional Boards

30. The question of the executive arrangements for the new Regional Marketing Boards was considered by the Committee at some length. The Committee recognised that it would eventually be for the Regional Marketing Boards themselves, after they have been constituted, to determine what executive organisation they will require. It is, however, of vital importance that there should be a smooth and efficient transition when the new Regional Boards and the Central Board take over the functions of the existing Boards, and that the introduction of this new system should not lead to any disruption or dislocation of Nigeria's export trade. The Committee therefore recommends that all Regional Boards as well as the Central Marketing Board should continue to use the executive organisation of the existing Boards until such time as:

- (a) The Regional Boards may wish to set up their own executive organisations to take over, should that course be decided upon.
- (b) In such an event, the necessary conditions had been created to ensure a smooth and efficient hand-over.

E. THE SETTING UP OF THE NEW BOARDS

31. The Committee is of the opinion that all the legislation to establish the new Regional Boards and the Central Board must all come into force on the same day, otherwise an impossible situation would be created. The Committee considers that the best time to bring the new legislation into effect

would be before the commencement of the main crop seasons. The 1st September suggests itself as an appropriate date, i.e. just before the opening of the cocoa and groundnut seasons.

32. The Committee recommends that the best way to establish the new Boards would be by following the procedure adopted for the establishment of the present Marketing Boards. This would mean that a shadow Central Marketing Board and shadow Regional Marketing Boards would be set up to do the necessary preparatory work for the establishment of these Boards ahead of legislation though without any statutory authority. When the necessary legal steps had been taken to constitute the Boards, the Central and Regional Marketing Boards could formally approve the steps taken by the shadow Boards.

F. PRODUCE INSPECTION SERVICE

33. The report of the London Conference recommends that the Centre should, through the medium of a central Marketing Board, continue to be responsible for laying down standards of quality for Nigerian produce, to which Regions would have to conform, and that the Regional Marketing Boards should be empowered to control standards of quality and grading of produce.

The Present Produce Inspection Service

34. The Committee noted that for over 27 years a centrally controlled system of produce inspection has been in operation in Nigeria, its aim being to protect the quality of Nigerian produce through standard legislation, uniformity of quality standards, and uniform implementation. The present Produce Inspection Service is a central organisation which for administrative convenience forms a branch of the Department of Marketing and Exports. It is not, however, part of the executive organisation of the Marketing Boards but is a service of the Central Government operating under the Produce Inspection Ordinance, and not the Marketing Board legislation. In the case of the Marketing Board commodities the quality, standards and grades are prescribed by the Boards concerned under the provisions of their Ordinances, but inspection and grading is performed by the Produce Inspection Service under its own legislation. A Produce Inspection Board of seven members was established under the Produce Inspection Ordinance (No. 24 of 1950). The Board is advised by two widely representative advisory committees, one serving the Northern Region and the other serving the Western and Eastern Regions combined. The Board, in consultation with the Advisory Committees, makes regulations governing all aspects of Produce Inspection work.

35. The Committee further noted that:

- (a) commodities other than those subject to Marketing Board arrangements are subject to Produce Inspection regulations ;
- (b) the service is organised on a Regional basis but is not " regionalised ", the Principal Produce Officers in charge of the three Regions (which correspond closely, though not exactly, to the political boundaries) being directly responsible to the Departmental Headquarters in Lagos ;
- (c) a feature of the present organisation is its flexibility which permits inter-Regional transfers of staff to meet the seasonal requirements of the various export crops in the different Regions ;
- (d) the Produce Inspection Service has in recent years assumed responsibility for pest infestation control measures in addition to its inspection duties.

Produce Inspection a Function of Government

36. It appeared to the Committee that, if paragraph 22 (v) of the report of the London Conference were interpreted literally, Produce Inspection would become a function of the Regional Marketing Boards rather than of the Regional Governments. The Committee felt, however, that such an arrangement would give rise to serious difficulty. It is one of the functions of the Produce Inspection system in Nigeria to protect the producer: a Central or a Regional Marketing Board could hardly exercise such a function. Nor could it be a function of a Marketing Board to institute prosecutions under Produce Inspection legislation. If Produce Inspection were part of the Marketing Board system, the Boards would be bound to accept the quality of produce at the time it was graded and passed for export by its servants, thus relieving the licensed buying agents of all responsibility for quality.

Recommendations

37. In the light of the above, the Committee reached the unanimous conclusion that Produce Inspection ought to continue to be a function of Government and agrees on the following recommendations:—

- (a) Produce Inspection legislation should remain a Central subject. The Committee believe this to be in line with the spirit of the London Conference proposals. This would necessitate the retention of the Central Produce Inspection Board, but the Committee recommends that in addition to the Northern Regional Produce Inspection Advisory Committee, separate Advisory Committees should be established in each of the other Regions.
- (b) While the Committee considered that it would be in accordance with the decisions of the London Conference for each Regional Government to have its own Produce Inspection Service, it recommends that checktesting at the ports should be carried out by a Central service. The Committee was advised that the implications of regionalisation of the Produce Inspection Service would involve an overall increase of some 33½ per cent. on the present strength unless it is possible to make inter-Regional transfers at seasonal peak periods.
- (c) Pest control should be the responsibility of the Regional Boards, though for reasons of geography and economy co-operation between various Regional Boards in this matter would be desirable.

G. NIGERIAN PRODUCE MARKETING COMPANY LIMITED

38. The Nigerian Produce Marketing Company Limited is the selling organisation of the existing Marketing Boards and its total authorised share capital has been allocated as follows:—

Nigeria Cocoa Marketing Board	...	80,000 shares
Nigeria Oil Palm Produce Marketing Board	...	80,000 shares
Nigeria Groundnut Marketing Board	...	80,000 shares
Nigeria Cotton Marketing Board	...	10,000 shares
Total	...	<u>250,000 shares</u>

Of these 250,000 £1 shares, 5s. of each share has been called up. The Cocoa, Oil Palm and Groundnut Marketing Boards have thus a quota of

shares of £20,000 and a contingent liability of £60,000 in respect of uncalled capital. The Cotton Marketing Board has a quota of shares of £2,500 and a contingent liability of £7,500 in respect of uncalled capital.

39. All four Marketing Boards participate in the Company's directorate and under the Articles of Association of the Company the Board of Directors is constituted and appointed as follows:—

As long as the same person holds the Chairmanship of the four Nigerian Marketing Boards, that person is *ex officio* Chairman of the Board of Directors. If, however, the Chairmanship of the four Nigerian Marketing Boards were to be held by more than one person, then the Governor is to select and appoint from among those Chairmen one to be Chairman of the Company.

The remaining eleven Directors are appointed as follows:—

Two by the Nigeria Groundnut Marketing Board.

Two by the Nigeria Cocoa Marketing Board.

Two by the Nigeria Oil Palm Produce Marketing Board.

One by the Nigeria Cotton Marketing Board.

Four by the Governor of Nigeria, of whom one shall be named by him as Managing Director and two Assistant Managing Directors.

Method of Operation

40. Each Marketing Board sells to the Company on f.o.b. terms at the price at which the Company re-sells the produce less a small agreed margin per ton to cover the Company's costs and to provide a small reserve for contingencies. Shipping space is booked by the Company on the basis of forward estimates of the tonnages likely to be available for shipment furnished month by month by the Department of Marketing and Exports in consultation with all the authorities concerned in the movement of stocks to port and their shipment (the licensed buying agents, the Railway and the lighterage and shipping companies).

The Board of Directors

41. The Committee recommends that the same principles as apply at present in selecting the Company's Board should continue in force, and with this consideration in mind recommends that the constitution of the Board of Directors under the new system should be as follows:—

Chairman (<i>ex officio</i>)	...	Chairman of the Central Marketing Board.
Directors (<i>ex officio</i>)	...	The Regional representatives on the Central Marketing Board.
Directors (to be appointed by Governor-General-in-Council).		Managing Director. Two Assistant Managing Directors. One "London" Director.

Reallocation of Shares

42. The Committee examined the principles which should be applied in re-allocating the shares in the Company to the various new Regional Boards. It was noted that the London Conference proposals were that "the present shares and funds of the Nigerian Produce Marketing Company Limited held by the four Marketing Boards should be divided in proper proportion between the proposed new Regional Boards". The Committee recognised that since the Nigerian Produce Marketing Company will be making its purchases from the Central Marketing Board, not the Regional Boards,

and since contracts will accordingly be made between the Company and the Central Marketing Board, it would be desirable for the Central Board to be connected with the shareholding. The Committee therefore recommends that the shares of the Company should be transferred to the Regional Marketing Boards but be held by the Central Marketing Board as the Regional Marketing Boards' nominees.

43. The Committee examined possible bases for re-distribution of these shares between the various Regional Boards. One course would be for the shares to be redistributed on the basis of derivation calculated on the results of the past four seasons, viz.: 1950/51-1953/54. On the present available information, the results would be approximately as follows:—

	<i>Approximate Average f.o.b. value of purchases over 4 seasons 1950/1-1953/4</i>	<i>Approximate Distribution of N.P.M.C. shares on basis of average values 1950/1-1953/4</i>
	£ m	
Northern	32.5	85,000
Western	35.5	96,000
Eastern	23.75	64,000
Southern Cameroons	1.6	5,000
	<hr/> £93.35 m. <hr/>	<hr/> 250,000 <hr/>

This system would result in an unequal number of shares being transferred to each Regional Board. The Committee considered that it would be invidious for voting power at the Annual General and other Meetings of the Nigerian Produce Marketing Company Limited to vary with the number of shares held.

44. Alternatively, the shares could be allocated equally to the new Regional Boards on the same pattern as the existing distribution (see paragraph 38). This would give the following result:—

Northern Regional Board	80,000 shares
Eastern Regional Board	80,000 shares
Western Regional Board	80,000 shares
Southern Cameroons Regional Board	10,000 shares
Total	<hr/> 250,000 shares <hr/>

The Committee recommends that this alternative method should be adopted.

H. EXISTING COMMITMENTS OF THE BOARDS

45. The Committee noted that the existing Marketing Boards have a number of commitments, some of which extend over the next few years, and unanimously considers that these commitments would have to be honoured. Some of them might however appropriately be commuted now by lump sum payments; others might be taken over by the new Regional Boards. A list of these commitments and of the Committee's recommendations concerning them is set out below:—

(i) *Investment in Central Government Funds (Loan Programme)*

The Marketing Boards have undertaken jointly to invest the sum of £14 million with the Central Government as part of the Central Government development loan programme, each Board's contribution to be in proportion

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to the size of its price stabilisation reserves. This £14 million forms part of the loan programme planned by the Government to finance large-scale development projects. The Committee considers it essential that the Marketing Boards' commitment should be taken over by the new Regional Boards.

(ii) *West African Institute for Oil Palm Research*

The Nigeria Oil Palm Produce Marketing Board has undertaken to make an annual grant of £126,000 to defray part of the annual expenditure of the West African Institute for Oil Palm Research during the financial years 1952-53 to 1956-57—a total of £630,000. Of this sum £378,000 remains to be paid. The Committee recommends that the Oil Palm Produce Marketing Board should commute this commitment by paying the outstanding sum of £378,000 to the Managing Committee of the West African Institute for Oil Palm Research.

(iii) *West African Cocoa Research Institute*

The Committee was informed that an application for further financial support in the form of an endowment will be made shortly to the Nigeria Cocoa Marketing Board by the Managing Committee of the West African Cocoa Research Institute. The Committee notes this as an additional commitment likely to be met by the existing Cocoa Marketing Board.

(iv) *West African Institute for Social and Economic Research*

The four existing Marketing Boards have undertaken jointly to contribute the sum of £9,000 annually to the funds of the Institute during the five year period 1951-56.

The Committee recommends that the existing Marketing Boards should commute this commitment by a lump sum payment to the Institute of the amount outstanding.

(v) *The West African Stored Products Research Unit*

The cost of this Unit is divided at present as follows :—

- 8 per cent. Government of Sierra Leone.
- 2 per cent. Government of Gambia
- 90 per cent. Government of Nigeria,

75 per cent. of this 90 per cent. being reimbursed by the Cocoa, Groundnut and Oil Palm Produce Marketing Boards in equal proportions. The total cost of the Unit is at present approximately £12,000 a year ; of this the total sum borne by the existing Boards is just over £8,000.

The Committee recommends that as the work of the Unit is of great importance and is of equal concern to the three main Regions, this commitment should be taken over in equal proportions by the new Eastern, Northern and Western Regional Marketing Boards.

(vi) *Escravos Bar*

The four existing Boards have undertaken jointly to bear the cost of an expert investigation into the possibility of improving the navigability of the Benin ports at present hindered by the Escravos Bar. The total cost of the investigation is estimated at £50,000 and is apportioned on the basis of the tonnage of each Board's produce shipped from the Benin ports.

The Committee recommends that the Boards should liquidate this commitment on which work has already started by paying the sum over to the Central Government.

(vii) *Niger and Benue Navigability*

The Chairman of the Groundnut Marketing Board and the Cotton Marketing Board has provisionally authorised expenditure of £1,500 for a preliminary survey in connection with a proposed investigation into improving the navigability of the Niger and Benue Rivers. The Committee recommends that this commitment should be assumed by the Northern Regional Marketing Board, if still outstanding.

(viii) *Co-operative Marketing of Oil Palm Produce in the Eastern Region*

The Nigeria Oil Palm Produce Marketing Board has undertaken to provide £82,010 to cover the capital and recurrent expenditure of an investigation on this subject over a ten-year period from 1952. The Committee recommends that this commitment should be assumed by the Eastern Regional Marketing Board.

(ix) *Cotton Marketing Board Research Commitments*

The Director of Agriculture, Northern Region, will be submitting shortly to the Cotton Board a scheme for financing cotton research.

The Committee recommends that any commitment arising out of the approval of this scheme should be assumed by the Northern Regional Marketing Board.

(x) *Agricultural and Economic Survey, Northern Region*

The Groundnut Marketing Board and Cotton Marketing Board have undertaken to finance jointly an agricultural and economic survey of the groundnut and cotton producing areas of the Northern Region. The Committee recommends that this commitment should be assumed by the Northern Regional Marketing Board.

(xi) *Groundnut Research Programme of Northern Regional Agricultural Department*

The Groundnut Marketing Board has undertaken to finance a groundnut research programme of the Northern Regional Agricultural Department, over a period of ten years at a total estimated cost of £510,000.

The Committee recommends that this commitment should be taken over by the Northern Regional Marketing Board.

(xii) *Guaranteed Development Allocations*

The Nigeria Oil Palm Produce Marketing Board has guaranteed to the three Regional Production Development Boards a minimum annual development allocation of £800,000 for the six years 1950-1955.

The Groundnut Marketing Board has guaranteed to the Northern and Eastern Regional Production Development Boards a minimum annual allocation of £500,000 until the close of the 1954-55 season.

The Committee recommends that any balances from these allocations outstanding at the time of the formation of the new Regional Boards should be apportioned among them on the derivation basis.

(xiii) *Textile Development*

The Nigeria Cotton Marketing Board has allocated £500,000 towards textile development. The Committee recommends that this commitment should be taken over by the Northern Regional Marketing Board.

I. DISTRIBUTION OF SURPLUS FUNDS

46. The Committee considered it to be implicit in the London Conference proposals that the surplus funds of the existing Marketing Boards should be distributed among the new Regional Boards, and unanimously agrees that the distribution should be on the derivation basis. The sums available for distribution have been estimated as follows:—

Nigeria Cocoa Marketing Board.	£25·8 m.	30th September 1953.
Nigeria Groundnut Marketing Board.	£18·5 m.	31st October 1953.
Nigeria Cotton Marketing Board.	£ 5·5 m.	31st October 1953.
Nigeria Oil, Palm Produce Marketing Board.	£25·7 m.	31st December 1953.
	<hr/>	
	£75·5 m.	

On the basis of derivation these funds would be distributed as follows:—

Northern Regional Marketing Board	£24·8 million
Eastern Regional Marketing Board	£15·1 million
Western Regional Marketing Board	£34·4 million
Southern Cameroons Regional Marketing Board	£ 1·2 million
	<hr/>
	£75·5 million

The sums actually available at the time distribution took place would of course be different, but the figures have been given in this report to give some idea of the size of the amounts involved. It would be necessary, as is explained in Section D above, for the Regional Marketing Boards to make available from the sums distributed to them some £12 million at current prices as working capital.

J. RESEARCH AND DEVELOPMENT

47. The Committee noted that all the existing Boards except the Cotton Board (see paragraph 4 (a) above) have agreed to devote the surplus funds earned each year in the proportion of 70 per cent. for price stabilisation, 22½ per cent. for development, and 7½ per cent. for research. This was not, however, a statutory obligation.

48. The Committee recommends that the Regional Marketing Boards should be given the existing powers of the present Boards to allocate sums to aid development and research. The Committee believes that the exact proportions of sums available which the Regional Marketing Boards would be prepared to devote to these purposes would vary according to Regional needs. Under the functions which the Committee has recommended for the Central Marketing Board, the latter would be able to tender advice to the Regional Marketing Boards if, for example, it felt that sufficient provision was not being made for research. The Committee, therefore, has no specific recommendation to make on the percentage of surplus funds which should be allocated by Regional Marketing Boards for research and development.

49. The Committee noted that all produce subject to Marketing Board arrangements which is now sold in Lagos derives from the Western Region and considered that it was extremely unlikely such produce would be likely to be brought to Lagos from any other Region. The Committee considered therefore that any produce subject to Marketing Board arrangements which is offered for sale on the Lagos produce beach should be treated as produce emanating from the Western Region and considers that the Federal Authority should empower the Western Regional Board to discharge the functions of a Regional Board in regard to the produce buying area in Lagos.

L. MARKETING ARRANGEMENTS: SOUTHERN CAMEROONS

50. The Committee's recommendations regarding the Southern Cameroons have been made on the assumption that the Southern Cameroons becomes a separate Region and so, as would appear to be implicit in paragraph 22 (v) of the London Conference proposals, sets up its own Regional Marketing Board(s). If, however, the Southern Cameroons does not become a separate Region, then these recommendations would not be applicable and the Committee assumed that the Marketing Board's produce from the Southern Cameroons would be handled by the Eastern Regional Marketing Board on which there would presumably be representation from the Southern Cameroons. It would therefore follow that the Southern Cameroons would have no direct representation on the Central Marketing Board or on the Board of Directors of the Nigerian Produce Marketing Company Limited. The shares in the Nigerian Produce Marketing Company Limited which, it is suggested in paragraph 44 should be allocated to Southern Cameroons, would fall to be divided equally among the three Regional Boards.

51. The Committee took note of the following views expressed by Mr. S. A. George on the steps which should be taken if no Southern Cameroons Regional Board were formed and Southern Cameroons produce was handled by the Eastern Regional Marketing Board:—

(1) Records should be kept of the proportion of the receipts of the Boards which was derived from Southern Cameroons produce.

Note: The Committee understands that such records are at present available.

(2) Funds derived from Southern Cameroons produce should be spent for the benefit of Southern Cameroons producers.

(3) A separate Southern Cameroons Advisory Committee or Committees should be established for the Eastern Regional Board.

ANNEX V

Statement by the Heads of Nigerian delegations attending the Conference on the future of overseas staff

Being assembled together in Lagos for the resumed Nigeria Constitutional Conference, we, the leaders of the Nigerian delegations wish to make clear on behalf of our respective delegations and parties our attitude towards the future employment of overseas officers in the Public Services of Nigeria.

We are aware that because of impending constitutional changes and the decision to establish separate Public Services for the Federation and the Regions there is a feeling of uncertainty among many overseas officers regarding security of their employment and the future conditions of their service. As a corollary to the changes which have been agreed we have accepted the need for introducing certain arrangements under which officers, should they so wish, may retire from the service. The details of these arrangements will be set out in the report of the Conference. Nevertheless, it is our hope that these officers will stay with us and we wish to assure them they need have no anxiety about their future if they do so.

First we would like to assure all overseas officers who transfer to the new Public Service of the Federation and the Regions that their services will not hereafter be dispensed with except in accordance with traditional service principles. We are determined to press forward with the Nigerianization of the Civil Service; but we are aware that the efficient administrative machinery which the country must have cannot, as yet, be provided unless a sufficient number of experienced and qualified overseas officers continue to be available. We therefore hope that as many overseas officers as possible now in the Service will continue to give devoted and valuable service to Nigeria in the new circumstances.

We also declare our intention to ensure that the interests of overseas officers who continue in the future to serve in the public services of Nigeria shall be fully safeguarded. We intend that all pensions liabilities (including Widows' and Orphans' benefits) shall be honoured. We assure them that future terms and conditions of service will be fair and reasonable and no less favourable than those obtaining to-day.

The Service will already be aware of the agreement reached at the London Conference that separate Public Service Commission should be established to advise the Governor-General and Governors of Regions respectively on public service matters in Federation and the Regions. We fully support the principle that all Public Service questions including appointments, promotions, transfers, postings, dismissal and other disciplinary matters, should be kept completely free and independent of political control. We hope that the traditional principle of promotion according to qualifications, experience, merit, without regard to race will be maintained.

We hope these assurances will help to allay the feeling of uncertainty at present existing among overseas officers, and will be accepted by them as an expression of our genuine goodwill.

The Nigerian Civil Service has been a partnership in which African and overseas officers work together for a common cause—the good of Nigeria. It is our earnest wish that this same spirit of partnership should continue to animate the new Public Services which are to be established.

(Signed) AHMADU, SARDAUNAN SOKOTO.
NNAMDI AZIKIWE.
OBAFEMI AWOLowo.
E. M. L. ENDELEY.
E. ITA.
AMINU KANO.

LAGOS,
28th January, 1954.