

THE LAWS OF
EASTERN NIGERIA



THE LAWS OF EASTERN NIGERIA

IN FORCE ON
THE 1ST DAY OF OCTOBER, 1963

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF
THE REVISED EDITION (LAWS OF EASTERN NIGERIA) LAW, 1961
(NO. 18 OF 1961)

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Constitution came into effect. Consequently no such order had then been made. The edition does, however, state the law in terms of the 1963 Constitution. The formal alterations necessitated by it, have been made under item 15 of the powers conferred on me by the Revised Edition (Laws of Eastern Nigeria) Law, 1961, and set out in its First Schedule.

The marginal references make use of abbreviations, and a list of them and their meanings is given at the end of this preface.

Some Laws when enacted were called the "Eastern Region so and so Law", such as the Eastern Region Agricultural Law, the Eastern Region Forest Law, and were adapted by an Order of the kind mentioned above so that they became the "Eastern Nigeria so and so Law". Every Law could be, appropriately, entitled the Eastern Nigeria so and so Law, especially those about matters, which are also the matters of Laws in other Regions of the Federation. But "Eastern Nigeria" was not included in the short title of all of them. In this edition, for the sake of uniformity, "Eastern Nigeria" has been omitted from the title of a Law except where it is part of the name of a statutory corporation created by the Law.

The titles of a few other Laws have been changed, for example that of the former Nigerian Legal Practitioners Ordinance. Only a small part of it now has effect as a Regional Law. That small part has nothing to do with legal practitioners but is aimed at people other than legal practitioners who presume to draw up conveyances of land and such like for reward. The Law has been given a new title "Land Instruments Preparation Law". Footnotes draw attention to changes of titles.

At the end of Volume I is an alphabetical index of the Laws of all the Volumes.

The subsidiary legislation is not printed separately, in Volumes after those of the Laws, as was usual in Nigeria until the 1959 edition of the Laws of Western Nigeria. Instead (as in that 1959 Western edition) it is printed next after the end of the Law under which it was made, with one exception. Where there is more than one kind of subsidiary legislation made under a Law, the headings of the right-hand pages show the kind of subsidiary legislation and the headings change as often as the kind of subsidiary legislation does. It is thought that this will make it easier to find what is being looked for.

extracted from the rest of the subsidiary legislation of this Law and removed to the last two volumes. This subsidiary legislation is very far from being static, and is continually affected by amending or new instruments. It has therefore been kept up to date during the printing of the preceding Volumes, and has its own "later appointed date" as provided for in the Law (No. 18 of 1961), which is printed at the beginning of the particular volumes.

There is a chronological table of Laws in Volume I. This traces the ancestry, so to speak, of the Laws of Eastern Nigeria as far back (when it reaches that far) as their inclusion in the 1948 edition of the Laws of Nigeria, but no further. Their earlier ancestry has little or no practical use nowadays, and anyone, who has occasion to enquire into it, can find it in the notes in the margins against the Long Titles in the 1948 edition of the Laws of Nigeria, or in the chronological table in Volume I of the 1958 edition of the Laws of the Federation of Nigeria and Lagos.

I am grateful for the help given to me by Mr N. Uwechia, the Deputy Commissioner for Law Revision. Together, we tackled the first stages of the work of revision and continued until he was seconded for special duty with the Government of Nyasaland (as Malawi then was). When he returned to Eastern Nigeria, the revision had been completed; but the printing had not long started and he undertook the major part of the correction of the printer's proofs.

I also acknowledge gratefully the interested and patient co-operation of the Government Printer and his staff in the printing of this edition.

C. G. A.

List of Abbreviations used in this edition

| | |
|------------------------|---|
| Cap. | Chapter of this Edition. |
| L. of N. 1948 Cap. ... | Chapter of the 1948 Edition of the Laws of Nigeria. |
| Fed. Cap. | Chapter of the 1958 Edition of the Laws of the Federation of Nigeria and Lagos. |
| N. | Nigeria Ordinance or Act. |
| E.R.N. | Law of the Eastern Region of Nigeria. |
| E.N. | Law of Eastern Nigeria. |
| E.R.L.N. | Eastern Region of Nigeria Legal Notice. |
| E.N.L.N. | Eastern Nigeria Legal Notice. |
| E.N.L.G.N. | Eastern Nigeria Local Government Notice. |
| N.L.N. | Nigeria Legal Notice. |
| P.N. | Public Notice. |
| O. in C. | Order in Council. |

2. To consolidate into one Law any two or more Laws *in pari materia*, making the alterations rendered necessary by that and affixing such date to that Law as may seem most convenient.
 3. To alter the order of sections in a Law, and, in all cases where it may appear to be necessary, to renumber sections.
 4. To alter the form or arrangement of a section, by—
 - (a) transferring words,
 - (b) combining it in whole or in part with another section or other sections, or
 - (c) dividing it into two or more subsections.
 5. To divide laws, whether or not consolidated, into Parts and Divisions.
 6. To transfer a provision contained in an enactment from that enactment to another enactment to which the Commissioner considers that it more properly belongs.
 7. To arrange the laws, whether or not consolidated, in a group or sequence that may be convenient.
 8. To alter the word "Ordinance" to the word "Law" in the long title or short title of any Ordinance and where such alteration is made to alter accordingly any reference to the enactment concerned in any other Law, Order, Regulation, Rule, Rule of Court, direction or any other instrument having the effect of law.
 9. To add a title, or short title, to a law which may require it, and to alter the title or short title of a law.
 10. To supply or alter marginal notes.
 11. To supply or alter tables of contents.
 12. To correct cross references.
 13. To shorten and simplify the phraseology of an enactment.
 14. To correct grammatical and typographical errors in laws and, for that purpose, to make verbal additions, alterations or omissions not affecting the meaning of a law.
 15. To make such formal alterations as to localities, names, offices and otherwise as may be necessary to bring a law into conformity with the circumstances of Eastern Nigeria or a part thereof.
 16. To make such adaptations of, or other amendments to, enactments as may appear to be necessary or proper as a consequence of a change in the constitution of a part of the Commonwealth.
 17. To do all things relating to form and method appearing to him to be necessary for the perfecting of the revised edition.
-

SECOND SCHEDULE—*continued*

Column 1

Column 2

Change of Titles Ordinance (Cap. 30)

Section 4

Delete the section and substitute—

“Change in titles of public offices.

4. Whenever any change of any title of a public office is made the Governor may by order direct that wherever the former title may appear in the enactments in force in Eastern Nigeria on the date of such order there shall be substituted the new title of such public office.”

Section 6

Delete the section and substitute—

“Change in departmental, etc., titles.

6. Whenever any change of the title of any department or Ministry or of any branch of any department or Ministry is made the Governor may by order direct that wherever the former title may appear in the enactments in force in Eastern Nigeria on the date of such order there shall be substituted the new title of such department or Ministry or branch thereof.”

Cinematograph Ordinance (Cap. 32)

Whole Ordinance

Delete “Governor” and “Governor in Council” wherever these words occur and substitute “Minister”.

Coroners Ordinance (Cap. 41)

Section 2

In its proper alphabetical order insert the following new definition—

“‘local government council’ means a council established or deemed to have been established under any written law relating to local government in Eastern Nigeria;”

Criminal Code (Cap. 42)

Section 2

(i) Insert in their proper alphabetical order the following new definitions—

“‘Act’ means an enactment of Parliament of Federal application or any other enactment which has effect as such;

“‘customary court’ means a court established, or deemed to have been established, under any law authorizing the establishment of customary courts.

“‘Law’ means an enactment of the Legislature of Eastern Nigeria or any other enactment which has effect as such;

ster”.

(3) Where in—

(a) an enactment, or

(b) document of any kind,

reference is made to an enactment repealed or otherwise affected by the operation of this Law, that reference shall, where necessary and practicable, be construed as applying to the corresponding enactment contained in the revised edition.

10. (1) As soon as practicable after completion of the revised edition, the Commissioner shall transmit a copy thereof to the Minister who shall lay the copy on the tables of the Legislative Houses of Eastern Nigeria.

Bringing revised edition into force.

(2) On the passing of a resolution of the Houses authorizing him to do so, the Governor may, by proclamation, order that the revised edition shall come into force on a date to be fixed by him.

(3) Notwithstanding subsections (1) and (2), the Governor may, upon the passing of a resolution of the Houses authorizing him to do so, bring into force by proclamation such part of the revised edition as may, from time to time, be completed and published.

(4) Section 9 shall apply to the part so brought into force.

11. (1) One copy of each volume of the revised edition shall be—

Signature and transmission of copy.

(a) dated and signed by the Commissioner and by the Minister, respectively, and

(b) sealed with the Public Seal of Eastern Nigeria.

(2) The copy shall be transmitted to the Chief Justice of Eastern Nigeria who shall deposit it amongst the records of the High Court.

12. (1) Copies of the revised edition shall be distributed among such persons, authorities, Ministries and Institutions as the Minister may direct.

Distribution of copies.

(2) Copies thereof may be distributed, without cost, to territories with whom reciprocal arrangements are entered into to the satisfaction of the Minister.

(3) The Minister shall direct the—
 (a) number, and
 (b) price of,
 copies to be offered for sale to the general public.

Expenses of
preparation
and publica-
tion.

13. Upon a warrant addressed to him by the Minister of Finance, the Accountant-General may make payment of all expenses for, and incidental to, the cost of the preparation, printing and publication of the revised edition.

Where this
Law to be
reprinted.

14. (1) This Law shall be reprinted in an introduction to the first volume of the revised edition.

(2) Immediately after that reprint there shall appear a list of the laws and parts of Laws, which, in accordance with section 5, need not be included in the revised edition.

(3) There shall also be printed in the introduction a list of any Laws—

- (a) commencing after the appointed date, and
- (b) taken into account in accordance with paragraph (c) of subsection (4) of section 6.

FIRST SCHEDULE

(Section 6)

POWERS OF THE COMMISSIONER

(N.L.N. 159
of 1960)

1. To omit—
 - (a) all laws or parts thereof repealed either—
 - (i) expressly and specifically, or
 - (ii) by virtue of section 3 of the Nigeria (Constitution) Order in Council, 1960, or an order under that section, or which have expired, or become spent;
 - (b) all repealing enactments contained in laws and, also, all lists and tables of repealed enactments, whether contained in Schedules or otherwise;
 - (c) all preambles to laws, where those omissions can, in the opinion of the Commissioner, conveniently be made;
 - (d) all enacting clauses;
 - (e) all enactments prescribing the date when a Law, or part of a Law, is to commence, where the omission can, in the opinion of the Commissioner, conveniently be made;
 - (f) all amending laws or parts thereof where the amendments effected by them have been embodied by the Commissioner in the Law to which they relate.

The Revised Edition
(Laws of Eastern Nigeria) Law, 1961

SECOND SCHEDULE—*continued*

Column 1

Column 2

“Regional Waters’ means any waters within Eastern Nigeria other than tidal waters, the River Niger and its affluents and any other inland waterway declared by Parliament to be an international waterway or to be an inter-Regional waterway;

“the Region’ means Eastern Nigeria and ‘a Region’ means any Region of the Federation of Nigeria or the Federal Territory;”;

(ii) Delete the definitions “Order in Council” and “Statute”.

Section 62A Delete “in Council”.

Sections 211 and 212 Delete “Order in Council” and substitute “order made under section 207”.

Sections 24D and 240E Delete “Governor” wherever the word occurs and substitute “Minister of Internal Affairs”.

Section 246 Delete “Governor” and substitute “Minister of Health”.

Section 369 In subsection (6), delete “being a British subject or a non-native”.

Criminal Procedure Ordinance (Cap. 43)

Section 2 (1) (i) In the definition of “whip”, delete “Governor” and substitute “Minister”;

(ii) In their proper alphabetical order insert the following new definitions—

“‘Act’ means an enactment of Parliament of Federal application or any other enactment which has effect as such;

‘Federal Law’ means any Act;

‘Law’ means an enactment of the Legislature of the Region or any other enactment which has effect as such.

‘Supreme Court’ means the Court established by section 111 of the Constitution of the Federation;

‘The Region’ means Eastern Nigeria and ‘a Region’ means any Region of the Federation or the Federal territory”;

(iii) Delete the definition “Offence” and substitute “Offence” means an offence against any Law or Act, including any regulation, order, rule or proclamation made under a Law or Act.

Section 10 Delete subsection (3).

Section 26 Delete the section.

Section 72 Delete “may exhibit” and substitute “might have, before the enactment of the Crown Proceedings Act, 1947, exhibited”.

SECOND SCHEDULE—*continued*

| Column 1 | Column 2 |
|-------------------------------------|--|
| Section 146 | (i) In paragraph (f) <i>delete</i> "Native Authority" and <i>substitute</i> "local government council". (ii) <i>Delete</i> paragraph (g) and <i>substitute</i> — "(g) property belonging to a woman who has contracted a marriage under the Marriage Act or a marriage recognized as a valid marriage under the law of any country may be stated as belonging to such married woman". |
| Sections 225, 231, 233, 234 and 235 | <i>Delete</i> "Governor" wherever the word occurs and <i>substitute</i> "Minister of Justice". |
| Section 272 | <i>Delete</i> "Governor" and <i>substitute</i> "Minister". |
| Section 312 | <i>Delete</i> "The magistrate shall examine the witness" and <i>substitute</i> "The witness shall be examined". |
| Section 328 | <i>Delete</i> "as may be made by the High Court of Justice in England under any powers vested therein", and <i>substitute</i> "as could have been made by High Court of Justice in England on the 30th day of September, 1960". |
| Section 335 | <i>Delete</i> "in Council".— |
| Section 363 | <i>Delete</i> the section and <i>substitute</i> — "363. In so far as this Law does not make provision for any matter of practice or procedure in any criminal proceeding or trial to which it applies, the practice and procedure therefor, which was in force in England on the 30th day of September, 1960, shall apply thereto". |
| Sections 364 and 365 | <i>Delete</i> the sections. |
| Section 369 | Next after section 369, <i>add</i> the following new section— "369A. Sections 370 to 375 shall apply where the sentence of death has been passed for an offence in respect of which the power of pardon is vested in the Governor". |
| Sections 370, 371 and 372 | <i>Delete</i> subsection (2) of section 370 and sections 371 and 372 and <i>substitute</i> — "370 (2) The presiding judge shall at the same time send a copy of the finding and sentence and of the notes of evidence and of his report to the member of the Executive Council designated under subsection (2) of section 46 of the Constitution of Eastern Nigeria (hereinafter called the designated Minister). 371. The Governor after receiving the advice of the designated Minister shall make such order as may be requisite. |

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SECOND SCHEDULE—*continued*

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| | 372. The designated Minister shall send a copy of the Governor's Order to the Judge who presided over the trial or to his successor in office and such order to be entered in the record of the court." |
| Section 374 | (i) Next after "by telegraph" <i>insert</i> "by the designated Minister"; (ii) <i>Delete</i> "telegraph to the Governor" and <i>substitute</i> "telegraph to the designated Minister". |
| Section 376 | In subsection (6), <i>delete</i> "Governor" and <i>substitute</i> "designated Minister". |
| Section 378 | <i>Delete</i> the section. |
| Fourth Schedule | In each of the Form of Order for Execution and the Form of Order for Commutation of sentence, <i>delete</i> the third recital and <i>substitute</i> — "And whereas I have been advised by the member of the Executive Council designated in that behalf". <i>Crown Lands Ordinance (Cap. 45)</i> <i>Delete</i> "Governor" wherever the word occurs and <i>substitute</i> "Minister". |
| Whole Ordinance except sections 3 and 45 | |
| Section 2 | <i>Delete</i> the definition of "Crown Land" and <i>substitute</i> — "State land' means all public lands in Eastern Nigeria which were on the 30th day of September, 1960, subject to the control of Her Majesty and held for a public purpose and all land thereafter acquired by or on behalf of the Government of Eastern Nigeria and held for any such purpose,". |
| Section 4 | (i) <i>Renumber</i> the section as subsection (1) of section 4; (ii) In subsection (1), as renumbered, <i>delete</i> the comma and all words following "an indefinite term"; (iii) <i>Add</i> the following new subsection— "(2) Subject to the regulations made under this |

SECOND SCHEDULE—*continued*

| Column 1 | Column 2 |
|---------------------------------------|---|
| | <i>Regulations under section 37 of Crown Lands Ordinance (Regulations 34 of 1918)</i> |
| Whole Regulations except the Schedule | (i) Delete "Governor" wherever the word occurs and substitute "Minister"; |
| | (ii) Delete "non-European occupation lease" wherever the words occur and substitute "occupation lease". |
| Regulation 1 | In paragraph (d), delete "to a non-European"; |
| Regulation 4 | (i) In paragraph (2) under the heading "A—Covenants" and paragraph (b) under the heading "B—Conditions", delete "natives" and substitute "inhabitants"; |
| | (ii) In paragraph (c) under the heading "B—Conditions" |
| | (a) In its item (i), delete "natives" and substitute "persons living therein"; |
| | (b) Delete "and placed at least 440 yards from nearest European residence"; |
| | (iii) In paragraph (d) under the same heading "B—" |
| | (a) delete, except in the proviso, "natives" and "native" and substitute, respectively, "inhabitants" and "any such inhabitant". |
| | (b) in the proviso, delete "natives" and substitute "persons". |
| | <i>Destruction of Mosquitoes Ordinance (Cap. 52)</i> |
| Whole Ordinance | Delete "Governor" wherever the word occurs and substitute "Minister". |
| Section 18 | Delete "Regional Director of Medical Services" and substitute "Minister". |
| Section 20 | In subsection (2), delete "Governor in Council" and substitute "Minister". |
| | <i>Diseases of Animals Ordinance (Cap. 55)</i> |
| Section 2 | Delete "Governor" wherever the word occurs and substitute "Minister". |
| Section 3 | Delete "Governor in Council" and substitute "Minister". |
| | <i>Diseases of Animals Regulations, 1917 (Regulations 7 of 1918)</i> |
| Whole Regulations | Delete "native authority" wherever these words occur and substitute "local government council". |

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SECOND SCHEDULE — *continued*

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------------------|--|
| | <i>Dogs Ordinance (Cap. 56)</i> |
| Sections 2, 4, 11 and 16 | Delete "Governor" wherever the word occurs and substitute "Minister". |
| Section 25 | Next after section 25 <i>add</i> the following new section— "25A. The Minister may make regulations for the better carrying out of the purposes of this Ordinance". |
| | <i>Escorts (Requisition of Supplies) Ordinance (Cap. 61)</i> |
| Section 3 | Next after "he will pay" <i>insert</i> "compensation". |
| Section 5 | Delete the section and <i>substitute</i> — "5. (1) Where the amount tendered in payment of supplies seized and appropriated is considered by the person claiming to be entitled thereto to be less than the rates generally prevailing in the neighbourhood and such person refuses to accept the amount tendered, he may within fourteen days of the date when the amount was tendered, apply to the Minister to decide the amount to be paid. The Minister may confirm or vary, whether by increase or decrease, the amount to be paid. (2) If the applicant is aggrieved at the decision of the Minister, he may within fourteen days appeal therefrom to the High Court, which Court may confirm or vary the decision of the Minister. An appeal under this subsection shall be made in such manner as may be prescribed by rules of court". |
| | <i>Evidence Ordinance (Cap. 63)</i> |
| Section 116 | Delete "for the time being in the United Kingdom" and substitute "in the United Kingdom on the 30th day of September, 1960." |
| | <i>Ex-Native Office Holders Removal Ordinance (Cap. 68)</i> |
| Long title | Delete "Native Authorities" and substitute "chairmen or councillors of local government councils". |
| Section 1 | Delete "Ex-native" and substitute "Ex-Local Government". |
| Section 2 | Delete "order and good government" and substitute "public safety and public order". |
| Section 3 | Delete "Governor in Council" and substitute "Minister". |
| | <i>Explosives Regulations (Regulations 6 of 1946)</i> |
| Whole Regulations | Delete "Governor" wherever the word occurs and substitute "Minister". |
| Regulation 2 | <i>Insert</i> in its proper alphabetical order the following new definition— "Safe Mining Regulations' means the Safe Mining Regulations made under the Safe Mining Act;". |

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SECOND SCHEDULE—*continued*

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------|--|
| Regulation 3 | <p><i>Delete</i> "in the United Kingdom is forbidden under the provisions of any law for the time being in force therein" and <i>substitute</i> "in the United Kingdom was on the 30th day of September, 1960, forbidden under the provisions of any law".</p> <p style="text-align: center;"><i>Hides and Skins Ordinance (Cap. 85)</i></p> |
| Section 2 | <p><i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister".</p> <p style="text-align: center;"><i>Illiterates Protection Ordinance (Cap. 88)</i></p> |
| Section 6 | <p><i>Delete</i> "in Council".</p> <p style="text-align: center;"><i>Interpretation Ordinance (Cap. 51)</i></p> |
| Section 2 | <p><i>Delete</i> "notices and directions" and <i>substitute</i> "notices, directions and other instruments having the effect of law";</p> |
| Section 3 | <p>(i) <i>Renumber</i> the section as subsection (i) of section 3.</p> <p>(ii) <i>Delete</i> the definitions "Law" and "Regional Minister" and <i>substitute</i>, respectively—</p> <p style="padding-left: 2em;">" 'Law' means an enactment of a Regional Legislature or any other enactment which has effect as such, and includes any order, regulation, rule, rule of court, proclamation or other instrument having the effect of law made under the authority of any such Law and the expression the Law where used in any such order, regulation, rule, rule of court, proclamation or instrument means the Law under the authority of which such order, regulation, rule, rule of court, proclamation or instrument, as the case may be, was made;";</p> <p style="padding-left: 2em;">" 'Minister', when no particular Minister is specified in the context, means the Minister, charged in accordance with section 38 of the Constitution of Eastern Nigeria, with responsibility for the matter to which the context relates, or, if no Minister is so charged, the Premier;";</p> <p>(iii) In the definitions "customary court" and "local government council", next after the word "established" <i>insert</i> "or deemed to have been established";</p> <p>(iv) In the definition "military forces", <i>delete</i> all the words after "civilian" and <i>substitute</i> "rank and file and ratings belonging to or on the strength of the Nigerian Military Forces or the Nigerian Navy;";</p> <p>(v) In the definition "written law", next after "rules of court" <i>insert</i> "and other instruments having the effect of law";</p> |

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SECOND SCHEDULE—*continued*

| Column 1 | Column 2 |
|------------|---|
| | (vi) <i>Insert</i> in the proper alphabetical order the following new definitions— “‘Act or Act of Parliament’ means an enactment of the Federal Legislature or any other enactment which has effect as such; ‘Nigerian’ means a citizen of Nigeria; ‘non-Nigerian’ means a person other than a citizen of Nigeria.”; |
| | (vii) <i>Add</i> the following new subsection (2)— “(2) Where a Law states the meaning to be given to any term or word used therein, such term or word shall have that meaning unless the context otherwise requires.” |
| Section 4 | <i>Delete</i> “scheme or letters patent” and <i>substitute</i> “scheme, letters patent or other instruments having the effect of law”. |
| Section 7 | Next after “public notice”, <i>insert</i> “or any instrument having the effect of law, or any”. |
| Section 10 | <i>Add</i> next after section 10 the following new section— “References in Laws to provisions of Acts. 10A. Where in any Law reference is made to any provisions of an Act and that provision is subsequently repealed and re-enacted with or without modification, such reference shall, if the context so requires and unless the contrary intention appears, be construed as a reference to the provisions so re-enacted.” |
| Section 2 | <i>Add</i> next after section 12 the following new section— “Construction of Laws to be subject to the Constitution of the Federation. 12A. Every Law enacted by the Regional Legislature shall be read and construed subject to the Constitution of the Federation and so as not to exceed the legislative power of that Legislature, to the intent that where any provision of any such Law would, but for this section, have been construed as being in excess of that power, such Law, shall nevertheless be construed as valid to the extent to which its provisions are not in excess of that power.” |
| Section 13 | <i>Delete</i> “Whenever by any Act of Parliament or Ordinance any Act of Parliament is extended to Nigeria; such Act” and <i>substitute</i> “Any Act of Parliament of the United Kingdom, which had effect as part of the law of Eastern Nigeria on the 30th day of September, 1963, and which continues to have such effect.” |

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SECOND SCHEDULE

(Section 8)

TABLE OF MISCELLANEOUS AMENDMENTS

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------------------------|--|
| | LAWS OF NIGERIA (1948 EDITION) |
| | <i>Adulteration of Produce Ordinance (Cap. 9)</i> |
| Section 10 | <i>Delete</i> "Governor or any officer authorized by him on that behalf" and <i>substitute</i> "Minister". |
| Section 14 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". <i>Anatomy Ordinance (Cap. 11)</i> |
| Section 2 | <i>Delete</i> "A Director of Medical Services" and <i>substitute</i> "the Minister". |
| Section 12 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". <i>Assessment Ordinance (Cap. 16)</i> |
| Whole Ordinance | <i>Delete</i> "Governor" wherever the word occurs and <i>substitute</i> "Minister". |
| Section 25 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". <i>Births, Deaths and Burials Ordinance (Cap. 20)</i> |
| Section 2 | In its proper alphabetical order <i>insert</i> the following new definition— " 'Principal Registrar' means the Principal Registrar appointed under section 4 of the Births, Deaths and Burials Act;". |
| Section 3 | In subsection (1)— (i) <i>Delete</i> "non-natives" and <i>substitute</i> "persons other than citizens of Nigeria"; (ii) <i>Delete</i> "in Council". |
| Sections 3 (2), 36, 37, 38 and 48 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". |
| Sections 4A and 43 | <i>Delete</i> "Governor" and <i>substitute</i> "Minister". <i>Census Ordinance (Cap. 29)</i> |
| Section 2 | <i>Delete</i> "in Council". |
| Sections 3, 4 and 8 | <i>Delete</i> "Governor" and <i>substitute</i> "Minister". |
| Section 9 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". |

SECOND SCHEDULE — *continued*

| Column 1 | Column 2 |
|-----------------------------|---|
| Section 3 | <p><i>Insert</i> in its proper alphabetical order the following definition—</p> <p>“ ‘certificate of title’ means a certificate issued by the Registrar in accordance with the provisions of section 55;”.</p> <p><i>Sale of Food Ordinance (Cap. 202)</i></p> |
| Sections 2 and 7 | <p><i>Delete</i> “Governor” and <i>substitute</i> “Minister”.</p> <p><i>Sales by Auction Ordinance (Cap. 203)</i></p> |
| Section 1 | <p><i>Delete</i> “in Council”.</p> |
| Sections 5, 8, 9, 10 and 25 | <p><i>Delete</i> “Governor” wherever the word occurs and <i>substitute</i> “Minister”.</p> |
| Section 30 | <p><i>Delete</i> “Governor in Council” and <i>substitute</i> “Minister”.</p> <p><i>Sheriffs and Civil Process Ordinance (Cap. 205)</i></p> |
| Section 52 | <p>(i) In subsection (1), <i>delete</i> “Governor” and <i>substitute</i> “Minister”.</p> <p>(ii) <i>Delete</i> subsection (2) and <i>substitute</i>—</p> <p>“(2) In this section ‘Minister’ has the same meaning as it has in the Acquisition of Land by Aliens Law”.</p> <p><i>Shipping and Navigation Ordinance (Cap. 206)</i></p> |
| Section 2 | <p>(i) In the definition “passenger”, next after “person” <i>insert</i> “not being a child of less than one year of age”;</p> <p>(ii) In the definition “power driven small craft”, <i>delete</i> “ten” and <i>substitute</i> “fifteen”;</p> <p>(iii) <i>Insert</i> in its proper alphabetical order the following new definition—</p> <p>“ ‘Regional inland waters’ means inland waters within Eastern Nigeria, except tidal waters and the River Niger and its affluents and any other inland waterway declared by Parliament to be an international or an inter-Regional waterway;”.</p> |
| Section 44 | <p>In paragraph (a) of subsection (1), <i>delete</i> “Board of Trade” and <i>substitute</i> “Shipping and Navigation Act, 1962”.</p> |
| Section 45 | <p><i>Delete</i> “Governor in Council” and <i>substitute</i> “Minister”.</p> |

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SECOND SCHEDULE—*continued*

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| | <i>Prevention of Crimes Ordinance (Cap. 175)</i> |
| Sections 2 and 4 | <i>Delete "Governor-General" and substitute "Governor".</i> |
| Section 6 | <i>Delete "Governor-General in Council" and substitute "Minister".</i> |
| | <i>Public Collections (Regulation) Ordinance (Cap. 182)</i> |
| Section 6 | <i>In paragraph (a) of subsection (3), delete "stated".</i> |
| Sections 6 and 13 | <i>Delete "Governor in Council" and substitute "Minister".</i> |
| | <i>Public Health Ordinance (Cap. 183)</i> |
| Whole Ordinance, except section 47 | <i>Delete "Governor" and "Governor in Council" wherever these words occur and substitute "Minister".</i> |
| Section 3 | <i>In the definition "infectious disease", delete "plague, cholera, yellow fever, smallpox, cerebro-spinal meningitis, diphtheria, scarlet fever, typhoid and sleeping sickness and includes".</i> |
| Section 47 | <i>Delete "in Council".</i> |
| | <i>Public Lands Acquisition Ordinance (Cap. 185)</i> |
| Whole Ordinance, except section 26 and Forms A, E, F and G of the Schedule | <i>Delete "Governor" wherever the word occurs and substitute "Minister".</i> |
| Section 26 and Forms B, C, and D of the Schedule | <i>Delete "Her Majesty, Her heirs and successors" and substitute "the Government of Eastern Nigeria".</i> |
| | <i>Recovery of Premises Ordinance (Cap. 193)</i> |
| Section 1 | <i>In subsection (2), delete "in Council".</i> |
| | <i>Registration of Titles Ordinance (Cap. 197)</i> |
| Sections 2 and 101 | <i>Delete "in Council" wherever these words occur.</i> |

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SECOND SCHEDULE—*continued*

| Column 1 | Column 2 |
|---|--|
| | <i>Shipping and Navigation (Licensing of Boats) Regulations (Regulations 2 of 1935)</i> |
| Regulation 12 | Delete "passengers" and "passenger" wherever either word occurs and substitute respectively "persons" and "person". |
| | <i>Stamp Duties Ordinance (Cap. 209)</i> |
| Section 2 | In the definition "die", delete "Governor" and substitute "Minister". |
| Section 3 | (i) In subsection (2), delete "Governor" and substitute "Minister". (ii) In subsection (3), delete "Governor in Council, the Governor" and substitute "Governor, the Minister". |
| Sections 5, 15, 105, 107, 111 and 113 | Delete "Governor" wherever the word occurs and substitute "Minister". |
| Section 22 | In subsection (7), delete "Governor in Council" and substitute "Minister". |
| | <i>Unlicensed Guides (Prohibition) Ordinance (Cap. 222)</i> |
| Section 2 | Delete "in Council". |
| Section 3 | In subsection (8), delete "Governor" and substitute "Minister". |
| Section 11 | Delete the section. |
| Section 13 | Delete "Governor in Council" and substitute "Minister". |
| | <i>Vaccination Ordinance (Cap. 224)</i> |
| Section 3 | In subsection (2), delete "Governor" and substitute "Minister". |
| Sections 6 and 21 | Delete "Governor in Council" in each section and substitute "Minister". |
| | <i>Waterworks Ordinance (Cap. 227)</i> |
| Whole Ordinance | Delete "appropriate authority" wherever the words occur and substitute "Minister". |
| Section 2 | (i) In the definition "prescribed authority", delete "and for meter rent"; (ii) Delete the definition "water authority" and substitute— " 'water authority' means the Permanent Secretary of the Ministry of Works and any person to whom the powers of the Permanent Secretary have been delegated;". |

SECOND SCHEDULE—*continued*

| <i>Column 1.</i> | <i>Column 2</i> |
|-----------------------------------|---|
| Section 9 | (i) In paragraph (a)— (a) <i>Delete</i> sub-paragraph (iii); (b) in sub-paragraph (iv), <i>delete</i> the proviso; (ii) In paragraph (c), <i>delete</i> “(not exceeding double that prescribed for other tenements of the same value)”. <i>Delete</i> the sections. |
| Sections 14 and 15 | <i>Delete</i> the sections. |
| Section 16 | <i>Delete</i> “Governor in Council” and <i>substitute</i> “Minister”. |
| | <i>Waterworks (Waste Prevention) Regulations (Regulations 4 of 1944)</i> |
| First Schedule | (i) In paragraph 10, <i>delete</i> “1933” and <i>substitute</i> “1956”. (ii) In paragraph 17, <i>delete</i> “and drawings appended hereto”. (iii) <i>Delete</i> the drawings appended to the Schedule. |
| | <i>Waterworks (Rental of Meters) Regulations (Regulations 72 of 1944)</i> |
| Whole Regulations | <i>Delete</i> the whole Regulations. |
| | <i>Urban Water Supply Regulations (E.N.L.N. 32 of 1960)</i> |
| Regulation 6 | After “by the Water Authority”, <i>add</i> “at the rate mentioned in regulation 4”. |
| | <i>Wild Animals Preservation Ordinance (Cap. 232)</i> |
| Whole Ordinance except section 2. | <i>Delete</i> “Governor” and “Governor in Council” wherever the words occur and <i>substitute</i> “Minister”. |
| Section 2 | <i>Delete</i> the section and <i>substitute</i> — “2. The Governor may by order suspend the operation of this Law or of any of the provisions thereof, either as to the whole of Eastern Nigeria or as to any part thereof.” |
| Section 3 | <i>Insert</i> in its proper alphabetical order, the following new definition— “‘Government’ means the Government of Eastern Nigeria;”. |
| | <i>Yellow Fever and Infectious Diseases (Immunization) Ordinance (Cap. 236)</i> |
| Whole Ordinance except section 11 | <i>Delete</i> “Governor”, “Governor in Council” and “Director of Medical Services” wherever the words occur and in each case <i>substitute</i> “Minister”. |

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SECOND SCHEDULE — *continued*

| Column 1 | Column 2 |
|------------|--|
| Section 11 | <p><i>Delete</i> "the Director of Medical Services of a Region, in relation to any orders of the Governor in Council of a Region made under section 3, or made by a Governor under section 12" and <i>substitute</i> "the Minister".</p> |
| Section 2 | <p><i>Laws of Nigeria, 1948-1949 Supplement</i> <i>Road Traffic Ordinance (No. 43 of 1947)</i></p> <p><i>Insert</i> in their proper alphabetical order the following new definitions—</p> <p style="padding-left: 2em;">" 'central registrar' means the central registrar of licences under the provisions of subsection (2) of section 3 of the Road Traffic Act;";</p> <p style="padding-left: 2em;">" 'local government council' means a local government council established or deemed to have been established under a written law relating to local government in Eastern Nigeria;".</p> |
| Section 3 | <p><i>Delete</i> "Governor" wherever the word occurs and <i>substitute</i> "Minister".</p> |
| Section 5 | <p><i>Delete</i> subsection (1) and <i>substitute</i>—</p> <p style="padding-left: 2em;">"(1) The owner of a motor vehicle or trailer may register the same and obtain a licence which shall be valid throughout Eastern Nigeria in respect thereof in accordance with the regulations made under this Law; and a licence obtained in any other Region of Nigeria or in the Federal territory of Lagos shall be valid in Eastern Nigeria:</p> <p style="padding-left: 2em;">Provided that no licence, valid for a period of more than fourteen days, shall be issued by any licensing authority unless—</p> <p style="padding-left: 4em;">(i) the owner ordinarily resides in Eastern Nigeria; or</p> <p style="padding-left: 4em;">(ii) if the owner ordinarily resides elsewhere, the motor vehicle or trailer is normally operated in Eastern Nigeria".</p> |
| Section 6 | <p><i>Delete</i> subsection (1) and <i>substitute</i>—</p> <p style="padding-left: 2em;">"(1) A dealer who ordinarily carries on business in Eastern Nigeria may, in accordance with the regulations made under this Law, obtain from a licensing authority a special trade licence which may be used throughout Eastern Nigeria on any motor vehicle or trailer for such purposes and in such circumstances as may be prescribed; and any special trade licence obtained in any other Region of Nigeria or in the Federal territory of Lagos shall be valid in Eastern Nigeria".</p> |

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SECOND SCHEDULE — *continued*

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Section 2 | <p><i>Insert in their proper alphabetical order the following new definitions—</i></p> <p>“‘Accountant-General’ means the Accountant-General of Eastern Nigeria”;</p> <p>“‘Ministry’ means the Ministry of Finance incorporated by the Incorporation (Ministry of Finance) Law, 1960”;</p> <p><i>Eastern Nigeria Loans Law, 1954 (No. 4 of 1954)</i></p> |
| Section 2 | <p><i>Insert in its proper alphabetical order the following new definition—</i></p> <p>“‘Ministry’ means the Ministry of Finance incorporated by the Incorporation (Ministry of Finance) Law, 1960”;</p> |
| Section 3 | <p><i>Delete “Lieutenant-Governor” wherever the word occurs and substitute “Ministry”.</i></p> <p><i>Cattle (Taxation and Control) Law, 1954 (No. 9 of 1954)</i></p> |
| Section 10 | <p>(i) <i>In subsection (1), delete “Governor” and substitute “Executive Council”;</i></p> <p>(ii) <i>In subsection (2), delete “Governor” and substitute “Minister”.</i></p> |
| Section 11 | <p><i>Delete “Governor” and substitute “Minister”.</i></p> |
| LAWS OF THE EASTERN REGION OF NIGERIA, 1955 VOLUME | |
| <i>Stamp Duties (Evidence) Law, 1955 (No. 4 of 1955)</i> | |
| Section 2 | <p>(i) <i>In subsection (1), next after “in which it was stamped” insert “or in the Federal territory”.</i></p> <p>(ii) <i>Delete subsection (2).</i></p> <p><i>Magistrates’ Courts Law, 1955 (No. 10 of 1955)</i></p> |
| Section 57A | <p><i>In paragraph (d) of subsection (3), delete “Governor” and substitute “Minister of Justice”.</i></p> |
| Section 88 | <p><i>Next after “The Magistrates’ Court Ordinance”, insert “and the Magistrates Courts (Appeals) Ordinance and the Magistrates Courts (Civil Procedure) Ordinance”.</i></p> <p><i>Eastern Nigeria Information Service Law, 1955 (No. 15 of 1955)</i></p> |
| Section 23 | <p><i>Delete the section.</i></p> <p><i>Eastern Nigeria Printing Corporation Law, 1955 (No. 19 of 1955)</i></p> |
| Section 15 | <p><i>Delete “Governor in Council” and substitute “Minister”.</i></p> |

SECOND SCHEDULE—continued

| Column 1 | Column 2 |
|--|--|
| | <i>High Court Law, 1955 (No. 27 of 1955)</i> |
| Section 2 | In the definition "law officer", <i>delete</i> "the Deputy Commissioner for Law Revision" and <i>substitute</i> "the Legal Draftsman, the Deputy Legal Draftsman". |
| Sections 3 and 9 | In each section, <i>delete</i> "of the Federation of Nigeria". |
| Section 10 | <i>Delete</i> "authorities vested" and <i>substitute</i> "authorities which were on the 30th day of September, 1960, vested". |
| Sections 15 and 16 | <i>Delete</i> "for the time being" and <i>substitute</i> "which were on the 30th day of September, 1960". |
| Sections 17 and 18 | <i>Delete</i> the sections. |
| Section 25 | <i>Delete</i> the section and <i>substitute</i> — "25. A judgment of any Court of competent jurisdiction at any time established by law may, in respect of the same subject matter, be pleaded as a defence to any proceedings commenced in Eastern Nigeria by the unsuccessful party". |
| Section 31 | <i>Delete</i> "as may be imposed" and <i>substitute</i> "as could on the 30th day of September, 1960, have been imposed". |
| Section 35 | <i>Delete</i> the section and <i>substitute</i> — "35. For the purposes of section 53 of the Constitution of Eastern Nigeria, the Court shall have appellate jurisdiction to hear and determine appeals from subordinate Courts in accordance with the provisions of any written law relating thereto". |
| Section 43 | In subsection (3), <i>delete</i> "The Governor on the recommendation of the" and <i>substitute</i> "The". |
| Section 54 | <i>Delete</i> "as may be heard" and <i>substitute</i> "as could on the 30th day of September, 1960, have been heard". |
| Section 58 | <i>Delete</i> "as are performed" and <i>substitute</i> "as were on the 30th day of September, 1960, performed". |
| Sections 74, 76, 77, 78, 79, 80, 81, 82, 83 and 84 | <i>Delete</i> the sections. |
| Section 75 | <i>Delete</i> "and shall perform the same duties and exercise the same functions as a notary public in England". |
| | <i>High Court Rules, 1955 (E.R.L.N. 276 of 1955)</i> |
| Order X | (i) In rule 1, <i>delete</i> "Governor" where the word occurs in paragraph (e) and in paragraph (f) and <i>substitute</i> , in paragraph (e) "appropriate authority or Ministry", and in paragraph (f) "appropriate authority"; |

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SECOND SCHEDULE—*continued*

| Column 1 | Column 2 |
|------------|---|
| | (ii) In rule 3, <i>delete</i> "Upon the application of the Attorney-General with the consent of the Governor, the" and <i>substitute</i> "The". |
| Order LV | In rule 9, <i>delete</i> "may set forth all or any of the following grounds and no others" and <i>substitute</i> "may include all or any of the following grounds". |
| Order LVI | In rule 2, <i>delete</i> sub-rule (2). |
| | <i>Eastern Nigeria Agricultural Law, 1955 (No. 40 of 1955)</i> |
| Section 5 | <i>Delete</i> "The Governor may appoint such officers as he may consider" and <i>substitute</i> "The Public Service Commission may appoint such officer as may be". |
| | <i>Eastern Nigeria Forest Law, 1955 (No. 41 of 1955)</i> |
| Section 36 | <i>Delete</i> subsection (2). |

LAWS OF THE EASTERN REGION OF NIGERIA, 1956 VOLUME

| | |
|--------------------|--|
| | <i>Eastern Nigeria Co-operative Societies Law, 1956 (No. 17 of 1956)</i> |
| Section 3 | <i>Delete</i> the section and <i>substitute</i> — "3. (1) The Public Service Commission may appoint a person to be registrar of co-operative societies for Eastern Nigeria and may appoint persons to be assistant registrars. (2) The Minister may confer on any assistant registrar all or any of the powers of a registrar under this Law". |
| Section 4 | <i>Delete</i> "Governor" and <i>substitute</i> "Minister". |
| | <i>Customary Courts Law, 1956 (No. 21 of 1956)</i> |
| Sections 12 and 15 | Next after "Minister" wherever the word occurs <i>insert</i> "of Local Government". |
| Section 23 | In paragraph (d) of subsection (1), next after "regulations" <i>insert</i> "and bye-laws". |
| Section 26 | <i>Delete</i> "in Council". |
| Section 63 | (i) In subsection (1), <i>delete</i> "Any court" and <i>substitute</i> "A county court, a magistrate's court or the High Court"; (ii) In subsection (2), <i>delete</i> "an appellate court" and <i>substitute</i> "a county court, a magistrate's court or the High Court"; (iii) <i>Delete</i> subsection (4). |
| | <i>Age of Marriage Law, 1956 (No. 22 of 1956)</i> |
| Section 2 | <i>Delete</i> "includes a marriage contracted under provisions of the Marriage Ordinance" and <i>substitute</i> "means". |
| | <i>Vegetable Oil Refining (Licence and Control) Law, 1956 (No. 27 of 1956)</i> |
| Section 4 | <i>Delete</i> "Governor in Council" and <i>substitute</i> "Minister". |

SECOND SCHEDULE — *continued*

| Column 1 | Column 2 |
|--|--|
| Section 8 | <p><i>Delete the section and substitute—</i></p> <p>“8. For the purposes of this Law the Public Service Commission may appoint such Inspectors and such other officers as may be considered necessary”.</p> <p><i>Education Law, 1956 (No. 28 of 1956)</i></p> |
| Section 25 | <p><i>Delete subsection (3) and substitute—</i></p> <p>“(3) Subject to the provisions of this Law, a voluntary agency may establish schools and institutions.</p> <p>(4) Any school or institution established by a local government council or a voluntary agency prior to the commencement of this Law shall be deemed to be a local government school or institution or a voluntary agency school or institution established under this Law”.</p> |
| Section 51 | <p>In subsection (3), <i>delete</i> “shall permit” and <i>substitute</i> “shall in any event if requested by the teacher permit”.</p> |
| <p>LAWS OF THE EASTERN REGION OF NIGERIA, 1958 VOLUME</p> <p><i>Children and Young Persons Law, 1958 (No. 6 of 1958)</i></p> | |
| Section 2. | <p><i>Insert in its proper alphabetical order the following new definition—</i></p> <p>“ ‘whipped’ and ‘corporal punishment’ mean whipped and a whipping, respectively, with a light rod, cane or birch which shall be of patterns approved by the Minister;”.</p> <p><i>Riot Damages Law, 1958 (No. 9 of 1958)</i></p> |
| Sections 12, 14, 16, 18 and 20 | <p><i>Delete</i> “Governor” wherever the word occurs and <i>substitute</i> “Minister”.</p> |
| <p>LAWS OF THE EASTERN REGION OF NIGERIA, 1959 VOLUME</p> <p><i>Classification of Chiefs Law, 1959 (No. 14 of 1959)</i></p> | |
| Sections 4 and 5 | <p><i>Delete</i> “in Council”.</p> <p><i>Legislative Houses Law, 1959 (No. 16 of 1959)</i></p> |
| Section 21 | <p><i>Delete the section and substitute—</i></p> <p>“21. The House and the members thereof shall hold, enjoy and exercise, in addition to the privileges, immunities and powers conferred upon it and them by this Law, the privileges, immunities and powers, which were on the 30th day of September, 1960, held, enjoyed, and exercised by the Commons House of the Parliament of the United</p> |

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SECOND SCHEDULE — *continued*

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------|---|
| | Kingdom and by the members thereof, so far as the same are not inconsistent with the Constitution Order or this Law". |
| | <i>Provincial Administration Law, 1959 (No. 18 of 1959)</i> |
| Section 3 | <i>Delete subsection (2) and substitute—</i> “(2) The Executive Council may by order in writing published in <i>Eastern Nigeria Gazette</i> alter, amend or vary the Schedule to this Law”. |
| Section 20 | In subsection (1), <i>delete the proviso and substitute—</i> “Provided that the name of any member, or names of members (whether elected or otherwise), through whose act or default a Provincial Assembly was dissolved, shall be stated in the order of dissolution and such member or members shall not be eligible for membership of the Provincial Assembly”. |
| Schedule | In the Column headed “District Council”— (i) Next below “Ikot Ekpene Division ” <i>insert</i> “Ini”; (ii) <i>Delete</i> “Orlu” and <i>substitute</i> “Oru Orsu Orlu North-east Isu”; (iii) <i>Delete</i> “Ala-Ala” and <i>substitute</i> “Ikwuano”; (iv) <i>Delete</i> “Umuahia U.D.C.” and <i>substitute</i> “Umuahia-Ibeku U.C.C.”. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1960 VOLUME

Recognition of Chiefs Law, 1960 (No. 9 of 1960)

| | |
|----------------------------------|--|
| Whole Law except section 7 | <i>Delete</i> “in Council” wherever these words occur. |
|----------------------------------|--|

Eastern Nigeria Local Government Law, 1960 (No. 17 of 1960)

| | |
|------------|--|
| Section 84 | (i) In item (29), <i>delete</i> “usually made by Nigerians” and <i>substitute</i> “accepted by the Board of Customs and Excise as a liquor usually made by local methods in or about Nigeria”; (ii) Next after item (62), <i>insert—</i> “(62A) Prohibiting the sounding of horns or other similar appliances either in general or during specified hours or in specified areas;”. |
|------------|--|

SECOND SCHEDULE — *continued*

Column 1

Column 2

LAWS OF EASTERN NIGERIA, 1961 VOLUME

University of Nigeria Law, 1961 (No. 21 of 1961)

Whole Law

Delete "Governor in Council" wherever these words occur and *substitute* "Governor".

LAWS OF EASTERN NIGERIA, 1962 VOLUME

Finance Law, 1962 (No. 5 of 1962)

Section 34

In subsection (5), *delete* "Act" wherever the word occurs and *substitute* "Ordinance".

*The Revised Edition
(Authorized Omissions) Order, 1964*

E.N.L.N. 33
of 1964.

**The Revised Edition (Laws of Eastern Nigeria)
(Authorized Omissions) Order, 1964**

(E.N.18
of 1961)

*Made under subsection (1) of section 5 of the Revised
Edition (Laws of Eastern Nigeria) Law, 1961*

Citation.

1. This order may be cited as the Revised Edition (Laws of Eastern Nigeria) (Authorized Omissions) Order, 1964.

Power to
Commissioner to
omit certain
Ordinances
and Laws.

2. The Ordinances and Laws set out in the first column of the Schedule hereto need not, to the extent shown in the second column thereof opposite each item, be included by the Commissioner in the revised edition.

SCHEDULE

| 1 | 2 |
|--|---------------------------------|
| <i>Ordinances and Laws</i> | <i>Extent of</i> |
| Bills of Sale Ordinance, Chapter 19 | The whole. |
| Government and Railway Servants (withdrawal from Provident Funds) Ordinance, Chapter 83 | The whole. |
| Liquor Ordinance, Chapter 114 | The whole. |
| Markets Ordinance, Chapter 127... .. | The whole. |
| Native Authority Ordinance, Chapter 140 | The whole. |
| Native Courts Ordinance, Chapter 142 | The whole. |
| Native Liquor (Townships and Certain Areas) Ordinance, Chapter 145 | The whole. |
| Provident Funds Ordinance, Chapter 181 | The whole. |
| Public Health Ordinance, Chapter 183 | Sections 17, 18, 41, 42 and 43. |
| Public Trustee Ordinance, Chapter 187 | The whole. |
| Slavery Abolition Ordinance, Chapter 207 | The whole. |
| Townships Ordinance, Chapter 216 | The whole. |
| Unsettled Districts Ordinance, Chapter 223 | The whole. |
| Venereal Diseases Ordinance, Chapter 225 | The whole. |
| Port Harcourt Township Ordinance, 1948, No. 38 of 1948 | The whole. |
| Townships Servants (withdrawal from Provident Funds) Ordinance, 1951, No. 35 of 1951 | The whole. |
| Native Authorities (Borrowing Powers) Law, 1952, No. 2 of 1952 (E.R.N.)... .. | The whole. |

CHRONOLOGICAL TABLE OF ORDINANCES
AND LAWS

This edition of the Laws of Eastern Nigeria is required by the Revised Edition (Laws of Eastern Nigeria) Law, 1961, (E.N. 18 of 1961), to contain all laws which were enacted by the Legislature of Eastern Nigeria or which had effect under the 1963 Constitution as if they had been so enacted and, in either case, which had any effect on "the appointed date", namely the 1st of October, 1963.

This Chronological Table only sets out the ancestry, so to speak, of such laws. It omits former Nigeria Ordinances, which now have effect as Acts of Parliament of application throughout the Federation or within the Federal territory of Lagos.

Some former Nigeria Ordinances now have effect partly as Acts of Parliament of application throughout the Federation and partly as enactments of the Legislature of Eastern Nigeria. These are included in this Chronological Table although, of course, only those parts of them which now have effect as Laws of Eastern Nigeria are printed in this edition. Examples of these are the former Legal Practitioners Ordinance (Cap. 110 of the 1948 Edition) and the former Criminal Code Ordinance (Cap. 42 thereof).

Some former Nigeria Ordinances have effect now as Acts of Parliament, which apply to the Federal Territory of Lagos, and as Laws of Eastern Nigeria, and also as Laws of the other Regions. Examples of these are the former Arbitration Ordinance (Cap. 13 of the 1948 Edition) and the former Births, Deaths and Burials Ordinance (Cap. 20 thereof). These are, of course, included in this Chronological Table. It might be well to point out that any Law of Eastern Nigeria which used to be such an Ordinance is no longer necessarily the same as its counter part in the Federal Territory or in the other Regions and some are now very different.

It has not been thought necessary to trace the ancestry of the Laws further back than the 1948 edition of the Laws of Nigeria, except for the 1947 Road Traffic Ordinance, which was omitted from that edition but included in the 1948-49 Supplement, and which has become the present Road Traffic Law, Chapter 116 of this.

CHRONOLOGICAL TABLE

NIGERIA ORDINANCE, 1947

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|---------------------|------------------|
| 43 | Road Traffic | Now Chapter 116. |

1948 EDITION LAWS OF NIGERIA

| <i>Cap.</i> | <i>Title</i> | <i>Remarks</i> |
|-------------|---------------------------------------|---|
| 2 | Administration (Real Estate) ... | Now Chapter 3. |
| 4 | Administrator-General | Repealed by E.N. No. 17 of 1961. |
| 6 | Adulteration of Produce | Now Chapter 5. |
| 7 | Agriculture | Repealed by N. No. 37 of 1948. |
| 11 | Anatomy | Now Chapter 9. |
| 12 | Appointment and Deportation of Chiefs | Ceased to apply to Eastern Nigeria (E.R. No. 19 of 1956). |
| 13 | Arbitration | Now Chapter 10. |
| 16 | Assessment | Now Chapter 11. |
| 17 | Authentication of Ordinances ... | Repealed by N. 8 of 1950. |
| 19 | Bills of Sale | Scheduled omission. |
| 20 | Births, Deaths and Burials ... | Now Chapter 14. |
| 24 | Building Lines Regulation ... | Ceased to apply to Eastern Nigeria (E.N. No. 22 of 1960). |
| 29 | Census | Now Chapter 17. |
| 30 | Change of Titles... .. | Now Chapter 18. |
| 31 | Children and Young Persons ... | Ceased to apply to Eastern Nigeria (E.R. No. 6 of 1958). |
| 32 | Cinematograph | Now Chapter 20. |
| 34 | Collective Punishment | Now Chapter 22. |
| 37 | Commissions of Inquiry | Now Chapter 24. |
| 39 | Co-operative Societies | Ceased to apply to Eastern Nigeria (E.R. No. 17 of 1956). |
| 41 | Coroners | Now Chapter 29. |
| 42 | Criminal Code | Now Chapter 30. |
| 43 | Criminal Procedure | Now Chapter 31. |
| 45 | Crown Lands | Now Chapter 122. |
| 46 | Cultivated Oil Palm | Repealed by E.R. No. 13 of 1952. |
| 52 | Destruction of Mosquitoes ... | Now Chapter 85, |

1948 EDITION LAWS OF NIGERIA — *continued*

| <i>Cap.</i> | <i>Title</i> | <i>Remarks</i> |
|-------------|---|---|
| 54 | Direct Taxation | Ceased to apply to Eastern Nigeria (E.R. No. 1 of 1956). |
| 55 | Diseases of Animals | Now Chapter 35. |
| 56 | Dogs | Now Chapter 36. |
| 57 | Education | Repealed by N. No. 39 of 1948. |
| 61 | Escorts (Requisition of Supplies) | Now Chapter 48. |
| 63 | Evidence | Now Chapter 49. |
| 68 | Ex-Native Office Holders Removal | Now Chapter 50. |
| 69 | Explosives | Now Chapter 51. |
| 75 | Forestry | Repealed by E.R. No. 41 of 1955. |
| 81 | Goldsmiths | Ceased to apply to Eastern Nigeria (E.R. No. 34 of 1958). |
| 83 | Government and Railway Servants (Withdrawal from Provident Funds) | Scheduled omission. |
| 85 | Hides and Skins... .. | Now Chapter 60. |
| 86 | Hospital Fees | Now Chapter 63. |
| 88 | Illiterates Protection | Now Chapter 64. |
| 93 | Increase of Rent (Restriction) ... | Repealed by E.R. No. 42 of 1955. |
| 94 | Interpretation | Now Chapter 66. |
| 95 | Inter-Tribal Boundaries Settlement | Now Chapter 67. |
| 97 | Jury | Now Chapter 68. |
| 98 | Kola Tenancies | Now Chapter 69. |
| 106 | Land Development (Provision for Roads) | Now Chapter 70. |
| 108 | Land Registration | Now Chapter 72. |
| 110 | Legal Practitioners | Part I, now Chapter 71. |
| 111 | Legitimacy | Now Chapter 75. |
| 112 | Leprosy | Repealed by E.R. No. 4 of 1957. |
| 114 | Liquor | Scheduled omission. |
| 120 | Local Loans (Registered Stock) | Now Chapter 80. |
| 121 | Lunacy | Now Chapter 81. |
| 122 | Magistrates' Courts | Repealed by E.R. No. 10 of 1955. |

1948 EDITION LAWS OF NIGERIA — *continued*

| <i>Cap.</i> | <i>Title</i> | <i>Remarks</i> |
|-------------|---|---|
| 123 | Magistrates' Courts (Appeals) ... | Repealed by E.N. 1964, No. 3. |
| 124 | Magistrates' Courts (Civil Procedure) | Repealed by E.N. 1964, No. 3. |
| 127 | Markets | Scheduled omission. |
| 132 | Midwives... .. | Now Chapter 83. |
| 136 | Moneylenders | Now Chapter 84. |
| 137 | Motor Traffic | Repealed by N. No. 43 of 1947. |
| 140 | Native Authority | Scheduled omission. |
| 141 | Native Children (Custody and Reformation) | Ceased to apply to Eastern Nigeria (E.R. No. 6 of 1958). |
| 142 | Native Courts | Scheduled omission. |
| 144 | Native Lands Acquisition ... | Ceased to apply to Eastern Nigeria (E.R. No. 11 of 1958). |
| 145 | Native Liquor (Townships and Certain Areas) | Scheduled omission. |
| 148 | Newspapers | Repealed by E.R. No. 24 of 1955. |
| 149 | Niger Lands Transfer | Now Chapter 87. |
| 152 | Nigeria Local Development Board | Repealed by N. No. 14 of 1949. |
| 155 | Nigeria Town and Country Planning | Now Chapter 126. |
| 162 | Oaths and Affirmations | Ceased to apply to Eastern Nigeria (E.R. No. 35 of 1955). |
| 163 | Official Oaths | Ceased to apply to Eastern Nigeria (E.R. No. 2 of 1955). |
| 165 | Pawnbrokers | Now Chapter 90. |
| 166 | Peace Preservation | Now Chapter 91. |
| 167 | Petitions of Right | Now Chapter 93. |
| 168 | Petroleum | Now Chapter 94. |
| 169 | Pharmacy... .. | Now Chapter 95. |
| 170 | Piers | Now Chapter 96. |
| 175 | Prevention of Crimes | Now Chapter 99. |
| 176 | Printing Presses Regulation ... | Repealed by E.R. No. 24 of 1955. |
| 178 | Private Hospitals | Repealed by E.R. No. 13 of 1955. |

*Chronological Table of Ordinances and Laws*1948 EDITION LAWS OF NIGERIA — *continued*

| <i>Cap.</i> | <i>Title</i> | <i>Remarks</i> |
|-------------|--------------------------------------|---------------------------------------|
| 180 | Protectorate Laws Enforcement | Repealed by implication. |
| 181 | Provident Funds | Scheduled omission. |
| 182 | Public Collections (Regulation) | Now Chapter 102. |
| 183 | Public Health | Now Chapter 103. |
| 184 | Public Holidays | Now Chapter 104. |
| 185 | Public Lands Acquisition ... | Now Chapter 105. |
| 186 | Public Officers Protection ... | Now Chapter 106. |
| 187 | Public Trustee | Scheduled omission. |
| 193 | Recovery of Premises | Now Chapter 113. |
| 196 | Registration of Nurses | Superseded by Federal No. 20 of 1959. |
| 197 | Registration of Titles | Now Chapter 114. |
| 202 | Sale of Food | Now Chapter 117. |
| 203 | Sale by Auction | Now Chapter 12. |
| 205 | Sheriffs and Civil Process ... | Now Chapter 118. |
| 206 | Shipping and Navigation | Now Chapter 119. |
| 207 | Slavery | Scheduled omission. |
| 209 | Stamp Duties | Now Chapter 120. |
| 211 | Supreme Court | Superseded by E.N. No. 27 of 1960. |
| 212 | Survey | Repealed by N. No. 29 of 1952. |
| 216 | Townships | Scheduled omission. |
| 222 | Unlicensed Guides (Prohibition) | Now Chapter 128. |
| 223 | Unsettled Districts | Scheduled omission. |
| 224 | Vaccination | Now Chapter 129. |
| 225 | Veneral Diseases | Scheduled omission. |
| 227 | Waterworks | Now Chapter 131. |
| 232 | Wild Animals Preservation ... | Now Chapter 133. |
| 236 | Yellow Fever and Infectious Diseases | Now Chapter 134. |

NIGERIA ORDINANCES, 1948

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|-----------------------------------|--|
| 2 | Direct Taxation (Amendment) | Ceased to apply to Eastern Nigeria (E.R. No. 1 of 1956). |
| 3 | Townships (Amendment) ... | Scheduled omission. |
| 4 | Native Authority (Amendment) | Scheduled omission. |
| 6 | Administrator-General (Amendment) | Repealed by E.N. No. 17 of 1961. |

NIGERIA ORDINANCES, 1948 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|---|
| 7 | Co-operative Societies (Amendment) | Ceased to apply to Eastern Nigeria (E.R. No. 17 of 1956). |
| 9 | Increase of Rent (Restriction) (Amendment) | Repealed by E.R. No. 42 of 1955. |
| 10 | Criminal Code (Amendment) | Spent. |
| 15 | Land Registration (Amendment) | Incorporated with Chapter 72. |
| 24 | Bills of Sale (Amendment) ... | Scheduled omission. |
| 26 | Survey (Amendment) ... | Repealed by N. No. 29 of 1952. |
| 27 | Native Courts (Amendment) ... | Scheduled omission. |
| 36 | Native Courts ... | Repealed by N. No. 2 of 1951. |
| 37 | Agriculture ... | Repealed by E.R. No. 40 of 1955. |
| 38 | Port Harcourt Township ... | Scheduled omission. |
| 39 | Education ... | Repealed by N. No. 17 of 1952. |

NIGERIA ORDINANCES, 1949

| | | |
|----|-------------------------------|---|
| 2 | Waterworks (Amendment) ... | Incorporated with Chapter 131. |
| 6 | Land Registration (Amendment) | Incorporated with Chapter 72. |
| 9 | Public Holidays (Amendment) | Incorporated with Chapter 104. |
| 14 | Regional Development Boards | Spent. (<i>See</i> E.R. No. 12 of 1954). |
| 21 | Native Courts (Amendment) ... | Scheduled omission. |

NIGERIA ORDINANCES, 1950

| | | |
|----|---|---|
| 2 | Criminal Code (Disaffection) (Amendment) | Incorporated with Chapter 30. |
| 4 | Native Children (Custody and Reformation) (Amendment) | Ceased to apply to Eastern Nigeria (E.R. No. 6 of 1958). |
| 5 | Cinematograph (Amendment) ... | Incorporated with Chapter 20. |
| 7 | Criminal Code (Amendment) ... | Incorporated with Chapter 30. |
| 8 | Authentication of Ordinances ... | Now Chapter 73. |
| 10 | Interpretation (Amendment) ... | Incorporated with Chapter 66. |
| 11 | Nigeria Town and Country Planning (Amendment) | Incorporated with Chapter 126. |
| 13 | Publications ... | Ceased to apply to Eastern Nigeria (E.R. No. 12 of 1955). |

NIGERIA ORDINANCES, 1949 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|---|
| 16 | Eastern Region Local Govern- ment | Repealed by E.R. No. 26 of 1955. |
| 18 | Criminal Code (Amendment No. 2) | Incorporated with Chapter 30. |
| 19 | Native Lands Acquisition (Amendment) | Ceased to apply to Eastern Nigeria (E.R. No. 11 of 1958). |
| 20 | Evidence (Amendment) ... | Incorporated with Chapter 49. |
| 21 | Native Authority (Amendment) | Scheduled omission. |
| 24 | Produce Inspection | Repealed by E.N. No. 15 of 1962. |
| 27 | Education (Amendment) ... | Repealed by N. No. 17 of 1952. |
| 33 | Eastern Region Local Govern- ment (Amendment) | Repealed by E.R. No. 26 of 1955. |
| 37 | Agriculture | Repealed by E.R. No. 40 of 1955. |

NIGERIA ORDINANCES, 1951

| | | |
|----|---|---|
| 2 | Native Courts (Amendment) ... | Scheduled omission. |
| 6 | Publications (Amendment) ... | Ceased to apply to Eastern Nigeria (E.R. No. 12 of 1955). |
| 8 | Townships (Amendment) ... | Scheduled omission. |
| 11 | Direct Taxation (Amendment) | Ceased to apply to Eastern Nigeria (E.R. No. 1 of 1956). |
| 12 | Liquor (Amendment) ... | Scheduled omission. |
| 15 | Interpretation (Amendment) | Incorporated with Chapter 66. |
| 19 | Education (Amendment) ... | Repealed by N. No. 17 of 1952. |
| 21 | Survey (Amendment) ... | Repealed by N. No. 29 of 1952. |
| 22 | Produce Inspection (Amend- ment) | Scheduled omission. |
| 27 | Regional Production Develop- ment Boards | Spent. |
| 34 | Native Authority (Amendment) | Scheduled omission. |
| 35 | Township Servants (Withdrawal from Provident Fund) | Scheduled omission. |
| 36 | Land Registration (Validation) | Incorporated with Chapter 72. |

NIGERIA ORDINANCES, 1952

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|---|
| 2 | Road Traffic (Amendment) | Incorporated with Chapter 116. |
| 13 | Cultivated Oil Palm (Repeal) ... | Spent. |
| 17 | Education | Repealed by E.R. No. 28 of 1956. |
| 20 | Shipping and Navigation (Amendment) | Incorporated with Chapter 119. |
| 22 | Criminal Procedure (Amendment) | Incorporated with Chapter 31. |
| 23 | Magistrates Courts (Appeals) (Amendment) | Repealed by E.N. 1964, No. 3. |
| 24 | Interpretation (Amendment) ... | Incorporated with Chapter 66. |
| 25 | Goldsmiths (Amendment) ... | Ceased to apply to Eastern Nigeria (E.R. No. 34 of 1958). |
| 28 | Land Development (Provision for Roads) (Amendment) | Incorporated with Chapter 70. |
| 29 | Survey | Now Chapter 124. |
| 31 | Education (Amendment) ... | Repealed by E.R. No. 28 of 1956. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1952

| | | |
|---|--|---------------------|
| 1 | Eastern Region Appropriation, 1952 | Spent. |
| 2 | Native Authority (Borrowing Powers) | Scheduled omission. |
| 3 | 1952-53 Eastern Region Supplementary Appropriation | Spent. |
| 4 | Port Harcourt Town Council (Power of Surcharge) | Scheduled omission. |
| 5 | Native Authorities (Audit of Accounts) | Scheduled omission. |

NIGERIA ORDINANCES, 1953

| | | |
|----|--------------------------------|--------------------------------|
| 2 | Stamp Duties (Amendment) ... | Incorporated with Chapter 120. |
| 3 | Interpretation (Amendment) ... | Incorporated with Chapter 66. |
| 4 | Public Holidays (Amendment) | Incorporated with Chapter 104. |
| 11 | Cinematograph (Amendment) | Incorporated with Chapter 20. |
| 13 | Criminal Procedure (Amendment) | Incorporated with Chapter 31. |

SECOND SCHEDULE — continued

| Column 1 | Column 2 |
|--------------------|---|
| Section 11 | Delete the section. |
| Section 13 | (i) In subsection (1), delete "Regional Director of Public Works" wherever these words occur and substitute "Minister"; (ii) In subsection (2), delete "Governor" and substitute "Minister". |
| Section 34 | Delete "Governor in Council" and substitute "Minister". <i>Road Traffic Regulations, 1948 (Regulations 29 of 1948)</i> |
| Regulation 25 | In the proviso to item (ii) of paragraph (e) of regulation 25, delete "Regional Director of Public Works" and substitute "Minister". |
| Regulation 32 | In the proviso to the regulation— (i) Delete "Director of Public Works" and substitute "Minister". (ii) Delete "a Regional Deputy Controller" and substitute "the Controller of Works Services". |
| Regulation 96 | Delete "Governor" and substitute "Minister". <i>Road Traffic (Amendment, Eastern Region) Regulations, 1956 (E.R.L.N. 25 of 1956)</i> |
| Regulation 1 | Delete "and shall apply in relation to the Eastern Region other than with respect to Federal Trunk Roads". LAWS OF NIGERIA, 1952 VOLUME <i>Survey Ordinance (No. 29 of 1952)</i> |
| Sections 32 and 38 | Delete "Governor" and substitute "Minister". <i>Eastern Region Survey Regulations, 1953 (E.R. No. 12 of 1953)</i> |
| Whole Regulations | Delete "and shall come into operation on a day to be appointed by the Governor" and substitute "and shall be deemed to have come into operation in the Eastern Region of Nigeria on the 1st day of October, 1954". LAWS OF EASTERN REGION OF NIGERIA, 1954 VOLUME <i>Local Loans (Eastern Nigeria) (Registered Stock) Law, 1954 (No. 3 of 1954)</i> |
| Whole Law | Delete "Lieutenant-Governor" wherever the word occurs and substitute "Ministry". |

Column 1

Column 2

Inter-tribal Boundaries Settlement Ordinance (Cap. 95)

- Section 7 *Delete "Governor" and substitute "Minister".*
- Section 10 Next after section 10, *add* the following new section—
 "10A. (1) Any person who is aggrieved at any decision or order given upon a review under section 7, or, if there is no review under section 7, who is aggrieved at any decision given upon a review under the section 6, may appeal therefrom to the High Court.
 (2) The Chief Justice may make rules of Court providing for the procedure for such appeals".

Jury Ordinance (Cap. 97)

- Section 6 (i) In the item "Such other public officers", *delete* "Governor" and *substitute* "Minister".
 (ii) *Add* the following new items—
 "Special Constables";
 "Members of the Diplomatic Corps and their families".

- Section 8 *Delete* "between the first and thirtieth days of November, 1943," and *substitute* "between such dates as the Chief Justice may direct".

Kola Tenancies Ordinance (Cap. 98)

- Section 1 In subsection (2), *delete* "in Council".
 Section 4 *Delete* "Governor" and *substitute* "Minister".
 Section 26 *Delete* "Governor in Council" and *substitute* "Minister".

Land Development (Provision for Roads) Ordinance (Cap. 106)

- Section 1 In subsection (2), *delete* "Governor in Council" and *substitute* "Minister".

Land Registration Ordinance (Cap. 108)

- Sections 3, 18A, 18F and 27 *Delete* "Governor" and *substitute* "Minister".
 Section 4 *Delete* "Governor-General" and *substitute* "Minister".
 Sections 26 and 28 *Delete* "Governor in Council" and *substitute* "Minister".

Local Government Councils (Alienation of Land) (Exemption from Registration) Regulations, 1954 (L.N. 48 of 1954)

- Regulation 2 *Insert* in line 4 immediately after the comma after the figure "1950" the following words and figures—
 "or section 81 of the Eastern Region Local Government Law, 1955, or section 85 of the Eastern Nigeria Local Government Law, 1960".

SECOND SCHEDULE—*continued*

| <i>Column 1</i> | <i>Column 2</i> |
|-----------------|--|
| Section 20 | <i>Delete</i> "regulations or rules of court" wherever these words occur and <i>substitute</i> "regulations, rules of court or other instruments having the effect of law". |
| Section 21 | <i>Delete</i> "regulation or rule of court" and <i>substitute</i> "regulation, rule of court or other instrument having the effect of law". |
| Section 22 | <i>Delete</i> "proclamation or notification" wherever these words occur and <i>substitute</i> in each case "proclamation, notification or other instrument having the effect of law". |
| Section 23A | (i) <i>Delete</i> "orders or regulations" wherever these words occur and in each case <i>substitute</i> "orders, regulations or other instruments having the effect of law"; (ii) <i>Delete</i> "Governor in Council". |
| Section 24 | (i) In subsection (2), <i>delete</i> "proclamations and notifications" and <i>substitute</i> "proclamations, notifications, and other instruments having the effect of law"; (ii) <i>Delete</i> "Governor in Council". |
| Section 25 | <i>Delete</i> "or legal notice" wherever these words occur and in each case <i>substitute</i> "legal notice or other instrument having the effect of law". |
| Section 31 | Next after "kind", <i>insert</i> "or other instrument having the effect of law". |
| Section 47A | <i>Delete</i> the section and <i>substitute</i> — "47A. Where power is given to the Governor or to the Executive Council or to a Minister to make an order, regulation, declaration or appointment or to give an authorization, exemption, notice, direction, approval, permission or consent, it is sufficient, unless it is otherwise expressed— (a) in the case of the Governor, for the exercise of the power to be signified under the hand of either the Secretary to the Executive Council or the Minister charged with responsibility for the matter in question; or (b) in the case of the Executive Council, for the exercise of the power to be signified under the hand of the Secretary thereto; or (c) in the case of a Minister, for the exercise of the power to be signified under the hand of either the Minister or the Permanent Secretary of the Ministry". |

Subsidiary
legislation.

7. (1) Subject to subsection (2) of this section the revised edition shall contain such subsidiary legislation in force on the appointed date as the Commissioner, after consultation with the Minister, considers sufficiently important to be included in it.

(2) Notwithstanding anything contained in this Law, the Minister may, in reference to instruments relating to Local Government Councils, appoint a date later than the appointed date (called the later date) in which event the revised edition shall contain such instruments in force on the later date instead of the appointed date.

(3) In the preparation of the part thereof relating to subsidiary legislation, the Commissioner has the like power to do all things relating to form and method as is conferred upon him by this Law in respect of the laws of Eastern Nigeria.

Miscellaneous
amendments
to be
included in
the revised
edition.

8. In the preparation of the revised edition, the Ordinances, Laws, Regulations and Rules of Court cited in the Second Schedule to this Law shall be amended as to the titles, sections, regulations, orders or Schedules mentioned in the first column, thereof below each such cited Ordinance, Law, Regulations, or Rules of Court in the manner mentioned in the second column thereof and appearing opposite thereto.

Validity and
operation of
revised
edition.

9. (1) Subject to section 5 and subsection (4) of section 6, the revised edition, when brought in force in accordance with section 10, is, in all courts and for all purposes, the sole authentic edition of—

- (a) the laws of Eastern Nigeria enacted on or before the appointed date, and
- (b) the subsidiary legislation included in the revised edition.

(Cap. 66)

(2) Section 12 of the Interpretation Law shall apply to the—

- (a) laws, and
- (b) subsidiary legislation,

comprised in the revised edition as though the revised edition had repealed those versions of the laws and subsidiary legislation in force prior to the commencement of the revised edition.

(2) Those powers shall not be construed so as to imply a power to make an—

- (a) alteration, or
- (b) amendment,

in the matter or substance of a law of Eastern Nigeria.

(3) Where the Commissioner considers it desirable that, in the preparation of the revised edition, there should be, in respect of the laws of Eastern Nigeria—

- (a) additions,
- (b) omissions, or
- (c) other amendments,

other than those authorized in pursuance of subsection (1), they may be collected and submitted, in the form of one or more amending Laws, to the Legislature of Eastern Nigeria.

(4) Subject to subsection (5), the Commissioner may, in the preparation of the revised edition, take into account—

- (a) all amending Laws enacted as a result of submission in accordance with subsection (3);
- (b) all modifications, adaptations, qualifications, exceptions and other amendments, effected, by or in pursuance of the Nigeria (Constitution) Order in Council, 1960, the Constitution of the Federation, and the Constitution of Eastern Nigeria Law, 1963;
- (c) all amending laws of Eastern Nigeria expressly required by those laws to be taken into account, notwithstanding that such a Law is to come into operation after the appointed date.

(E.N.L.N.
303 of 1960)
(Fed. 1963,
No. 20)
(E.N. 1964
No. 8)

(5) The modifications, adaptations, qualifications, exceptions and other amendments mentioned in paragraph (b) of subsection (4) need not be taken into account unless the Commissioner has adequate opportunity—

- (a) to do so, and
- (b) to comply with subsection (3) of section 14 in respect of them.

*The submission made by the Commissioner was enacted as the Schedule to the Revised Edition (Laws of Eastern Nigeria) (Amendment) Law, 1964, which has been incorporated with this Law—its principal Law—and is now the Second Schedule to this Law.

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Appointment of Commissioner.
4. What laws of Eastern Nigeria to be included in revised edition.
5. Power to omit certain laws.
6. Powers of Commissioner.
7. Subsidiary legislation.
8. Miscellaneous amendments to be included in the revised edition.
9. Validity and operation of revised edition.
10. Bringing revised edition into force.
11. Signature and transmission of copy.
12. Distribution of copies.
13. Expenses of preparation and publication.
14. Where this Law to be reprinted.

—————

**A Law to provide for the Preparation, Printing and
Publication of a Revised Edition of the Laws of
Eastern Nigeria and for connected Purposes.**

E.N.
No. 18 of
1961, 1964,
No. 3.

[11th May, 1961]

1. This Law may be cited as the Revised Edition (Laws of Eastern Nigeria) Law, 1961. Short title.

2. In this Law— Interpreta-
tion.

“appointed date” means the date prescribed by subsection (2) of section 4;

“Commissioner” means the person or persons appointed in accordance with section 3;

“law of Eastern Nigeria” or “Law of Eastern Nigeria” means a law enacted, or having effect as if enacted, by the Legislature of Eastern Nigeria by virtue of the competence of that Legislature to make laws with respect to

NIGERIA ORDINANCES, 1953 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|---|
| 15 | Regional Legislatures (Legislative Powers) | Deleted by N.L.N. No. 120 of 1957. |
| 16 | Legislative Houses (Powers and Privileges) | Ceased to apply to Eastern Nigeria (E.R. No. 28 of 1955). |

LAWS OF THE EASTERN REGION OF NIGERIA, 1953

| | | |
|---|------------------------------|--------|
| 1 | 1953-54 Appropriation | Spent. |
|---|------------------------------|--------|

NIGERIA ORDINANCES, 1954

| | | |
|----|---|---|
| 3 | Land Registration (Amendment) | Incorporated with Chapter 72. |
| 5 | Criminal Code (Amendment) ... | Incorporated with Chapter 30. |
| 6 | Interpretation (Amendment) ... | Incorporated with Chapter 66. |
| 7 | Shipping and Navigation (Amendment) | Incorporated with Chapter 119. |
| 13 | Produce Inspection (Amendment) | Repealed by E.N. No. 15 of 1962. |
| 20 | Regional Legislatures (Legislative Powers) | Deleted by N.L.N. No. 120 of 1957. |
| 24 | Criminal Procedure (Amendment) | Incorporated with Chapter 31. |
| 27 | Ports | Its amendment of Chapter 170 (1948 Edition) incorporated with Chapter 96. |
| 28 | Marketing Boards (Transfer of Funds and Assets) | Spent. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1954

| | | |
|---|--|-----------------|
| 1 | 1952-53 Eastern Region Supplementary Appropriation | Spent. |
| 2 | 1954-55 Eastern Region Appropriation | Spent. |
| 3 | Local Loans (Eastern Region) (Registered Stock) | Now Chapter 80. |
| 4 | Eastern Region Loans | Now Chapter 78. |
| 5 | Eastern Regional Marketing Board | Now Chapter 42. |
| 6 | 1954-55 Eastern Region Supplementary Appropriation | Spent. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1954 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|----------------------------------|
| 9 | Cattle (Taxation and Control) ... | Now Chapter 16. |
| 10 | Eastern Region Finance Corporation | Repealed by E.R. No. 24 of 1956. |
| 11 | Commissioner in the United Kingdom | Repealed by E.N. No. 4 of 1963. |
| 12 | Eastern Region Development Corporation | Repealed by E.N. No. 7 of 1963. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1955

| | | |
|----|--|--|
| 1 | Pensions | Now Chapter 92. |
| 2 | Official Oaths | Repealed by E.N. No. 10 of 1963. |
| 3 | 1955-56 Eastern Region Appropriation | Spent. |
| 4 | Stamp Duties (Evidence) ... | Now Chapter 121. |
| 5 | Criminal Procedure (Eastern Region) (Amendment) | Incorporated with Chapter 31. |
| 6 | Eastern Region Development Corporation (Amendment) | Repealed by E.N. No. 7 of 1963. |
| 7 | Commissioner in the United Kingdom (Amendment) | Repealed by E.N. No. 4 of 1963. |
| 8 | 1955-56 Eastern Region Supplementary Appropriation | Spent. |
| 9 | Economic Planning Commission | Repealed by E.R. No. 24 of 1956. |
| 10 | Magistrates' Courts | Now Chapter 82. |
| 11 | Criminal Code (Amendment) ... | Incorporated with Chapter 30. |
| 12 | Publications | Now Chapter 109. |
| 13 | Hospitals | Now Chapter 62. |
| 14 | Pharmaceutical Corporation ... | Part repealed by E.R. No. 17 of 1958; part scheduled omission. |
| 15 | Eastern Nigeria Information Service | Now Chapter 40. |
| 16 | Eastern Region Library Board... | Now Chapter 41. |
| 17 | Eastern Nigeria Sports Commission | Now Chapter 44. |
| 18 | Tourist Corporation of Eastern Nigeria | Repealed by E.N. No. 25 of 1960. |
| 19 | Eastern Nigeria Printing Corporation | Now Chapter 43. |
| 20 | Queen's Counsel... .. | Spent. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1955 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|----------------------------------|
| 21 | 1953-54 Eastern Region Supplementary Appropriation | Spent. |
| 22 | Comey Subsidies | Now Chapter 23. |
| 23 | University of Nigeria | Repealed by E.N. No. 21 of 1961. |
| 24 | Newspaper | Now Chapter 86. |
| 25 | Cinema Corporation of Nigeria | Spent. |
| 26 | Eastern Region Local Government | Repealed by E.R. No. 17 of 1960. |
| 27 | High Court | Now Chapter 61. |
| 28 | Eastern House of Assembly ... | Repealed by E.R. No. 16 of 1959. |
| 29 | High Court (Amendment) ... | Incorporated with Chapter 61. |
| 30 | Magistrates' Courts (Amendment) | Incorporated with Chapter 82. |
| 31 | Official Oaths (Amendment) ... | Repealed by E.N. No. 10 of 1963. |
| 32 | Eastern Nigeria Printing Corporation (Amendment) | Incorporated with Chapter 43. |
| 33 | Eastern Region Development Corporation (Amendment) (No. 2) | Repealed by E.N. No. 7 of 1963. |
| 34 | Eastern Region Local Government (Amendment) | Incorporated with Chapter 79. |
| 35 | Oaths and Affirmations | Now Chapter 88. |
| 36 | Pensions (Amendment) | Incorporated with Chapter 92. |
| 37 | Punishment of Incest | Now Chapter 110. |
| 38 | Audit | Now Chapter 13. |
| 39 | Eastern Regional Marketing Board (Amendment) | Incorporated with Chapter 42. |
| 40 | Eastern Region Agricultural ... | Now Chapter 8. |
| 41 | Eastern Region Forest | Now Chapter 55. |
| 42 | Control of Rents... .. | Now Chapter 27. |

NIGERIA ORDINANCES, 1956

| | | |
|----|---|-------------------------------|
| 29 | Peace Preservation (Amendment) | Incorporated with Chapter 91. |
| 33 | Functions of Residents (Eastern Region) | Spent. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1956

| | | |
|---|----------------|---------------------------------|
| 1 | Finance | Repealed by E.N. No. 5 of 1962. |
|---|----------------|---------------------------------|

LAWS OF THE EASTERN REGION OF NIGERIA, 1956 — *continued*

| No. | Title | Remarks |
|-----|--|----------------------------------|
| 2 | Magistrates' Courts (Amendment) | Incorporated with Chapter 82. |
| 3 | 1956-57 Eastern Region Appropriation | Spent. |
| 4 | High Court (Amendment) ... | Spent. |
| 5 | Newspaper (Amendment) ... | Incorporated with Chapter 86. |
| 6 | Publications (Amendment) ... | Incorporated with Chapter 109. |
| 7 | Eastern Nigeria Information Service (Amendment) | Incorporated with Chapter 40. |
| 8 | Eastern Region Library Board (Amendment) | Incorporated with Chapter 41. |
| 9 | Eastern Region Moneylenders (Amendment) | Incorporated with Chapter 84. |
| 10 | University of Nigeria (Amendment) | Repealed by E.N. No. 21 of 1961. |
| 11 | Eastern Nigeria Printing Corporation (Amendment) | Incorporated with Chapter 43. |
| 12 | Criminal Procedure (Amendment) | Incorporated with Chapter 31. |
| 13 | Abolition of the Osu System ... | Now Chapter 1. |
| 14 | Pharmaceutical Corporation (Amendment) | Repealed by E.R. No. 17 of 1958. |
| 15 | Wild Animals Preservation (Amendment) | Incorporated with Chapter 133. |
| 16 | Fatal Accidents ... | Now Chapter 52. |
| 17 | Eastern Region Co-operative Societies | Now Chapter 28. |
| 18 | 1954-55 Eastern Region Supplementary Appropriation | Spent. |
| 19 | Recognition of Chiefs ... | Repealed by E.R. No. 9 of 1960. |
| 20 | Eastern Region Local Government (Amendment) | Incorporated with Chapter 79. |
| 21 | Customary Courts ... | Now Chapter 32. |
| 22 | Age of Marriage ... | Now Chapter 7. |
| 23 | Limitation of Dowry ... | Now Chapter 76. |
| 24 | Eastern Region Development Corporation (Amendment) | Repealed by E.N. No. 7 of 1963. |
| 25 | Finance (Amendment) ... | Repealed by E.N. No. 5 of 1962. |
| 26 | Local Government Bodies (Uyo Division) Rating Validation | Scheduled omission. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1956 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|---|--|--|
| 27 | Vegetable Oil Refining (Licence and Control) | Now Chapter 130. |
| 28 | Education | Now Chapter 45. |
| LAWS OF THE EASTERN REGION OF NIGERIA, 1957 | | |
| 1 | 1957-58 Eastern Region Appropriation | Spent. |
| 2 | Eastern Regional Ministers (Changes of Responsibilities) | Incorporated with the various Chapters affected. |
| 3 | 1955-56 Eastern Region Supplementary Appropriation | Spent. |
| 4 | Leprosy Ordinance (Repeal) ... | Spent. |
| 5 | Eastern Region Forest (Amendment) | Incorporated with Chapter 55. |
| 6 | Finance (Amendment) | Repealed by E.N. No. 5 of 1962. |
| 7 | Criminal Procedure (Eastern Region) (Amendment) | Incorporated with Chapter 31. |
| 8 | Public Holidays (Amendment) | Incorporated with Chapter 104. |
| 9 | Comey Subsidies (Amendment) | Incorporated with Chapter 23. |
| 10 | Eastern Region Local Government (Extension of Office) | Spent. |
| 11 | Criminal Procedure (Amendment) | Incorporated with Chapter 31. |
| 12 | Customary Courts (Amendment) | Incorporated with Chapter 32. |
| 13 | Education (Amendment) ... | Incorporated with Chapter 45. |
| LAWS OF THE EASTERN REGION OF NIGERIA, 1958 | | |
| 1 | Public Holidays (Amendment) | Incorporated with Chapter 104. |
| 2 | 1958-59 Eastern Region Appropriation | Spent. |
| 3 | Eastern Region Forest (Amendment) | Incorporated with Chapter 55. |
| 4 | Eastern Region Local Government (Extension of Office) | Spent. |
| 5 | Dogs (Amendment) | Incorporated with Chapter 36. |
| 6 | Children and Young Persons ... | Now Chapter 19. |
| 7 | Criminal Code (Amendment) | Incorporated with Chapter 30. |
| 8 | Magistrates' Courts (Amendment) | Incorporated with Chapter 82. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1958 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|--|----------------------------------|
| 9 | Riot Damages | Now Chapter 115. |
| 10 | Eastern Region Local Government (Amendment) | Repealed by E.R. No. 17 of 1960. |
| 11 | Acquisition of Land by Aliens | Now Chapter 2. |
| 12 | Public Lands Acquisition (Amendment) | Incorporated with Chapter 105. |
| 13 | Finance (Amendment) | Repealed by E.N. No. 5 of 1962. |
| 14 | Commissions of Inquiry | Incorporated with Chapter 24. |
| 15 | Public Service Commission ... | Repealed by E.N. No. 12 of 1961. |
| 16 | Director of Public Prosecutions | Now Chapter 34. |
| 17 | Pharmaceutical Corporation (Liquidation) | Spent. |
| 18 | University of Nigeria (Provisional Council) | Repealed by E.N. No. 21 of 1961. |
| 19 | Eastern Region Library Board (Amendment) | Incorporated with Chapter 41. |
| 20 | Cinema Corporation of Nigeria (Amendment) | Spent. |
| 21 | Eastern Nigeria Printing Corporation (Amendment) | Incorporated with Chapter 43. |
| 22 | Fatal Accidents (Amendment) | Incorporated with Chapter 52. |
| 23 | Recognition of Chiefs (Amendment) | Repealed by E.R. No. 9 of 1960. |
| 24 | University of Nigeria (Amendment) | Repealed by E.N. No. 21 of 1961. |
| 25 | Vegetable Oil Refining (Licence and Control) (Amendment) | Incorporated with Chapter 130. |
| 26 | Eastern Nigeria Information Service (Amendment) | Incorporated with Chapter 40. |
| 27 | Tourist Corporation of Eastern Nigeria (Amendment) | Repealed by E.N. No. 25 of 1960. |
| 28 | 1958-59 Eastern Region Supplementary Appropriation | Spent. |
| 29 | Eastern Region Local Government (Amendment No. 2) | Repealed by E.R. No. 17 of 1960. |
| 30 | Eastern Region Development Corporation (Amendment) | Repealed by E.N. No. 7 of 1963. |
| 31 | Customary Courts (Amendment) | Incorporated with Chapter 32. |
| 32 | Eastern Region Agricultural (Amendment) | Incorporated with Chapter 8. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1958 — *continued*

| No. | Title | Remarks |
|-----|-------------------------------------|--------------------------------|
| 33 | Publications (Amendment) ... | Incorporated with Chapter 109. |
| 34 | Goldsmiths | Now Chapter 58. |
| 35 | Illiterates Protection (Amendment) | Incorporated with Chapter 64. |
| 36 | Oaths and Affirmations (Amendment) | Incorporated with Chapter 88. |
| 37 | Purchase Tax on Produce (Amendment) | Incorporated with Chapter 111. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1959

| | | |
|----|---|----------------------------------|
| 1 | 1958-59 Eastern Region Supplementary Appropriation | Spent. |
| 2 | Finance (Control and Management) | Now Chapter 54. |
| 3 | Contingencies Fund | Now Chapter 26. |
| 4 | Eastern Region Development Corporation (Amendment) | Repealed by E.N. No. 7 of 1963. |
| 5 | Widows' and Orphans' Pensions (Eastern Region) | Now Chapter 132. |
| 6 | 1957-58 Eastern Region Supplementary Appropriation | Spent. |
| 7 | 1956-57 Eastern Region Supplementary Appropriation | Spent. |
| 8 | Education (Amendment) ... | Incorporated with Chapter 45. |
| 9 | Finance (Amendment) | Repealed by E.N. No. of 1962. |
| 10 | University of Nigeria (Provisional Council) (Amendment) | Repealed by E.N. No. 21 of 1961. |
| 11 | 1959-60 Eastern Region Appropriation | Spent. |
| 12 | Loans (Development Programmes) | Now Chapter 77. |
| 13 | Eastern Nigeria Sports Commission (Amendment) | Incorporated with Chapter 44. |
| 14 | Classification of Chiefs ... | Now Chapter 21. |
| 15 | Funds and Accounts | Now Chapter 57. |
| 16 | Legislative Houses | Now Chapter 74. |
| 17 | Public Order | Now Chapter 107. |
| 18 | Provincial Administration ... | Now Chapter 101. |
| 19 | Eastern Region Local Government (Extension of Office) | Spent. |

LAWS OF THE EASTERN REGION OF NIGERIA, 1960

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|---|---------------------------------|
| 1 | 1959-60 Eastern Region Supplementary Appropriation | Spent. |
| 2 | 1958-59 Eastern Region Excess Votes Supplementary Appropriation | Spent. |
| 3 | Funds and Accounts (Amendment) | Incorporated with Chapter 57. |
| 4 | Incorporation (Ministry of Finance) | Now Chapter 65. |
| 5 | Purchase Tax on Produce (Amendment) | Incorporated with Chapter 111. |
| 6 | Eastern Region Local Government (Extension of Term) (Amendment) | Spent. |
| 7 | Eastern Nigeria Broadcasting Corporation | Now Chapter 37. |
| 8 | 1960-61 Eastern Region Appropriation | Spent. |
| 9 | Recognition of Chiefs | Now Chapter 112. |
| 10 | Audit (Amendment) | Incorporated with Chapter 13. |
| 11 | Interpretation (Amendment) ... | Incorporated with Chapter 66. |
| 12 | Native Courts (Interim Provisions) | Scheduled omission. |
| 13 | Magistrates' Court (Amendment) | Incorporated with Chapter 82. |
| 14 | High Court (Amendment) | Incorporated with Chapter 61. |
| 15 | Finance (Amendment) | Repealed by E.N. No. 5 of 1962. |
| 16 | Loans | Repealed by E.N. No. 9 of 1961. |
| 17 | Eastern Region Local Government | Now Chapter 79. |
| 18 | 1960-61 Eastern Nigeria Supplementary Appropriation | Spent. |

LAWS OF EASTERN NIGERIA, 1960

| | | |
|----|---|-------------------------------|
| 19 | Director of Public Prosecutions (Amendment) | Incorporated with Chapter 34. |
| 20 | Customary Courts (Amendment) | Incorporated with Chapter 32. |
| 21 | Fatal Accidents (Amendment) | Incorporated with Chapter 52. |
| 22 | Building Lines | Now Chapter 15. |
| 23 | Eastern Nigeria Sports Commission (Amendment) | Incorporated with Chapter 44. |

LAWS OF EASTERN NIGERIA, 1960 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|---|--|
| 24. | Incorporation (Ministry of Finance) (Amendment) | Incorporated with Chapter 65. |
| 25 | Eastern Nigeria Development Corporation (Amendment) | Repealed by E.N. No. 7 of 1963. |
| 26 | Laws of Eastern Nigeria (Declaration of Commencement) | Incorporated with the various laws affected. |

LAWS OF EASTERN NIGERIA, 1961

| | | |
|----|--|---|
| 1 | 1961-62 Eastern Nigeria Appropriation | Spent. |
| 2 | Finance (Amendment) | Repealed by E.N. No. 5 of 1962. |
| 3 | Eastern Nigeria Housing Corporation | Now Chapter 39. |
| 4 | Road Traffic (Amendment) ... | Incorporated with Chapter 116. |
| 5 | High Court (Amendment) ... | Incorporated with Chapter 61. |
| 6 | Provincial Administration (Amendment) | Incorporated with Chapter 101. |
| 7 | Eastern Nigeria Marketing Board (Amendment) | Incorporated with Chapter 42. |
| 8 | Elections (House of Assembly) | Now Chapter 46. |
| 9 | Loans (Development Programmes) (Amendment) | Incorporated with Chapter 77. |
| 10 | Premiers (Pensions) | Now Chapter 98. |
| 11 | 1959-60 Eastern Nigeria Excess Votes Appropriation | Spent. |
| 12 | Public Service Commission of Eastern Nigeria | Now Chapter 108. |
| 13 | Eastern Nigeria Supplementary Appropriation | Spent. |
| 14 | Legislative Houses (Amendment) | Incorporated with Chapter 74. |
| 15 | Children and Young Persons (Amendment) | Incorporated with Chapter 19. |
| 16 | Education (Amendment) ... | Incorporated with Chapter 45. |
| 17 | Administrator-General ... | Now Chapter 4. |
| 18 | Revised Edition (Laws of Eastern Nigeria) | Printed at the beginning of this Edition. |
| 19 | Funds and Accounts (Amendment) | Incorporated with Chapter 57. |
| 20 | Customary Courts (Amendment) | Incorporated with Chapter 32. |

LAWS OF EASTERN NIGERIA, 1961 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|---|-------------------------------|
| 21 | University of Nigeria | Now Chapter 127. |
| 22 | Audit (Amendment) | Incorporated with Chapter 13. |
| 23 | Newspaper (Amendment) | Incorporated with Chapter 86. |
| 24 | 1961-62 Eastern Nigeria Supplementary Appropriation, 1961 | Spent. |
| 25 | Governor's (Emoluments) | Now Chapter 59. |
| 26 | Eastern Nigeria Local Government (Amendment) | Incorporated with Chapter 79. |

LAWS OF EASTERN NIGERIA, 1962

| | | |
|----|---|--------------------------------|
| 1 | 1962-63 Eastern Nigeria Appropriation | Scheduled omission. |
| 2 | Legislative Houses (Amendment) | Incorporated with Chapter 74. |
| 3 | Building Lines (Amendment) | Incorporated with Chapter 15. |
| 4 | Eastern Nigeria Local Government (Amendment) | Incorporated with Chapter 79. |
| 5 | Finance | Now Chapter 53. |
| 6 | Eastern Nigeria Housing Corporation (Amendment) | Incorporated with Chapter 39. |
| 7 | Torts | Now Chapter 125. |
| 8 | 1960-61 Eastern Nigeria Excess Votes Appropriation | Spent. |
| 9 | 1961-62 Eastern Nigeria Supplementary Appropriation | Spent. |
| 10 | Public Holidays (Amendment) | Incorporated with Chapter 104. |
| 11 | Federal Supreme Court (Miscellaneous Provisions) | Now Chapter 123. |
| 12 | Pool Betting Control (Enabling) | Now Chapter 97. |
| 13 | Electoral Commission of Eastern Nigeria | Now Chapter 47. |
| 14 | Defamation | Now Chapter 33. |
| 15 | Eastern Nigeria Produce (Enforcement of Export Standards) | Now Chapter 100. |
| 16 | Sheriffs and Civil Process | Incorporated with Chapter 118. |
| 17 | Loans (Development Programmes) (Amendment) | Incorporated with Chapter 77. |
| 18 | Road Traffic (Amendment) | Incorporated with Chapter 116. |

LAWS OF EASTERN NIGERIA, 1962 — *continued*

| <i>No.</i> | <i>Title</i> | <i>Remarks</i> |
|------------|---------------------------------------|-------------------------------|
| 19 | 1962-63 Eastern Nigeria Supplementary | Spent. |
| 20 | Finance (Amendment) | Incorporated with Chapter 53. |
| 21 | High Court (Amendment) | Incorporated with Chapter 61. |

LAWS OF EASTERN NIGERIA, 1963

| | | |
|----|---|--------------------------------|
| 1 | 1962-63 Eastern Nigeria Supplementary Appropriation | Spent. |
| 2 | Road Traffic (Amendment) | Incorporated with Chapter 116. |
| 3 | 1963-64 Eastern Nigeria Appropriation | Spent. |
| 4 | Agent-General in the United Kingdom | Now Chapter 6. |
| 5 | Pool Betting Control (Enabling) (Amendment) | Incorporated with Chapter 97. |
| 6 | Fund for Agricultural and Industrial Development | Now Chapter 56. |
| 7 | Eastern Nigeria Development Corporation | Now Chapter 38. |
| 8 | Constitution of Eastern Nigeria | Now Chapter 25. |
| 9 | 1963-64 Eastern Nigeria Supplementary Appropriation | Spent. |
| 10 | Official Oaths | Now Chapter 89. |

THE LAWS OF
EASTERN NIGERIA

VOLUME I

1

CHAPTER 1

ABOLITION OF THE OSU SYSTEM LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Osu System abolished.
4. Offences arising out of Osu System.
5. Other offences arising out of Osu System.
6. Enforcement of disabilities.
7. Limitation of jurisdiction of Courts.
8. Words imputing that person is Osu.
9. Offences by companies.
10. Abetment of offence.
11. Enhanced punishment on subsequent conviction.

CHAPTER 1

A Law for the Abolition of the Osu System, to Prescribe Punishment both for the Practice thereof and the Enforcement of any Disability arising therefrom and for purposes connected therewith.

E.R.N. 13
of 1956.
E.N. 26 of
1960.

[10th May, 1956]

1. This Law may be cited as the Abolition of the Osu System Law. Short title.

2. In this Law—

Interpre-
tation.

“Osu” includes an Oru or an Ohu or an Ume or an Omoni, and also includes the descendants of an Osu, an Oru, an Ohu, an Ume, and an Omoni and any person subject to a legal or social disability or social stigma which is similar to or nearly similar to that borne by an Osu, an Oru, an Ohu, an Ume or an Omoni;

“Osu System” includes any system, status, institution, or practice which implies that any person is subject to a legal or social disability or social stigma which is similar to, or nearly similar to, that borne by an Osu.

Osu System
abolished.

3. Notwithstanding any custom or usage, each and every person who on the date of the commencement of this Law is Osu shall from and after such date cease to be Osu and shall be free and discharged from any consequences thereof, and the children thereafter to be born to any such person and the offspring of such person shall not be Osu, and the Osu System is hereby utterly and for ever abolished and declared unlawful.

Offences
arising out
of Osu
System.

4. (1) Whoever—

(a) prevents any person from exercising any right accruing to him by reason of the abolition of the Osu System; or
 (b) molests, injures, annoys, obstructs, or causes or attempts to cause obstruction to any person in the exercise of any such right, or molests, injures, annoys or boycotts any person by reasons of his having exercised any such right; or
 (c) by words, either spoken or written, or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practise the Osu System in any form whatsoever,
 is guilty of an offence and upon conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

(2) For the purpose of this section a person shall be deemed to boycott another person who—

(a) refuses to lease to such other person, or refuses to permit such other person to use or occupy, any house or land, or refuses to deal with, work for, hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or
 (b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

5. Whoever, on the ground that a person—

- (a) if this Law had not been passed, would have become Osu; or
- (b) has refused to practise the Osu System; or
- (c) has done any act in furtherance of the objects of this Law,

Other offences arising out of Osu System.

denies to any person belonging to his community or section thereof any right or privilege, to which such person as a member of such community would be entitled, is guilty of an offence and upon conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

6. Whoever on the ground of the Osu System enforces against any person any disability whatsoever and in particular, but without prejudice to the generality of this section, with regard to—

Enforcement of disabilities.

- (a) marriage; or
 - (b) acquisition or inheritance of any property; or
 - (c) joining of title societies; or
 - (d) observance of any social custom, usage or ceremony,
- is guilty of an offence and shall upon conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

7. (1) No court shall—

- (a) entertain or continue any suit or proceeding; or
 - (b) shall pass any decree or order; or
 - (c) execute wholly or partially any decree or order;
- if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Law.

Limitation of jurisdiction of courts.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognize any custom or usage imposing any disability on any person on the ground of the Osu System.

8. Words spoken and published which impute that a person is Osu shall not require special damage to render them actionable.

Words imputing that person is Osu.

Offences by
companies.

9. (1) If the person committing an offence under this Law is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) (a) Notwithstanding anything contained in subsection (1), where an offence under this Law has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(b) For the purposes of this section—

(i) "company" includes any body corporate, firm or other association of individuals; and

(ii) "director" in relation to a firm means a partner in the firm.

Abetment of
offence.

10. Whoever abets the commission of an offence under this Law, whether the offence is actually committed or not, shall be deemed guilty of an offence under this Law and shall be liable upon conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

Enhanced
punishment
on subse-
quent con-
viction.

11. Any person who, having already been convicted of an offence under this Law, or of an abetment of an offence, is again convicted of any such offence or abetment, shall, on every such subsequent conviction, be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 2

ACQUISITION OF LAND BY ALIENS LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Delegation of powers of Minister.
4. Aliens not to acquire land save with the approval of the Minister.
5. Unlawful occupation of land by an alien.
6. Offence and penalty.
7. Ejection proceedings.
8. Institution and conduct of legal proceedings.
9. Power to make regulations.

CHAPTER 2

A Law to regulate the Acquisition of Land by Aliens.

E.R.N. 11
of 1956,
17 of 1960
sec. 224,
26 of 1960.
E.N.L.N.
79 of 1961.

[15th May, 1958]

1. This Law may be cited as the Acquisition of Land by Aliens Law. Short title.

2. In this Law— Interpreta-
tion.
“alien” means:
(a) any individual other than a Nigerian and
(b) any company or association or body of persons
corporate or unincorporate other than—
(i) a body corporate established specifically by or
under any Act or Law which empowers that body to
acquire and hold land; or

(Fed.
Cap. 98)

(ii) a corporate body incorporated under the provisions of the Land (Perpetual Succession) Act or any other Act or Law containing general provisions for incorporation where such corporate body is composed solely of Nigerians, or under the provisions of a written law relating to local government in Eastern Nigeria; or

(Fed.
Cap. 39)
(Cap. 28)

(iii) a co-operative society composed solely of Nigerians and registered under the provisions of any Co-operative Societies Act or the Co-operative Societies Law;

“court” means the High Court or a Magistrate’s Court;

“instrument” means any document in writing affecting land, and includes a will;

“the Minister” means the Minister for the time being charged with responsibility for land;

“Nigerian” means any person whose parents were members of any tribe or tribes indigenous to Nigeria and the descendants of such persons; and includes any person one of whose parents was a member of such a tribe and includes any individual company, association or body of persons corporate or unincorporate that is not an alien.

Delegation
of powers of
Minister.

3. (1) The Minister may delegate such of the powers conferred upon him under the provisions of this Law as he shall think fit.

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister.

Aliens not
to acquire
land save
with the
approval of
the Minister.

4. (1) No alien may acquire any interest or right in or over any land from a Nigerian, unless such alien has been approved in writing by the Minister in that behalf, and then only under an instrument which, and the terms whereof, have also been so approved.

(2) Where any such right or interest has been lawfully acquired by an alien, such right or interest shall not be transferred, alienated, demised or otherwise disposed of to any other alien, or be sold to any other alien under any process of law, without the approval in writing of the Minister of such other alien and of the instrument and the terms thereof.

(3) Any transaction and any instrument by or under which an alien purports to acquire any interest or right in or over any land which has not been duly approved in accordance with the provisions of this section shall be null and void and of no legal effect.

5. It shall be unlawful for any alien or for any person claiming under an alien to occupy any land belonging to a Nigerian unless the right of the alien to occupy or authorize the occupation of the land—

Unlawful occupation of land by an alien.

- (a) is evidenced by an instrument which has received the approval of the Minister in writing; or
- (b) is evidenced by an instrument which has received the approval of the Governor of Nigeria or the Lieutenant-Governor or Governor of Eastern Nigeria under the provisions of the *Native Lands Acquisition Ordinance; or
- (c) was acquired, if the land is situate in that part of the Eastern Nigeria which in the year 1900 was included in the Protectorate of Southern Nigeria, before the 1st of January, 1900, and in the case of lands situate elsewhere, before the 30th March, 1908; or
- (d) is authorized by or under any Act, or Law:

Provided that, with the previous consent of the Minister, it shall be lawful for an alien or person claiming under an alien to occupy land belonging to a Nigerian pending the execution of an instrument the terms of which have been approved by the Minister. Such consent may, however, be withdrawn by the Minister at any time, if he deems it necessary in the public interest to do so.

6. Any alien or other person who is in unlawful occupation of land belonging to a Nigerian shall be guilty of an offence and liable on summary conviction to a fine of one hundred pounds or imprisonment for twelve months.

Offence and penalty.

7. (1) Where it appears to the court that any alien or person claiming to be entitled under an alien is in unlawful occupation of any land belonging to a Nigerian, the court

Ejection proceedings.

*The Native Lands Acquisition Ordinance was Chapter 144 of the Laws of Nigeria, 1948 Revision. It was repealed within Eastern Nigeria by section 10 of this Law (which section has been omitted in this Revision).

may, on the application of the Attorney-General or any person authorized by him or on its own motion, cause a summons to be issued to such alien or person aforesaid, requiring him to appear before the court and produce the instrument by virtue whereof the alien, who is occupying the land or under whom the land is occupied, is entitled to occupy or authorize the occupation of the same, or a copy of such instrument certified in accordance with the law relating to the registration of instruments.

(2) If on the hearing of such summons the court shall find that such alien or person claiming under an alien is occupying land belonging to a Nigerian, and such alien or person fails to satisfy the court that such occupation is lawful, the court shall, notwithstanding the provisions of any written law, order such alien or person aforesaid to give up possession of the land, and shall issue such process as may be necessary for enforcing such order.

Institution
and conduct
of legal
proceedings.

8. Notwithstanding the provisions of any written law proceedings for an offence against any provision of this Law and all civil proceedings hereunder shall be brought in the name of the Attorney-General and may be instituted and conducted by any person authorized by him generally, or specifically in relation to any particular proceedings or class of proceedings, by writing under his hand.

Power to
make
regulations.

9. The Executive Council may make regulations with respect to all or any of the following matters—

- (a) the conditions upon which the approval of the Minister may be had and obtained to instruments by or under which aliens may acquire any interests or rights in or over any land from Nigerians;
- (b) the terms and conditions to be contained in such instrument, and the forms of such instruments; and
- (c) the fees to be paid by aliens upon the approval of the Minister of such instruments, and upon the execution thereof by the parties thereto.

CHAPTER 3

ADMINISTRATION (REAL ESTATE) LAW

Arrangement of Sections

Section

1. Short title.
2. In case of intestacy real estate to be administered as personal estate.
3. In granting administration court to have regard to heir-at-law.

CHAPTER 3

A Law relating to Administration of Real Estate in the case of Intestacy.

L. of N.
1948,
Cap. 3.

[17th May, 1917]

1. This Law may be cited as the Administration (Real Estate) Law. Short title.

2. When any person shall die intestate after the commencement of this Law leaving any real property of whatsoever nature of which the intestate might have disposed by will, such real property shall for the purposes of administration be deemed to be part of the personal estate of the said intestate and shall be administered accordingly: In case of
intestacy
real estate
to be admin-
istered as
personal
estate.

Provided always that the real property the succession to which cannot by customary law be affected by testamentary disposition shall descend in accordance with the provisions of such customary law anything herein contained to the contrary notwithstanding:

Provided also that the real estate shall not be administered unless the administrator shows to the satisfaction of the court that the personal estate is insufficient to pay the intestate's debts and the expenses of his funeral, and of taking out administration.

In granting
administra-
tion court
to have
regard to
heir-at-law.

3. When a person dies intestate possessed of real estate, the court shall, in granting letters of administration, have regard to the rights and interests of persons interested in his real estate, and his heir-at-law if not one of the next of kin, shall be equally entitled to the grant with the next of kin.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 4

ADMINISTRATOR-GENERAL LAW

Arrangement of Sections

PART I.—PRELIMINARY

Section

1. Short title, commencement and application.
2. Interpretation.

PART II.—THE ADMINISTRATOR-GENERAL.

3. Appointment.
4. Liability of the Administrator-General.
5. Liability of Government.
6. Non-Liability of Administrator-General and Government in certain cases.
7. Sale of goods of third party.
8. No security or oath required from Administrator-General.
9. Appointment of Administrator-General as executor.
10. How grants to be made to Administrator-General.
11. Effect of grants to Administrator-General and grants and resealing of grants to other administrators-generals.
12. Entry of Administrator-General's name in books of company.

PART III.—GRANT OF PROBATE OR OF LETTERS OF ADMINISTRATION

13. Administrator-General to petition Court.
14. Entering on estate before grant.
15. Application for grant within one month of death of deceased.
16. Uncertainty as to succession.
17. Grants to persons appearing.
18. Grants to Administrator-General notwithstanding claim by other persons.
19. Transfer of assets by private excutor or administrator to Administrator-General.

PART IV.—REVOCATION OF GRANT OF LETTERS OF ADMINISTRATION

20. Revocation of grant to Administrator-General.
21. Costs of Administrator-General on revocation of grant.
22. Effect of revocation on previous acts of Administrator-General.
23. Payments made by Administrator-General prior to revocation of grant.

Administrator-General

PART V.—ADMINISTRATION

Section

24. Notice to creditors and beneficiaries: Form of claims.
25. Disposal of assets received from outside the Region.
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27. Costs of Administrator-General.
28. Disposal of jewellery.
29. Power of Administrator-General to pay for improvements.
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37. Distribution of proceeds of estate.
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48. Administration by Administrator-General of estates.
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Administrator-General

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60. False evidence.
61. Divisional Officer's power in relation to assets.
62. When wages or salary not exceeding £10 may be paid to relatives of deceased.
63. Annual report of Administrator-General.
64. Savings.
65. Repeal of Administrator-General's Ordinance.

SCHEDULE

CHAPTER 4

A Law to provide for the Appointment, Functions and Liability of an Administrator-General of Eastern Nigeria. E.N. 17 of 1961.

[1st August, 1962]*

PART I.—PRELIMINARY

1. (1) This Law may be cited as the Administrator-General Law and shall commence on a date the Governor shall appoint by notice in the *Eastern Nigeria Gazette*. Short title, commencement and application.*

(2) This Law applies to an estate in respect of which probate or letters of administration may be granted by the High Court.

2. In this Law—
“Administrator-General” includes an Assistant Administrator-General;
“agent” means an agent of the Administrator-General as provided by sections 48 and 58; Interpretation.

*E.N.L.N. 60 of 1962.

“assets” means all property of a deceased person—

- (a) chargeable with and applicable to the payment of his debts and legacies; or
- (b) available for distribution among his heirs and next of kin;

(Cap. 13) “auditor” means the Director of Audit acting pursuant to the Audit Law; and

“audited” has a corresponding meaning;

“Court” means the High Court;

(Cap. 32) “customary court” and “customary law” have the respective meanings assigned to them by the Customary Courts Law;

“estate” means—

- (a) all interests in land and chattels real; and
- (b) all goods, chattels, moneys, *choses in action* and other property of whatever kind;

“overseas officer” means a person in the public service of Eastern Nigeria not being a citizen of Nigeria;

“Federal Administrator-General” means the Federal authorities empowered to apply for grants of representation in respect of the estates, in Nigeria, of deceased persons;

“letters of administration” means letters of administration whether—

- (a) general; or
- (b) with copy of will annexed; or
- (c) limited in time, or otherwise;

“Minister” means the Minister for the time being charged with responsibility for the Administration of Justice;

(Cap. 65) “Ministry of Finance” means the Corporation constituted by the Incorporation (Ministry of Finance) Law;

“next of kin” includes a—

- (a) widow or widower of a deceased person; or
- (b) other person who, by law, would be entitled to letters of administration in preference to a creditor or legatee of the deceased;

“prescribed” means prescribed by rules made under section 57;

“property” includes goods, choses in action, land and—

- (a) all kinds of property, whether real or personal; and
- (b) all kinds of estate and interest, present or future, vested or contingent;

“Regional Administrator-General” means the Regional authority empowered by the legislature of a Region, other than Eastern Nigeria, to apply for grants of representation in respect of the estate of deceased persons;

“taxing officer” means the Chief Registrar of the Court;

“unrepresented estate” means—

- (a) the estate of a person who dies intestate and whose next of kin (or where the next of kin is a minor, his guardian)—
 - (i) is unknown, or
 - (ii) is absent from Nigeria without having an attorney in Nigeria, or,
 - (iii) if in Nigeria and known, has, for a period of one month after the death of the testator, refused or neglected to apply to the Court for letters of administration;
- (b) the estate of a person who dies having made a will where, owing to any cause, it is necessary to appoint an administrator *cum testamento annexo* or *de bonis non* of the estate and the person entitled to the letters of administration—
 - (i) is unknown, or
 - (ii) if in Nigeria and known, refuses, or neglects, for one month after the death of the testator to apply to the Court for the letters of administration, or
 - (iii) is absent from Nigeria without having an attorney in Nigeria;
- (c) an estate of which the executors or administrators are absent from Nigeria without having an attorney in Nigeria; or
- (d) an estate where the deceased has named the Administrator-General as the sole executor of his will:

But an estate in respect of which a grant of representation has, under section 2 of the Consular Conventions Act, been made to a consular officer, is not deemed to be an unrepresented estate; (Fed. Cap. 38)

“year” means a period commencing on the first day of January and ending on the following thirty-first day of December.

PART II.—THE ADMINISTRATOR-GENERAL

Appoint-
ment.

3. (1) There shall be appointed to the Public Service—
- (a) a suitable person as Administrator-General, and
 - (b) as many Assistant Administrators-General as may be required.
- (2) The Administrator-General may hold that office together with another office in the public service.
- (3) The Administrator-General—
- (a) is a corporation sole by the name of the Administrator-General of Eastern Nigeria,
 - (b) has perpetual succession and an official seal, and
 - (c) may be sued in the corporate name.
- (4) Until an official seal is provided, a stamp bearing the name of the corporation may be used as the official seal.
- (5) An instrument sealed by the corporation is not, by reason only of the using of the seal, rendered liable to a higher stamp duty than if the corporation were an individual.
- (6) The Administrator-General may appear in court—
- (a) in person, or
 - (b) by counsel, or
 - (c) by a person duly authorized in that behalf by the Administrator-General, in a proceeding to which he is a party.

Liability
of the
Administra-
tor-General.

4. (1) Neither the Administrator-General nor his agent is liable for an act done by himself—
- (a) *bona fide*, and
 - (b) in the supposed and intended execution of their duties, unless it is shown that the act was done not only illegally but wilfully or with gross negligence.
- (2) In addition, where the estate of a deceased person is being administered by the Administrator-General, neither he nor his agent is personally liable in respect of assets—
- (a) in the possession of the deceased person at the time of his death, and

(b) dealt with by the Administrator-General or his agent, unless either person has knowledge, by actual notice or otherwise, before the assets are dealt with, that they were not in fact, the property of the deceased person.

(3) Nothing in this section is deemed to restrict the operation of section 16.

5. (1) Except as provided by subsection (2), there shall be charged on the Consolidated Revenue Fund the sum required to discharge all liabilities the Administrator-General, if he were a private administrator, would be personally liable to discharge.

Liability of Government.

(2) Where the liability is one which neither the Administrator-General nor an agent of his—

- (a) has, in any way, contributed to, or
- (b) could, by the exercise of reasonable diligence, have averted, then neither the Administrator-General nor that Fund shall be subject to a liability.

6. Where death is proved, to the satisfaction of the Administrator-General, by a—

Non-Liability of Administrator-General and Government in certain cases.

- (a) certified copy of a register of deaths, or
- (b) certificate of a local government council in an area where there is no compulsory registry of deaths, or
- (c) certificate of a Permanent Secretary of a Ministry or Head of Department, where the deceased was a public officer employed in the Ministry or department, as the case may be,

neither the Administrator-General, personally, nor the Government is liable for a loss incurred through a fraudulent or innocent misrepresentation concerning the death in question.

7. Where, during the administration of an estate by the Administrator-General, there is sold by the Administrator-General, or an agent on his behalf, goods or chattels belonging to a third party, the amount realized by that sale shall be paid to the owner upon proof by him of that ownership unless the amount has already been—

Sale of goods of third party.

- (a) applied in payment of the debts of the deceased, or

(b) distributed in the ordinary course of administration, whilst the Administrator-General or his agent was in ignorance, or without actual notice, of the claim of that person to the goods or chattels sold.

No security or oath required from Administrator-General.

8. (1) The Administrator-General shall not be required to—

- (a) enter into an administration bond, or to give other security to the Court, on the grant of letters of administration to him by that name; or
- (b) verify, otherwise than by his signature, a petition presented by him under this Law.

(2) Subject to subsection (3), where the facts stated in that petition are not within the Administrator-General's own personal knowledge, the petition may be subscribed and verified by a person competent to make the verification.

(3) For the purposes of this section, the facts stated in the reports of administrative officers to the Administrator-General are deemed to be within the personal knowledge of the Administrator-General.

Appointment of Administrator-General as executor.

9. The Administrator-General may be appointed the sole executor of a will.

How grants to be made to Administrator-General.

10. A grant to the Administrator-General of probate or letters of administration—

- (a) shall be to him by that name, and
- (b) is deemed to include his successor in office, and
- (c) shall authorize the Administrator-General to act as executor or administrator, as the case may be, of the estate to which the probate or letters relate.

Effect of grants to Administrator-General and grants and resealing of grants to other administrators-general.

11. (1) A grant of probate or letters of administration by the Court to the Administrator-General—

- (a) is conclusive, as to the representative title against—
 - (i) all debtors of the deceased, and
 - (ii) all persons holding the assets, and
- (b) affords full indemnity to—
 - (i) all persons delivering up the assets to the Administrator-General or his agents duly appointed in accordance with this Law.

Administrator-General

(2) A grant of probate or letters of administration by the Court to the Federal Administrator-General or to a Regional Administrator-General or by another High Court resealed by the Court—

(a) is conclusive, as to the representative title of the Administrator-General to whom the grant has been made, against—

(i) all debtors of the deceased, and

(ii) all persons holding assets within the Region;

and

(b) affords full indemnity to—

(i) all debtors of the deceased, and

(ii) all persons holding assets within the Region.

12. (1) Subject to this section, the entry of the Administrator-General by that name in the books of a company does not constitute notice of a trust.

Entry of Administrator-General's name in books of company.

(2) A company may not object to entering on its register the name of the Administrator-General by reason only that the Administrator-General is a corporation.

(3) In dealing with assets, the fact that the person dealt with is the Administrator-General does not, of itself, constitute notice of a trust.

(4) The Administrator-General is not personally liable for a claim as a contributory.

PART III.—GRANT OF PROBATE OR OF
LETTERS OF ADMINISTRATION

13. (1) Subject to this section, the Administrator-General may, where he becomes aware of an estate, or assets of an estate, within Eastern Nigeria, which he considers unrepresented, present to the Court a petition, in the form set out in the Schedule—

Administrator-General to petition Court.

(Schedule)

(a) stating the particulars of the estate or assets, and

(b) praying for the grant of probate or of letters of administration, as the case may be, of the estate.

(2) That form shall be completed in accordance with the direction contained in it.

(3) On being satisfied that the estate is unrepresented, the Court shall make an order, accordingly and, thereupon, the Administrator-General shall forthwith—

- (a) cause an inventory to be made of the estate or assets, as the case may be, and
- (b) file it in the Court.

(4) The Administrator-General shall not petition the Court in respect of an estate for the administration of which other special provision is made by an—

- (a) Act of the Parliament of the United Kingdom having effect in Eastern Nigeria, or
- (b) a written law.

Entering
on estate
before grant.

14. The Administrator-General—

- (a) immediately on becoming aware of an estate mentioned in section 13, and
 - (b) before obtaining a grant of probate or of letters of administration of the estate;
- may, if he thinks fit to do so, enter upon the estate for the purpose of sealing up or making such other dispositions for the security of the estate as he may consider necessary.

Application
for grant
within one
month of
death of
deceased.

15. Nothing in this Law precludes the Administrator-General from applying to the Court for a grant of probate or of letters of administration within a period of one month from the death of the deceased.

Uncertainty
as to
succession.

16. (1) Where—

- (a) a person dies leaving assets within Eastern Nigeria and the Court is satisfied that—
 - (i) there is no person immediately available who is legally entitled to succession to the assets, or
 - (ii) danger is to be apprehended of misappropriation, deterioration, or waste of those assets before it can be determined—
 - (A) who is legally entitled to the succession to them, or
 - (B) whether the Administrator-General is entitled to a grant of probate or of letters of administration of the estate of that person in respect of those assets; or

(b) the agent in charge of assets in Eastern Nigeria belonging to a—

(i) person not residing in Nigeria, or

(ii) company not incorporated in Nigeria,

dies without leaving a responsible person in charge of those assets, the Court may, on the application of the Administrator-General or a person interested in the assets or in their due administration, order the Administrator-General to—

(c) collect and take possession of the assets, and

(d) hold, possess, realize, and dispose of them according to the direction of the Court, and or in default of direction, to the provisions of this Law, so far as applicable to those assets.

(2) An order of the Court made under this section entitles the Administrator-General—

(a) to maintain a suit or other proceeding for the recovery of the assets, and

(b) if he thinks fit, to apply for a grant of probate or of letters of administration of the estate of the deceased person, and

(c) to retain, out of the assets of the estate, fees chargeable under rules made under this Law and to reimburse himself for all payments made by him in respect of those assets which a private administrator might lawfully have made.

17. Where, in the course of proceedings to obtain a grant of probate or of letters of administration under section 13, 15 or 16, a person appears and establishes his claim to—

Grants to persons appearing.

(a) probate of the will of the deceased; or

(b) letters of administration as next of kin of the deceased and gives such security as the law may require of him, the Court shall—

(c) grant probate of the will or letters of administration, accordingly, and

(d) award the Administrator-General costs of proceedings taken by him, under those sections, to be paid out of the estate as part of its testamentary or intestate expenses.

Grant to Administrator-General notwithstanding claim by other persons.

18. Where, in the course of proceedings to obtain a grant of probate or of letters of administration under section 13, 15 or 16—

- (a) a person, does not appear and establish his claim to probate of a will, or to a grant of letters of administration as next of kin within such period as to the Court seems reasonable, or
- (b) a person who has established his claim to a grant of letters of administration as next of kin of the deceased fails to give such security as may be required of him by Law,

the Court may grant to the Administrator-General probate or letters of administration.

Transfer of assets by private executor or administrator to Administrator-General.

19. (1) By instrument in writing under his hand and notified in the *Eastern Nigeria Gazette* and with the previous consent of the Administrator-General, a private executor or administrator may transfer to the Administrator-General by name the assets of the estate vested in him by virtue of the grant of probate or of letters of administration.

(2) As from the date of that transfer, the transferor is exempt from all liability as the executor or administrator as the case may be, except in respect of acts or omissions done, or committed, before the date of the transfer, and the Administrator-General shall—

- (a) have the rights which he would have had, and
- (b) be subject to the liabilities to which he would have been subject,

had the probate or letters of administration, as the case may be, been granted to him by that name, at the date of the transfer.

PART IV.—REVOCATION OF GRANT OF LETTERS OF ADMINISTRATION

Revocation of grant to Administrator-General.

20. (1) Subject to this section, where an executor or next of kin of the deceased who—

- (a) has not been personally served with a citation, or
- (b) has not had actual notice of it in time to appear pursuant to it,

establishes, to the satisfaction of the Court, a claim to probate

Administrator-General

of a will or to letters of administration in preference to the Administrator-General, then—

(c) letters of administration granted, in accordance with this Law, to the Administrator-General may be revoked, and

(d) probate or letters of administration may be granted to that executor or next of kin, as the case may be.

(2) Letters of administration granted to the Administrator-General shall not be revoked for that cause, upon the application of the next of kin of the deceased, unless—

(a) the application is made within six months of the grant to the Administrator-General, and

(b) the Court is satisfied that there has been no unreasonable delay in—

(i) making the application, or

(ii) transmitting the authority under which the application is made.

21. (1) Where letters of administration granted, in accordance with this Law, to the Administrator-General are revoked the Court may order to be paid to, or retained by, the Administrator-General, out of the estate—

Costs of Administrator-General on revocation of grant.

(a) the costs of obtaining those letters of administration, and

(b) the whole or part of the fees which would otherwise have been payable under this Law, together with

(c) the costs of the Administrator-General in proceedings taken to obtain that revocation.

(2) Nothing in this section affects paragraph (c) of subsection (2) of section 16.

22. (1) Subject to subsection (2), where letters of administration granted to the Administrator-General in accordance with this Law are revoked, they are, so far as concerns the—

Effect of revocation on previous acts of Administrator-General.

(a) Administrator-General, and

(b) all persons acting under his authority in pursuance of them,

deemed to have been valid, except as to an act done by the Administrator-General, or that other person, after notice of a will or of another fact which would render these letters void.

(2) No notice of a will or of another fact which would render those letters void shall affect the persons mentioned in paragraphs (a) or (b) of subsection (1) unless—

- (a) within the period of one month from the time of giving the notice, proceedings are commenced to prove the will or to cause the letters to be revoked and
- (b) those proceedings are prosecuted without unreasonable delay.

Payments made by Administrator-General prior to revocation of grant.

23. Where, upon the grant of probate of a will or of letters of administration with copy of the will annexed, there are revoked letters of administration granted to the Administrator-General in accordance with this Law, then—

- (a) all payments made, or
- (b) all acts done by, or under the authority of, the Administrator-General

in pursuance of those letters of administration, prior to revocation, which would have been valid under letters of administration lawfully granted to him with a copy of that will annexed, are deemed valid notwithstanding the revocation.

PART V.—ADMINISTRATION

Notice to creditors and beneficiaries: Form of claims.

24. (1) The Administrator-General shall cause to be published in—

- (a) the *Eastern Nigeria Gazette*, and
 - (b) such other manner as he considers expedient,
- notices calling upon the creditors of the persons whose estates he administers, and other persons beneficially entitled to the estates, to come in and prove their claims before him within such period as he may specify.

(2) Subject to section 37, he shall, after the expiration of that period, pay—

- (a) the debts proved, and,
- (b) where all those debts cannot be paid, a dividend on them.

(3) Where, after making that payment, he collects further assets, he shall, if some of the debts proved remain unpaid, pay—

- (a) those debts, and
- (b) debts subsequently proved before him, or

(c) a dividend on them,
but on those debts subsequently proved shall first be paid a dividend, in proportion to their amount, equal to the dividend paid to creditors having previously proved their debts.

(4) The Administrator-General may require that a claim filed by a creditor or claimant shall express the—

- (a) name and place of abode of the creditor or claimant,
- (b) origin of the debt or claim,
- (c) degree or class of the debt, and
- (d) particulars and exact amount of the debt, verified by affidavit.

(5) There shall be annexed to a claim the documents purporting to be evidence of it.

(6) The Administrator-General may also require a claimant to make an affidavit in the prescribed form giving, according to the best of his knowledge and ability, particulars concerning the persons beneficially entitled to the estate.

(7) A notice published in the *Eastern Nigeria Gazette* in accordance with subsection (1) is deemed to be a notice to a person responsible for the payment of wages or salary to the deceased.

25. Where the Administrator-General—

- (a) is administering an estate, and
- (b) receives assets situated, at the time of the death of the deceased, outside Eastern Nigeria,

then those assets shall be treated in the same manner as assets within Eastern Nigeria at the time of death.

Disposal of assets received from outside the Region.

26. (1) Where the Administrator-General has given the notice required by section 24, he may, at the expiration of the period specified by him for the proof of claims, distribute the assets, or part of them, in discharge of lawful claims of which he has notice.

Barring of claims.

(2) He is not liable, for the assets so distributed, to a person of whose claim he had no notice at the time of the distribution.

(3) Notice of a claim, rejected or disallowed in part by the Administrator-General, does not affect him unless—

- (a) proceedings to enforce the claim are commenced within two months of notice of the rejection or disallowance being given, and

(b) proceedings are prosecuted without unreasonable delay.

(4) Nothing in this section prejudices the right of a creditor or other claimant to follow the assets, or part of them, in the hands of the persons respectively receiving them.

(5) In computing any period of limitation for a suit, appeal or application under a law in force, the period between the date of the—

(a) submission to the Administrator-General of the claim of a creditor, and

(b) final decision of the Administrator-General on the claim,
shall be excluded.

Costs of
Administrator-General.

27. (1) Where a suit is instituted by a creditor against the Administrator-General, the creditor shall pay the costs of the suit unless he proves that—

(a) not less than one month immediately preceding the institution of the suit he had applied in writing to the Administrator-General stating—

(i) the amount, and

(ii) other particulars of his claim, and

(b) had given such evidence in support of the claim as, in the circumstances of the case, the Administrator-General was reasonably entitled to require.

(2) Where that suit is decreed in favour of the creditor, he may, nevertheless, unless he is a secured creditor, only receive payment out of the assets of the deceased equally and ratably with the other creditors.

Disposal of
jewellery.

28. In the case of a solvent estate the Administrator-General may deliver to the next of kin of the deceased watches, jewellery, or other property of the deceased which, in the opinion of the Administrator-General, ought not to be sold.

Power of
Administrator-General
to pay for
improvements.

29. The Administrator-General may, in addition to, and not in derogation of, any other lawful powers of expenditure exercisable by him, incur expenditure—

(a) on acts necessary for the proper care and management of property belonging to an estate in his charge, and

(b)

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day and the hour to be appointed by the taxing officer for the passing of those accounts—

- (a) they may be examined and taxed by the taxing officer in the presence of persons who may attend upon such notice, and
 - (b) objection may be taken to the account, or to an item on part of it.
- (3) The Court may bring under review the taxation in the same manner, as near as may be, as in the case of a proceeding in the Court.

(4) A certificate under the hand of the—

- (a) taxing officer, or
- (b) judge of the Court,

to the effect that the accounts have been examined and found correct is a valid and effectual discharge, in favour of the Administrator-General, as against all persons.

35. On giving the notice mentioned in section 34, the Administrator-General may have interim accounts passed prior to the completion of the administration. Power to file interim accounts.

36. Where the administration of an estate by the Administrator-General is not completed within eighteen months after the grant of letters of administration, he shall, unless otherwise ordered by the Court, file in Court an interim statement of accounts which may be examined in accordance with the rules of the Court. When Administrator-General to file interim accounts.

PART VI.—DISTRIBUTION OF RESIDUE

37. (1) As soon as practicable after the— Distribution of proceeds of estate.
- (a) time limited for the submission of claims in the last of notices published in pursuance of section 24, or
 - (b) settlement of a disputed claim,
- the Administrator-General shall dispose of the property of the estate in the manner provided by subsection (2).
- (2) He shall—
- (a) reimburse himself of all costs and charges he may reasonably have incurred in collecting the estate;
 - (b) pay, to the credit of the Consolidated Revenue Fund, such percentage as may be prescribed of the gross amount of money arising from the realization of the estate;

- (c) pay the creditors of the estate in the order and manner prescribed; and
- (d) pay any balance remaining after those payments to—
 - (i) the persons legally entitled to it, if known, or
 - (ii) if unknown, to the Accountant-General of Eastern Nigeria in trust for the persons entitled to it in accordance with section 40.

Disposal of
real
property.

38. (1) Where, after winding up an estate, real property remains undisposed of, the Administrator-General shall, forthwith and before closing the accounts of the estate, apply to the Court for an order as to the disposal of that property.

(2) The Court may, in respect of it—

- (a) order its sale, or
- (b) appoint a receiver, or
- (c) make such other order as the Court considers just.

To whom
payable
assets of
persons not
domiciled in
Nigeria.

39. (1) Subject to this section, where a person, not domiciled in Nigeria but having his domicile within a territory of the Commonwealth, dies leaving assets in Eastern Nigeria, the Administrator-General, after having—

- (a) given the notice required by section 24 for creditors and others to come in and prove their claims, and
- (b) discharged, at the expiration of the period specified, such lawful claims of which he may have notice,

may, instead of distributing any surplus or residue of the assets of the deceased to persons residing out of Nigeria and being entitled to those assets, transfer, with the consent of the executor or administrator, if any, as the case may be, in the country of the domicile of the deceased, the surplus or residue to that executor or administrator for distribution to those persons.

(2) Where that deceased person was domiciled in a foreign State, the transfer may be made to a consular officer of that State whose receipt shall be a full discharge to the Administrator-General in respect of the transfer.

(3) Where—

- (a) the person entitled to receive the residue of an estate is living in a territory within the Commonwealth, and

(b) the Government of that territory is willing to pay the residue to that person, the Administrator-General may, notwithstanding subsection (1), transfer the residue, through the Accountant-General of Eastern Nigeria to the Government of the territory in which that person is living.

(4) A written acknowledgement of the Accountant-General that he has received that amount for that purpose is a full discharge to the Administrator-General in respect of the transfer.

(5) The fees payable to—
(a) a consular officer, or
(b) a Government of a territory, mentioned in this section may be prescribed.

40. (1) Where—

- (a) the Administrator-General has, by paying all debts, fees, expenses and liabilities incident to the collection, management and administration, completed administration of the estate of a person dying intestate and without known heirs or next of kin; and
- (b) after the passing of the accounts of that estate by the taxing officer or a judge, a sum of money remains, in the Regional Treasury, to the credit of that estate, he shall, forthwith, publish, in the *Eastern Nigeria Gazette*, a notice—
- (c) announcing the completion of the administration of the estate and the passing of its accounts and the amount of the residue, and
- (d) calling upon all persons claiming, on legal, equitable or moral grounds, to be interested in the estate, to present their petitions to the Court.

Disposal of proceeds of intestate estate without heirs or next of kin.

(2) Unless the Court fixes, under subsection (4), a lesser period within which the petition may be presented, the petition may be presented within a period of two years from the date of that notice and no claim shall be entertained after the expiration of—

- (a) that period, or
(b) a lesser period of time so fixed by the Court.

- (3) The hearing of the petition shall not take place until—
- (a) the expiration of either period, or
 - (b) the petitioner has given two months' notice in the *Eastern Nigeria Gazette*—
 - (i) of the presentation, or intended presentation of the petition, and
 - (ii) as to whether the petition has been presented,and that notice shall not be given until after the day appointed by the Court.
- (4) Where the Court is satisfied upon application, either by the Administrator-General or by a person who has presented a petition as provided for by subsection (1), that—
- (a) it is unlikely that further petitions will be presented, or
 - (b) a lesser period of time will be sufficient for the presentation of those petitions,
- then the Court may order that, for the period of two years mentioned in subsection (2), there shall be substituted such lesser period, being not less than six months, as the Court may consider sufficient.
- (5) Notice of an order made by the Court under this subsection shall be published in the *Eastern Nigeria Gazette*.
- (6) The petition shall state the—
- (a) place of residence of the claimant, and
 - (b) the grounds upon which, and the description of the estate in respect of which, the claim is made.
- (7) A copy of the petition shall be served on the Administrator-General.
- (8) A person claiming to be interested in the estate may appear—
- (a) personally, or
 - (b) by a legal practitioner,
- and the respective claims of different petitioners may be heard and dealt with at the hearing.
- (9) The equitable or moral grounds referred to in this section and section 44 include those arising from the illegitimacy of the—
- (a) deceased person whose estate has been administered by the Administrator-General, or
 - (b) his children or grandchildren.

41. (1) Where a petitioner verifies his claim by evidence to the satisfaction of the Court, the Court shall make such order in the premises, including an award of costs, as it thinks fit. Order on petition.

(2) The order may contain a direction to the Accountant-General of Eastern Nigeria to pay, from the sum standing to the credit of the estate in the Regional Treasury—

- (a) the sum awarded to a claimant or petitioner by the order, or
- (b) a debt appearing to the Court to be outstanding and due from the estate.

42. (1) Where two or more persons lay claim to that estate or residue— Rival claims to residue.

- (a) the Administrator-General may pay it into Court and notify the claimants of that payment, and
- (b) the Court may, with the consent of the parties—
 - (i) dispose of their claims by determining them in a summary manner, and
 - (ii) make such order in the matter with regard to the costs and all other matters as the circumstances may require.

(2) Where the parties do not consent, they shall proceed to obtain a decision of their claims according to the ordinary course of Law.

43. (1) Subject to subsection (2), all sums paid—

- (a) by the Administrator-General to the Accountant-General of Eastern Nigeria in accordance with subparagraph (ii) of paragraph (d) of subsection (2) of section 37, or
- (b) into Court in accordance with paragraph (a) of subsection (1) of section 42, and

Assets unclaimed for five years.

which remain for a period of five years or upwards without an application for payment of them being made or granted by the Court, shall be transferred, in the prescribed manner, to the account and credit of the Ministry of Finance of Eastern Nigeria.

(2) Subsection (1) does not authorize the transfer of those sums where a suit or other proceeding is pending in respect of them in a Court.

(3) Where, before the end of the period of five years—
 (a) the Attorney-General of Eastern Nigeria, or
 (b) an officer authorized by the Government
 proves to the satisfaction of the Court that the sum so paid
 by the Administrator-General to the Accountant-General
 are *bona vacantia*, then those sums shall become the absolute
 property of the Ministry of Finance, subject to the power of
 disposal conferred, on that corporation, by section 44.

Ministry of
 Finance's
 power of
 disposal.

44. The Ministry of Finance may dispose of, or distribute,
 either the whole, or a part of, sums transferred, under
 section 43, to the Ministry, to or among—

- (a) any kindred of the deceased, or
 - (b) such other persons and in such shares or manner as it
 thinks fit,
- regard being had to equitable or moral claims.

PART VII.—FEES, EXPENSES AND COSTS

Fees.

45. In respect of the duties of the Administrator-General,
 there shall be charged such fees as may be prescribed which
 shall be retained and paid in like manner as an addition to the
 expenses mentioned in section 46.

Expenses.

46. (1) Subject to subsection (2), expenses which might
 be retained or paid out of an estate in the charge of the
 Administrator-General, if he were a private administrator of
 that estate, shall be so retained and paid.

(2) Fees of court payable under a written law or rule of
 court shall not be charged, paid or collected in respect of
 estates administered, under section 54, by the Administrator-
 General.

(3) Fees, charges and reimbursements to be retained or
 paid by the Administrator-General—

- (a) shall have priority over all debts of the deceased, and
- (b) may be deducted from moneys received by the
 Administrator-General in the course of the adminis-
 tration.

Right of
 Administra-
 tor-General
 to costs.

47. (1) Where—

- (a) the Administrator-General is a party to proceedings,
 and

(b) the Court orders their costs to be paid otherwise than out of the estate of a deceased person being administered by the Administrator-General, the Administrator-General may charge ordinary costs whether or not he has appeared in person.

(2) Those costs shall be credited to the Consolidated Revenue Fund.

PART VIII.—ESTATES OF DECEASED OVERSEAS OFFICERS

48. (1) The Permanent Secretary, or head of non-ministerial department, as the case may be, shall forthwith inform either—

Administration by Administrator-General of estates.

(a) the Administrator-General, or
(b) his *ex officio* agent
of the death of an overseas officer of his Ministry or Department, as the case may be.

(2) Where an overseas officer dies—
(a) either intestate, or
(b) leaving a will but without having appointed an executor within the Region who is able and willing to take probate, and
(c) without leaving a widow or next of kin within Eastern Nigeria who is able and willing to take probate or letters of administration, as the case may be, then his personal estate shall be administered by the Administrator-General.

(3) Subject to subsection (4), where that overseas officer dies leaving property in the Region, then the divisional officer of the Division in which the property is left shall be *ex officio* the agent of the Administrator-General in the administration of the estate of that deceased.

(4) The divisional officer may appoint—
(a) a district officer attached to his division, or
(b) with the consent of that person, another person to act as agent in place of the divisional officer.

49. (1) The administration of the estate by the Administrator-General shall be limited to the—

Limitation of administration.

(a) collection and realization of the assets of the deceased within Eastern Nigeria,

- (b) payment of his funeral and testamentary expenses and debts within Eastern Nigeria, and
- (c) payment of the balance into the Regional Treasury to the credit of the legal personal representative of the deceased.

(2) The agent shall, as soon as possible, give notice to the Administrator-General of—

- (a) the death of the deceased, and
- (b) the fact that he is provisionally administering the estate.

(3) The duties of the agent shall be limited to the—

- (a) collection and realization of the assets of the deceased within the jurisdiction of the agent,
- (b) payment of funeral and testamentary expenses and debts within Eastern Nigeria,
- (c) payment of the balance into the Regional Treasury to the credit of the estate of the deceased, and
- (d) rendering of his accounts, verified by affidavit, to the Administrator-General.

(4) The Administrator-General, or the agent—

- (a) shall take such steps as may be possible to advise creditors of the estate being administered to come in and prove their claims, and
- (b) may, if he thinks fit, require that a claim be supported by an affidavit of—
 - (i) the person making it, or
 - (ii) a person cognizant of the facts relating to it.

Collection
of assets.

50. The Administrator-General, or an agent, may request a responsible Government official to—

- (a) take possession of and realize assets, or
- (b) pay debts,

situated or being or owing in a place other than that in which the Administrator-General or agent is residing or usually stationed.

Certain
articles to
be sent to
Crown
Agents.

51. Where the estate is solvent, a watch, jewellery, letters or other property of the deceased which, in the opinion of the Administrator-General, ought not to be sold, shall be securely packed and forwarded to—

- (a) the Crown Agents, or

(b) of its own motion,
to order that the Administrator-General shall cease to administer an estate.

(2) The Court may—

(a) make that order on such terms as it thinks fit, and

(b) by the same, or another order, name some other person to act as administrator.

PART IX.—ADMINISTRATION OF SMALL
ESTATES

Administra-
tion where
assets do
not exceed
£50.

54. (1) Subject to subsection (2) and notwithstanding anything contained in this Law or any other written law, where a person dies intestate leaving property or assets within Eastern Nigeria, the gross value of which does not exceed fifty pounds, the Administrator-General may—

(a) by notice in the *Eastern Nigeria Gazette* (which notice may be combined with a notice to creditors and others) advertise his intention to administer the estate under this section, and

(b) at the expiration of the time limited by that notice, apply to the Court for leave to administer the estate.

(2) Where the gross value of that estate does not exceed ten pounds, the Administrator-General may dispense with a notice in the *Eastern Nigeria Gazette*.

(3) Where there has been a—

(a) previous appointment of an administrator under a written law referred to in subsection (1) with reference to small estates, or

(b) previous grant of probate of the will of the deceased or of letters of administration of his estate,

the Administrator-General shall not, under this section, undertake the administration of an estate unless and until the appointment or grant, as the case may be, has been revoked.

(4) It is not obligatory on the Administrator-General to file in Court his accounts or vouchers in respect of an estate administered under this section unless he—

(a) is required, in accordance with subsection (6), to do so by a beneficiary or creditor of the administration, and

(b) receives payment of such sum as the Administrator-General may reasonably require to cover the costs of preparing, filing and passing the accounts.

(5) The Administrator-General shall give notice, in the prescribed manner, to all persons interested that he has completed the administration of the estate.

(6) Within one month of that notice being given, a beneficiary or creditor shall call on the Administrator-General to file an account under subsection (4).

(7) The Administrator-General—

(a) has full power to settle finally, and without appeal, all disputes and questions arising in the course of an administration by him under this section, including claims by creditors, but

(b) may, if he thinks fit, allow an appeal to the Court, or

(c) may himself, apply to the Court for directions.

(8) In settling those disputes or questions, the Administrator-General may—

(a) if he thinks it expedient in the interests of justice, or

(b) with a view to saving expense,

act on information appearing to him to be credible, although it is not legal evidence.

55. (1) Notwithstanding anything contained in this Law or in any other written law, where an estate is administered by the Administrator-General under section 54, he may—

Remission of fees in estates not exceeding £50.

(a) remit all fees and costs usually payable upon an administration by him, and

(b) replace them with a fee calculated in accordance with rules in that behalf made by the Executive Council under section 57.

(2) In calculating the amount of the fee payable, a fraction of a shilling shall be taken as a shilling.

PART X.—MISCELLANEOUS

56. An order made under this Law by the Court has the same effect as a decree.

Effect of order.

57. (1) The Executive Council may make rules to implement the objects of this Law.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power those rules may, for example—

(a) provide for the accounts to be kept by the Administrator-General,

- (b) provide for the notices to be given by the Administrator-General and the method of service;
- (c) prescribe forms, scales of fees and matters in this Law directed to be prescribed;
- (d) in respect of agents—
 - (i) define their powers and liabilities,
 - (ii) appoint such persons as may be thought advisable to be *ex officio* agents,
 - (iii) fix the amount of security to be given by them,
 - (iv) fix the amount of remuneration to be allowed to them, whether by way of fees or salary, and
 - (v) generally, regulate their duties.

Administra-
tor-General's
power to
appoint
agents.

58. (1) The Administrator-General may appoint such person or persons, as he thinks fit, to act as his agent or agents—

- (a) for the preservation of the assets under section 16, or
 - (b) in the collection, getting in or managing of the assets, and
 - (c) in the payment of the liabilities and the distribution of the assets,
- of the deceased persons whose estates are in the course of administration by him.

(2) Those agents shall, in all respects, act in those matters under the direction of the Administrator-General, who is not answerable for an act or omission of an agent which is—

- (a) not in conformity with that direction, or
- (b) has not happened by the Administrator-General's own fault or neglect.

(3) An agent shall find security, to the satisfaction of the Administrator-General, for the performance of his duty.

(4) Agents, other than agents appointed in accordance with section 48, may be remunerated either by—

- (a) salary, or
- (b) such fees as the Administrator-General may, with the approval of the Governor, decide.

Power to
administer
oaths.

59. The Administrator-General—

- (a) may administer oaths, take solemn affirmations and declarations, and

Administrator-General

- (b) where, for the purposes of this Law, he desires to satisfy himself regarding a question of fact, may examine on oath a person willing to be so examined by him regarding that question.

60. A person who, in a matter affecting the administration of an estate, makes on oath a statement—

False evidence.

- (a) which is false, and
 (b) which he either knows or believes to be false, or does not believe to be true,

is deemed to have knowingly given false testimony in judicial proceeding.

61. Where—

- (a) a deceased person has assets in the Region, and
 (b) the divisional officer of the division in which the assets are situated considers it advisable for the protection of the estate,

Divisional officer's power in relation to assets.

he may take possession of them and, in that case, shall forthwith report his action to the Administrator-General who shall give such directions and take such proceedings in the matter as he thinks fit.

62. Where—

- (a) a person employed in the service of a—
 (i) Government department, or
 (ii) local government council,
 dies leaving a sum of money not exceeding ten pounds due to him as wages, salary, gratuity or otherwise, and
 (b) probate of his will, or letters of administration, is or are not produced to the officer responsible for the payment of that sum, or
 (c) notice in writing of the existence of a will and intention to prove it, or notice of intention to take out letters of administration, is not given to that officer, within the period of two months from the death of that person so employed, or
 (d) that notice is given but—
 (i) the will is not proved or letters of administration are not taken out, and

When wages or salary not exceeding £10 may be paid to relatives of deceased.

(ii) the probate or letters of administration, as the case may be, are not produced to that officer within the period of four months from the death of that person so employed,

then that officer may, after that period of two or four months, as the case may be, pay, at his discretion, the sum so due to the widow and relatives of the deceased person, or one or more of them, and shall notify the Administrator-General accordingly.

Annual
report of
Administra-
tor-General.

63. (1) As early as possible in each year, the Administrator-General shall furnish the Minister with two certified copies of the audited accounts of money received, paid and expended in each case of the estates administered, and being administered by him, during the previous year.

(2) The Minister shall lay, on the table of each Legislative House, a certified copy of those audited accounts.

Savings.

64. (1) Subject to this section, where the administration of an estate has been commenced under another written law, that administration shall, notwithstanding this Law, be carried out in accordance with that other written law.

(2) Where a person dies intestate without known heirs or next of kin and notwithstanding that the administration of the estate has been commenced under another written law, this Law applies to the distribution of the residuary estate.

(3) In so far as this Law relates to the administration by the Administrator-General of the estate of a deceased person it does not apply in the case of an estate which—

- (a) at the commencement of this Law, the Federal Administrator-General had begun to administer, and
- (b) he is willing to continue to administer; or
- (c) it is agreed between the Administrator-General and the Federal Administrator-General can more conveniently be administered by the Federal Administrator-General.

(57 and 58
Vict. c. 60)

(4) Nothing in this Law affects the estate of a seaman to whom the Merchant Shipping Act, 1894, applies.

65. Subject to section 64, the Administrator-General's Ordinance is repealed within Eastern Nigeria.

Repeal of Administrator-General's Ordinance. L. of N. 1948 Cap. 4.

SCHEDULE

(Section 13)

FORM OF PETITION FOR A GRANT OF LETTERS OF ADMINISTRATION

To the Chief Justice of Eastern Nigeria:

The petition of the Administrator-General humbly shows—

1. That your petitioner has been informed and believes that A.B. late of.....(called the deceased) died on the.....day of....., 19.....(state why the property of the deceased is "unrepresented estate".)

2. And that the deceased died possessed of property in Eastern Nigeria.

Your petitioner therefore prays your Honourable Court will be pleased to order that a Grant of Probate be made or Letters of Administration do issue (as the case may be) to him to administer the estate of the deceased.

DATED this.....day of....., 19.....

(Administrator-General)

CHAPTER 4

ADMINISTRATOR-GENERAL LAW

SUBSIDIARY LEGISLATION

E.N.L.N.
43 of 1963.**Administrator-General (Fees) Rules***made under section 57*

Citation.

1. These rules may be cited as the Administrator-General (Fees) Rules.

Fees under
section 16.

2. (1) Subject to sub-paragraph (2) where assets are administered under section 16 of the Law, the Administrator-General shall charge fees at the rates set out in the Schedule upon the amount or value of the assets collected.

(2) In any case where the administration of the estate of a deceased person is completed by the Administrator-General allowances shall be made in respect of those fees when computing the amount to be paid under section 37 or section 55 of the Law.

Fees under
section
37 (2) (b).

3. The percentages of the gross amount of money arising out of the realization of estates administered by the Administrator-General to be paid into the Consolidated Revenue Fund under paragraph (b) of subsection (2) of section 37 of the Law shall be those set out in the Schedule.

Fees under
section 55.

4. The substituted fee payable under paragraph (b) of subsection (1) of section 55 of the Law on the remission of all fees and costs usually payable upon an administration by the Administrator-General of an estate not exceeding fifty pounds in value shall be a fee equivalent to one eighth of the gross value of the estate.

SCHEDULE

| <i>Amount or value of assets collected (if under section 16) or gross amount realized (if under section 37 (2) (b))</i> | <i>Percentage of fee to be charged thereon</i> |
|---|--|
| not exceeding £100 | 4 per cent. |
| exceeding £100 but not exceeding £300 | 5 per cent. |
| exceeding £300 but not exceeding £800 | 6 per cent. |
| exceeding £800 | 7 per cent. |
| subject to section 55 of the Law | |

CHAPTER 5

ADULTERATION OF PRODUCE LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Appointment of produce examiners.
4. Offences in relation to produce.
5. Powers of an examiner.
6. When adulterated produce detained may be released.
7. Detention to be reported to the nearest magistrate.
8. Forfeiture when owner not known or cannot be found.
9. Appointment of produce experts.
10. Power of court to direct examination by a produce expert.
11. Warrants on sale of produce.
12. Power to make regulations.

CHAPTER 5

A Law to prohibit the Adulteration of Produce.

L. of N.
1948,
Cap. 6.

[8th November, 1917]

1. This Law may be cited as the Adulteration of Produce Law. Short title*.

2. In this Law— Interpreta-
tion.
“adulterate” means to falsify, deteriorate or increase the apparent bulk or weight or conceal the inferior quality of produce by the combination, admixture or addition therewith or thereto of some foreign, superfluous or

*This Law is derived from those portions of the former Adulteration of Produce Ordinance (Cap. 6 of the Laws of Nigeria, 1948) which has effect now as a Law of the Region. It prohibits the adulteration of anything which is produce within the definition of the word in section 2. In addition and apart from adulteration, those kinds of produce “being produce intended for export”, listed in the First Schedule of the Produce (Enforcement of Export Standards) Law, are required to be not less than certain prescribed grades and standards of qualities. See that Law, which is Cap. 100.

inferior substance, matter or thing, whether deleterious or not, or by the use of artificial means, and includes abstracting from produce part of it so as to injuriously affect its nature, substance or quality, or soaking or manipulating it so as to increase its bulk or weight;

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

“examiner” means a produce examiner appointed under section 3 and includes any person appointed to assist a produce examiner in the execution of his duties;

“produce” includes raw produce and produce partly or wholly manufactured;

“standard of purity” means the standard of purity and freedom from moisture prescribed by the regulations.

Appoint-
ment of
produce
examiners.

Offences in
relation to
produce.

3. The Public Service Commission may appoint produce examiners for the purposes of this Law.

4. Any person who shall—

(a) adulterate or cause to be adulterated any produce intended for sale;

(b) sell, or have in his possession for sale, or tender in satisfaction of any just claim or demand any adulterated produce;

shall be liable to a fine of twenty-five pounds or imprisonment for three months for a first offence and to a fine of fifty pounds or imprisonment for six months for a second or any subsequent offence, and the produce together with the receptacles containing the same and any article or thing by means of which the offence was committed may be forfeited

Provided that—

(i) no person shall be liable to be punished for an offence under paragraph (b) above, if he shall satisfy the court that he was not aware and could not with reasonable diligence have become aware that the produce was adulterated or did not comply with the prescribed standard of purity, as the case may be, and that he had taken all reasonable precautions against the commission of the offence, and that on demand made by

prosecutor, he gave all the information in his power with respect to the person or persons from whom he obtained the produce;

(ii) where a person is charged under this Law who has not been previously convicted of an offence against this Law and it appears to the court that the produce is capable of being cleaned, the court may, if it should think fit, order the accused to clean the produce to the satisfaction of the court in lieu of imposing any other penalty.

5. An examiner may—

- (a) enter any building or premises in or on which there is or is believed to be any produce intended for sale or export or in the course of preparation for sale or export;
- (b) stop any vehicle, boat or canoe in which any produce is being conveyed;
- (c) examine any produce and take samples thereof;
- (d) seize and detain to be dealt with as hereinafter provided—
 - (i) any adulterated produce and the receptacles containing the same;
 - (ii) any vehicle, boat or canoe in which any adulterated produce may be found.

Power of an examiner.

6. When any produce shall have been seized and detained the examiner shall, if he is satisfied that the owner of the produce was not aware that the produce was adulterated or did not comply with the prescribed standard of purity, permit the owner to clean the same, and shall when the produce has been cleaned release the same, and any receptacle, vehicle, boat or canoe which may have been seized and detained in connexion therewith.

When adulterated produce detained may be released.

7. Except as provided in the last preceding section an examiner shall forthwith report the seizure and detention of any produce, vehicle, boat or canoe to the nearest magistrate.

Detention to be reported to the nearest magistrate.

8. When any produce has been seized and detained under the powers conferred by section 5 and the owner thereof is unknown or cannot be found, a complaint may be laid for the purpose only of enforcing forfeiture of such produce, and the magistrate having jurisdiction in the place in which such

Forfeiture when owner not known or cannot be found.

produce is detained may cause notice to be given in such manner as he may think proper, stating that, unless cause be shown to the contrary at the time and place named in such notice, such produce will be forfeited; and at such time and place the magistrate, unless cause is shown to the contrary, may order the forfeiture of the produce and the receptacles containing the same.

Appoint-
ment of
produce
experts.

9. The Minister may prepare and publish a list of fit and proper persons to be produce experts for the purposes of the next succeeding section.

Power of
court to
direct
examination
by a produce
expert.

10. In any proceeding for an offence against this Law the court may, if it thinks fit, direct any produce expert to examine any produce or sample thereof and to report thereon to the court, and the report of such produce expert shall be sufficient evidence of the facts stated therein unless the person charged shall require such expert to be called as a witness.

Warrants on
sale of
produce*.

11. On the sale or in the contract for the sale of any produce the vendor shall be deemed to warrant that the produce is not adulterated unless the contrary be expressed in some writing signed by or on behalf of the vendor, and delivered at the time of the sale or contract to, and accepted by the purchaser.

Power to
make
regulations.

12. The Minister may make regulations for all or any of the purposes following—

- (a) prescribing a standard of purity (including the amount of moisture which produce may contain) for produce of any specified kind;
- (b) prescribing the fee to be paid to a produce expert for examining and reporting on produce;
- (c) prescribing the manner in which examination and tests shall be conducted; and
- (d) generally for the carrying out of the purposes of this Law.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

*Where the produce is sold for export there is also an implied warranty that it complies with the prescribed standard of purity. See section 12 of the Adulteration of Produce Act, Fed. Cap. 6.

CHAPTER 6

AGE OF MARRIAGE LAW

Arrangement of Sections

Section

- 1. Short title.
- 2. Definition of "marriage."
- 3. Avoidance of marriage where either party is under sixteen.
- 4. Offences in connection with payments on account of void marriages.
- 5. Evidence of age.
- 6. Limitation of jurisdiction of courts.
- 7. Penalty.

CHAPTER 6

A Law to make void Marriages between persons either of whom is under the age of sixteen and for purposes connected therewith. E.R.N. 22 of 1956.

[1st July, 1956]

- 1. This Law may be cited as the Age of Marriage Law. Short title.
- 2. In this Law "marriage" means a marriage according to customary law. Definition of "marriage."
- 3. (1) A marriage, or promise or offer of marriage between or in respect of persons either of whom is under the age of sixteen shall be void: Avoidance of marriage where either party is under sixteen.

Provided that, in any proceedings against any person charged under sections 218, 221, 222 or 360 of the Criminal Code, it shall be sufficient defence to prove that at the time when the offence is alleged to have been committed he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife. (Cap. 30)

(2) Nothing in this Law shall affect any marriage contracted before the passing of this Law and any such marriage shall be or become valid in any case where, if this Law had not been passed, it would be or become valid.

Offences in connection with payments on account of void marriages.

4. (1) Whenever there is intended a marriage, or a marriage takes place, which under section 3, would be or is void, any person who, on account of the marriage—

- (a) asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person; or
- (b) gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for, any person, any property or benefit of any kind, is guilty of an offence.

(2) It shall be no defence for a person charged under this section that he did not know or did not have reason to believe that the marriage would be void unless he proves that, before he did one or other of the things prohibited by paragraphs (a) or (b) of subsection (1), he took reasonable steps to verify the ages of the persons to the marriage.

Evidence of age.

5. For the purpose of proof of the age of any person in connection with a prosecution under this Law, the opinion on oath of a duly qualified medical practitioner as to that age shall be sufficient and shall not be questioned in any court.

Limitation of jurisdiction of courts.

6. (1) No court shall—

- (a) entertain or continue any suit or proceeding; or
- (b) pass any decree or order; or
- (c) execute wholly or partially any decree or order;

if the claim involved in such a suit or proceeding or if the passing of the decree or order or if such execution would be in any way contrary to the provisions of this Law.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognize any marriage or promise or offer of marriage, which is avoided by this Law.

Penalty.

7. Any person who is guilty of any offence under the provisions of this Law shall be liable upon conviction to imprisonment for a period not exceeding six months or to a fine not exceeding one hundred pounds.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 7

AGENT-GENERAL IN THE UNITED
KINGDOM LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. The Agent-General.
4. Seal of Office.
5. Duties and functions of Agent-General.
6. Salary and allowances.

CHAPTER 7

A Law to provide for the Office and Functions of the Agent-General for Eastern Nigeria in the United Kingdom and for purposes connected therewith. E.N. 4 of 1963.

[30th May, 1963]

1. This Law may be cited as the Agent-General in the United Kingdom Law. Short title.

2. In this Law—
“Agent-General” means the Agent-General in the United Kingdom. Interpretation.

3. A person appointed to the office of Agent-General shall not during his continuance in that office engage in any employment other than in connection with the duties of that office. The Agent-General.

4. There shall be a Seal of Office which shall be held by the Agent-General. Seal of Office.

5. (1) The Agent-General acts as the representative and agent of Eastern Nigeria in the United Kingdom. Duties and functions of Agent-General.

(2) In particular and without prejudice to the generality of subsection (1) the duties of the Agent-General include—

- (a) assisting in keeping the people of the United Kingdom informed of the developments in Eastern Nigeria and ensuring that they are fully familiar with the policy of the Government of Eastern Nigeria;
- (b) keeping the Eastern Nigeria Government continuously informed of the trend of public opinion in the United Kingdom regarding African affairs and, in particular, the affairs of Eastern Nigeria;
- (c) attracting industries to Eastern Nigeria by bringing to the notice of industrialists the mineral, vegetable and human resources of the Region, as well as the availability of such basic utilities as power, water, roads, railways and port facilities, and by acquainting the industrialists with the provisions of Federal legislation designed for the encouragement of industries.

(3) At least once in every six months the Agent-General shall furnish to the Premier a report on the discharge of his duties and on any matters affecting the relations of Eastern Nigeria with the United Kingdom.

Salary and
allowances.

6. The Agent-General shall be paid such salary and such allowances as may be determined by the Executive Council.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 8
AGRICULTURE LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Appointment of examiners.
4. Board of Agriculture.
5. Duties of Board of Agriculture.
6. Tenure and vacation of office by unofficial members.
7. Meetings and proceedings of the Board.
8. Minister empowered to make regulations.
9. Disease.
10. Right of entry to take samples.
11. Furnishing of information.
12. Offences.
13. Prosecutions.
14. Defence in civil and criminal proceedings.
15. Power to sue for fees.
16. Repeal of Ordinance 37 of 1950 and saving of regulations.

CHAPTER 8

A Law to make provision for regulating the planting and growing of Agricultural Crops, for the control of plant diseases and pests and for matters connected therewith.

E.R.N. 40
of 1955,
32 of 1958.

[1st April, 1956]

1. This Law may be cited as the Agriculture Law. Short title.
2. In this Law—
“the Board” means the Board of Agriculture established under section 4; Interpreta-
tion.

“examiner” means any officer of the Agriculture Division of the Ministry of Agriculture of the rank of Agricultural Assistant and any person appointed as an examiner under the provisions of this Law or of any regulations made hereunder;

“noxious weed” means any weed harmful to man or beast or injurious to agricultural or horticultural crops;

“pest” means any insect or other animal injurious to agricultural or horticultural crops;

“plant” means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms and fruit; but does not include the true seed unless this is expressly stated and does not include the manufactured or processed products of plants;

“plant disease” means any disease caused by fungus, bacterium, virus, or any other organism injurious to agricultural or horticultural crops;

“producer” includes any person engaged in the cultivation, collection or preparation of produce;

“the Minister” means the Minister for the time being charged with responsibility for Agriculture.

Appoint-
ment of
examiners.

3. The Public Service Commission may appoint fit persons to be examiners for the purposes of this Law.

Board of
Agriculture.

4. There shall be established a Board of Agriculture to be composed as follows—

A Chairman to be appointed by the Minister from amongst persons appearing to him to be qualified as having had experience of agricultural matters;

Four Members to be appointed by the Minister to represent producers of cash crops;

Four Members to be appointed by the Minister to represent producers of food crops;

The Chief Inspector of Agriculture or his representative;

The Principal of the School of Agriculture;

The Chief Conservator of Forests or his representative;

The Registrar of Co-operative Societies or his representative;

The Chief Veterinary Officer or his representative;

The Permanent Secretary, Ministry of Finance or his representative;

The General Manager of the Eastern Nigeria Development Corporation or his representative.

5. (1) The duties of the Board of Agriculture are to advise the Minister upon—

Duties of Board of Agriculture.

- (a) all matters concerning Agriculture;
- (b) the framing of regulations to be made under this Law;
- (c) the carrying out of the provisions of this Law or of any regulations made hereunder;
- (d) any matter concerning the general purposes of this Law;
- (e) any matter referred to it by the Minister.

(2) The Minister shall consider any advice received from the Board but shall not be bound to accept it.

6. (1) A member of the Board other than an *ex officio* member (in this section referred to as an unofficial member) may, at any time, by a resignation under his hand addressed to the Chairman, resign his membership, but, save as aforesaid and subject to the other provisions of this section, an unofficial member shall hold office for three years from the date of his appointment.

Tenure and vacation of office by unofficial members.

(2) An unofficial member who has ceased to be a member shall be eligible for reappointment.

(3) If the Minister be satisfied that an unofficial member—

- (a) has been absent from two consecutive meetings of the Board without the permission of the Board;
- (b) is incapacitated by physical or mental illness; or
- (c) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare his office as a member of the Board vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

(4) Where an unofficial member is temporarily incapacitated by illness or is temporarily absent from Eastern Nigeria, the Minister may appoint any person (not being a public officer) to be temporarily a member of the Board during such incapacity or absence.

Meetings
and proceed-
ings of the
Board.

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

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

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

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

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

(6) At a meeting of the Board six members and the Chairman shall form a quorum.

(7) The Board shall not be disqualified from the transaction of business by reason only of any vacancy among its members.

Minister
empowered
to make
regulations.

8. (1) The Minister may make regulations—

- (a) for the control of diseases, pests or weeds, prohibiting temporarily the growing or cultivation of any plant or crop during specified periods of the year, prohibiting the sowing or planting of any kind of plant specifying any particular kind of seed or plant as the only kind permitted to be used, or controlling the distribution of any kind of seed or planting material;
- (b) for maintaining and improving the quality of agricultural or horticultural plants, fruit trees or crops, and for purposes incidental to such maintenance or improvement, including in the event of disease or pest

infestation the destruction and the replacement of any plant or tree and the destruction of any crop or part thereof;

- (c) prescribing the measures to be taken for conserving the soil and combating soil erosion including the regulation of bush burning;
- (d) for prohibiting, restricting, or controlling the distribution and use of artificial fertilizers and for the marketing, chemical composition or quality thereof;
- (e) prescribing penalties for offences against any regulation made hereunder not exceeding one hundred pounds or imprisonment for six months or both as the Minister may think fit;
- (f) specifying charges, expenses or fees to be paid in respect of any matter or act for which provision is made in any regulation;
- (g) generally for carrying into effect the provisions of this Law.

(2) Nothing in this Law shall be construed so as to make it obligatory for the Minister to obtain or act on the advice of the Board before making regulations under subsection (1).

9. (1) Where plants, seeds, soil, containers, straw, and other packing materials or any other similar goods or things are found, or suspected, to be infected with any plant disease or pest, an officer of the Agriculture Division of the Ministry of Agriculture not below the rank of Agricultural Officer may order them to be destroyed unless they can be treated to his satisfaction for the removal of the plant disease or pest. Disease.

(2) Where any plants or crops, whether growing or not, or any produce are found, or suspected, to be infected with any plant disease or pest, or where any noxious weed is found to be growing in any place—

- (a) an officer of the Agriculture Division of the Ministry of Agriculture not below the rank of Deputy Chief Inspector of Agriculture may make such order as he may deem necessary for the treatment of such plant disease, pest or noxious weed; and
- (b) upon the failure of the owner of the plants or crops to comply with any such order, any officer who made the order or any person authorized by him in that behalf,

may, if such officer deems it necessary in order to prevent the spread of the plant disease, pest or noxious weed, enter upon any land or premises and carry out such measures as may be necessary, at the owner's expense.

Right of entry to take samples.

10. For the purpose of carrying out his duties under this Law or any regulations made hereunder, any examiner shall have power at all times which are reasonable having regard among other things to the religious beliefs and social customs prevailing in the areas in question, to enter any building or place in which he has reasons to suppose that any fertilizers, plants, crops or parts thereof which are subject to regulations made under this Law are stored or grown and to take samples of such fertilizers or produce.

Furnishing of information.

11. (1) Any officer of the Agriculture Division of the Ministry of Agriculture not below the rank of Assistant Agricultural Superintendent may call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Law or any regulation made hereunder.

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

Offences.

12. (1) Any person who—

(a) hinders or molests any Agricultural Officer, or any other person charged with any duties or powers under this Law or any regulations made hereunder, in the exercise of any of his duties or powers;

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

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

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

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

13. (1) No prosecution for an offence against this Law or any regulations made hereunder shall be commenced except with the consent of an officer not below the rank of Agricultural Superintendent. Prosecutions.

(2) A prosecution for an offence against this Law or any regulations made hereunder shall be brought in the name of the Minister of Agriculture and may be conducted by an officer of the Agriculture Division of the Ministry of Agriculture not below the rank of Agricultural Superintendent, and any prosecution so instituted shall be deemed *prima facie* to have been commenced with due consent.

14. Where any proceedings, whether civil or criminal, are brought against any public officer in respect of any act done in pursuance of any of the provisions of this Law or of any regulations made hereunder, it shall be a good defence to show that there was a reasonable and probable cause for the act in respect of which such proceedings are brought. Defence in civil and criminal proceedings.

15. Any expenses or fees due under the provisions of this Law or of any regulations made hereunder may be recovered by the Chief Inspector of Agriculture as a civil debt. Power to sue for fees.

16. The Agricultural Ordinance, 1950, is repealed in Eastern Nigeria: Repeal of No. 37 of 1950 and saving of regulations.

Provided that any regulations made under the Ordinance and in force immediately before the commencement of this Law shall, in so far as they are not repugnant to the provisions of this Law or any other Law, remain in force until they are replaced by regulations made under the provisions of section 8 of this Law.

CHAPTER 8
AGRICULTURE LAW
SUBSIDIARY LEGISLATION

Bud-Rot Regulations

Regs. 59 of
1918.

made under the former Agriculture Ordinance, which was Chapter 96 of the 1923 edition of the Laws of Nigeria. That Ordinance was repealed and replaced by No. 4 of 1926, which was repealed and replaced by No. 37 of 1948, which was repealed and replaced by No. 37 of 1950, which in its turn was repealed and replaced by this Law. The Regulations remain in force by virtue of saving clauses and the Interpretation Law until revoked or replaced

Citation.

1. These regulations may be cited as the Bud-Rot Regulations.

2. In these regulations—

“owner” in relation to a palm owned by a native community means the head of the community.

3. The owner of an oil palm or coconut palm which is attacked by “bud-rot” shall forthwith cause the palm to be cut down and totally destroyed by fire, and shall notify the divisional officer of the same.

Penalty: a fine of ten pounds.

4. In any area in which bud-rot is prevalent no person shall tap any oil palm or coconut palm.

Penalty: a fine of ten pounds.

5. The tapping of oil palms by the process generally known as “cabbage tapping” is prohibited. “Cabbage tapping” is the method by which wine (sap) is made to exude from the palm by cutting away the plant tissue immediately below the growing point or bud.

Penalty: a fine of ten pounds.

*Swollen Shoot Regulations***Swollen Shoot Regulations**Regs. 28
of 1950.

made under the former Agriculture Ordinance, No. 37 of 1948, which was repealed and replaced by No. 37 of 1950, which in its turn was repealed and replaced by this Law. The Regulations remain in force by virtue of saving clauses and the Interpretation Law until revoked or replaced

1. These regulations may be cited as the Swollen Shoot Regulations. Citation.
2. In these regulations— Interpreta-
tion.

“Chief Inspector” means the Chief Inspector of Agriculture;
“owner” includes any person entitled to reap the fruits of a cocoa tree;
“representative” means any person detailed by the Chief Inspector, or any person duly authorized by him, to carry out the survey of cocoa trees and control swollen shoot disease for the purpose of these regulations.
“swollen shoot disease” means the virus disease of cocoa commonly known as swollen shoot, with all its recognized forms and variants.
3. The Chief Inspector or his representative may enter and inspect any cocoa farm and may mark any cocoa tree for the purpose of controlling swollen shoot disease. Power to
enter cocoa
farms,
inspect and
mark cocoa
trees.
4. The Chief Inspector or his representative may destroy or otherwise treat any cocoa tree or any other tree or plant, which in his opinion is infected with swollen shoot disease. Power to
destroy
affected trees.
5. The Chief Inspector or his representative shall, by public announcement in the neighbourhood not less than twenty-one days before the date of such marking and treating, give notice of intention to mark or treat cocoa trees with such information as to the time and place of the proposed operations as is reasonable for the purpose of affording the owners of the trees an opportunity to be present when their trees are marked or treated. Notice of
intention to
mark and
treat trees.
6. Where notice has been given under regulation 5 and the owner or agent fails to attend, the Chief Inspector or his representative may exercise in his absence any of the powers conferred under these regulations. Powers may
be exercised
in absence of
owner.

CHAPTER 9

ANATOMY LAW

*Arrangement of Sections**Section*

1. Short title.
2. Minister may grant licences to practise anatomy.
3. Executors or other persons having lawful custody of bodies may permit them to undergo anatomical examination.
4. Provision in case of persons directing anatomical examination.
5. The body not to be removed without a certificate.
6. Superintendent of school of anatomy may receive bodies for anatomical examination.
7. Superintendent of school of anatomy to receive with body a certificate as aforesaid and keep record of particulars of deceased.
8. How bodies are to be removed for examination.
9. Persons not to be liable to prosecution for having in their possession human bodies.
10. Law not to extend to or prohibit post-mortem examination directed by competent authority.
11. Penalty for contravention of this Law.
12. Power to make regulations prescribing forms.

CHAPTER 9

A Law to regulate Schools of Anatomy.

L. of N.
1948;
Cap. 11.
N.L.N. 131
of 1954.

[30th March, 1933]

1. This Law may be cited as the Anatomy Law. Short title.
2. (1) It shall be lawful for the Minister to grant a licence to practise anatomy to the superintendent of any school of anatomy. Minister may grant licences to practise anatomy.
(2) Such licence granted as aforesaid shall be deemed to authorize the practice of anatomy in such school by any teacher, or medical practitioner employed therein and by any student attending a course of studies at such school when working under the supervision of such superintendent, teacher, or medical practitioner.

Executors or other persons having lawful custody of bodies may permit them to undergo anatomical examination.

3. It shall be lawful for any executor or other person having lawful possession of the body of any deceased person, and not being an undertaker or other person entrusted with the body for the purpose only of interment, to permit the body of such deceased person to undergo anatomical examination, unless, to the knowledge of such executor or other person, such deceased person shall have expressed his desire, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased person shall require the body to be interred without such examination.

Provision in case of persons directing anatomical examination after their death.

4. If any person either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, shall direct that his body after death be examined anatomically, or shall nominate the superintendent of any school of anatomy, who is licensed under the provisions of this Law to examine bodies anatomically, to make such examination, and if, before the burial of the body of such person, such direction or nomination shall be made known to the person having lawful possession of the dead body, then such last mentioned person shall direct such examination to be made, and in case of any such nomination as aforesaid, shall request and permit any person so authorized and nominated as aforesaid to make such examination unless the surviving husband or wife or any known relative of the deceased person shall require the body to be interred without such examination.

The body not to be removed without a certificate.

5. (1) The body of a person shall not be removed for anatomical examination from any place where such person may have died unless—

- (a) twenty-four hours have elapsed from the time of such person's decease, and
- (b) a certificate stating in what manner such person came by his death shall have been signed by the medical practitioner who attended such person during the illness whereof he died, or
- (c) if such person was not attended by a medical practitioner during such illness, a certificate stating to the best of his knowledge and belief the manner or

cause of death by some medical practitioner who shall be called in after the death of such person to view his body, but who shall not be concerned in examining the body after removal.

(2) In the case of the removal of a body for anatomical examination, any such certificate given under the provisions of subsection (1) shall be delivered, together with the body, to the person receiving the same for anatomical examination.

(3) Nothing in this section shall be deemed to prohibit the preservation of a body for anatomical examination at any time after death by injection or otherwise by the superintendent of a school of anatomy who is licensed under this Law or by some person authorized by such superintendent.

6. It shall be lawful for any superintendent of a school of anatomy who has been licensed under this Law as aforesaid or any teacher, or medical practitioner employed in or any student attending a course of studies at such a school, the superintendent of which has been so licensed, to receive or possess for anatomical examination in such school, or to examine anatomically at such school, the body of any person deceased, if permitted or directed so to do by a person who had at the time of giving such permission or direction lawful possession of the body and who had power, in pursuance of the provisions of this Law to permit or cause the body to be so examined, and provided such certificate as aforesaid were delivered by such person together with the body.

Superintendent of school of anatomy may receive bodies for anatomical examination.

7. (1) Every superintendent of a school of anatomy so receiving a body for anatomical examination shall demand and receive, together with the body, a certificate as aforesaid and shall within twenty-four hours enter or cause to be entered in a book to be kept by him for that purpose, together with a copy of the certificate, the following particulars:—

Superintendent of school of anatomy to receive with body a certificate as aforesaid and keep record of particulars of deceased.

- (a) at what hour and day the body was received;
- (b) the name and address of the person from whom the body was received;
- (c) the date and place of death;
- (d) the sex and as far as is known at the time the christian and surname, age and last place of abode of the deceased.

(2) Such book shall be produced by the superintendent of a school of anatomy whenever required so to do by the Principal Medical Officer.

How bodies are to be removed for examination.

8. The removal of a body for anatomical examination as aforesaid shall be subject to the following conditions:—

- (a) such body shall, before such removal, be placed in a decent coffin or shell, and be removed therein;
- (b) the person removing such body or causing the same to be removed as aforesaid shall make provision that such body after undergoing anatomical examination, shall be decently interred in some public burial-ground in use for persons of that religious persuasion to which the person whose body was so removed belonged or, if such religious persuasion is unknown, in any public burial-ground;
- (c) a certificate of the interment of such body shall be transmitted to the Principal Medical Officer within six months after the day on which such body was received as aforesaid:

Provided that the Principal Medical Officer may, from time to time, by order, vary the period within which such certificates of interment shall be transmitted as aforesaid.

Persons not to be liable to prosecution for having in their possession human bodies.

9. No superintendent of a school of anatomy who is licensed under this Law nor any teacher or medical practitioner employed in nor any student attending a course of studies at such a school the superintendent of which is so licensed shall be liable to any prosecution or penalty for receiving or having in his possession for anatomical examination at such school or for examining anatomically at such school, any dead human body, according to the provisions of this Law.

Law not to extend to or prohibit post-mortem examination directed by competent authority.

10. Nothing in this Law contained shall be construed to extend to or to prohibit any post-mortem examination of any human body required or directed to be made by any competent legal authority.

11. Any person who contravenes any of the provisions of this Law shall be deemed to have committed an offence and on being convicted thereof shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both.

Penalty for
contraven-
tion of this
Law.

12. The Minister may make regulations for regulating the issue of and prescribing the form of licences and certificates issued under the provisions of this Law.

Power to
make
regulations
prescribing
forms.

CHAPTER 9
ANATOMY LAW
SUBSIDIARY LEGISLATION

Regs. 28 of 1934.

Anatomy Regulations
made under section 12

- Citation. 1. These regulations may be cited as the Anatomy Regulations.
- Form A. 2. A licence to practise anatomy shall be in accordance with Form A in the Schedule hereto.
- Form B. 3. A certificate for the purposes of paragraph (b) of subsection (1) of section 5, of the Anatomy Law, shall be in accordance with Form B in the Schedule hereto or as near thereto as circumstances permit.
- Form C. 4. A certificate for the purposes of paragraph (c) of subsection (1) of section 5 of the Anatomy Law shall be in accordance with Form C in the Schedule hereto or as near thereto as circumstances permit.
- Form D. 5. A certificate for the purposes of paragraph (c) of section 8 of the Anatomy Law shall be in accordance with Form D in the Schedule hereto or as near thereto as circumstances permit.

SCHEDULE

FORM A

The Anatomy Regulations

LICENCE TO PRACTISE ANATOMY

(Cap. 9) Licence is hereby granted to (name, designation and address of Superintendent, School of Anatomy) to practise anatomy in the School of Anatomy at (address of School of Anatomy) subject to the provisions of the Anatomy Law.

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

Minister

SCHEDULE — continued.

FORM B

Reg. 3.

The Anatomy Regulations

CERTIFICATE OF CAUSE OF DEATH

I hereby certify that I have medically attended (name of deceased) of (address of deceased), who was apparently (or stated to be)..... years of age, that I last saw.....on the....., 19....., that.....was then suffering from....., that.....died as I am aware (or informed) on the.....day of....., 19....., at (time) and that the cause of death was to the best of my knowledge and belief as herein stated:—

Primary cause:
Secondary cause:

and that the disease had continued (duration to be stated if possible).

Witness my hand this.....day of....., 19.....
.....(Signature).
.....(Medical qualifications).
.....(Address).

FORM C

Reg. 4.

The Anatomy Regulations

CERTIFICATE OF CAUSE OF DEATH

I hereby certify that I viewed at (place where body was viewed) the body of (name of deceased) of (address of deceased) at (time the body was viewed) on the....., 19..... The deceased was about.....years of age and, to the best of my knowledge and belief, the cause of death was as follows:—

Primary cause:
Secondary cause:

Witness my hand this.....day of....., 19.....
.....(Signature).
.....(Medical qualifications).
.....(Address).

Anatomy

SCHEDULE — *continued*

Reg. 5.

FORM D

The Anatomy Regulations

CERTIFICATE OF INTERMENT

I hereby certify that the body of (*name of deceased*) was received for anatomical examination on (*date the body was received*) and that the body of the said deceased was removed, after anatomical examination, in a decent coffin/shell and decently interred on the (*date of interment*) in (*place of interment*).

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

*Superintendent,
School of Anatomy at*

.....

CHAPTER 10
ARBITRATION LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Submission to be irrevocable and to have effect as an order of court.
4. Provisions implied in submissions.
5. Power to stay proceedings where there is a submission.
6. Power for the court in certain cases to appoint an arbitrator, umpire, or third arbitrator.
7. Power for parties in certain cases to supply vacancy.
8. Powers of arbitrator.
9. Witnesses may be summoned by *subpoena*.
10. Power to enlarge time for making award.
11. Power to remit award.
12. Power to set aside award.
13. Enforcing award.
14. Power to compel attendance of witness.
15. Statement of case pending arbitration.
16. Costs.
17. Exercise of powers by officers of the court.
18. Application of Law to references under Statutory powers.
19. State to be bound.

SCHEDULE

CHAPTER 10

**A Law to provide for the Reference and Submission
of Disputes to Arbitration.**

L. of N.
1948,
Cap. 13.
N.L.N. 47
of 1955.

[31st December, 1914]

1. This Law may be cited as the Arbitration Law. Short title.

Interpre-
tation.

2. In this Law—

“court” means the High Court;

“Judge” means any Judge of the High Court;

“rules of court” means rules of court made by the Chief Justice with the approval of the Governor;

“submission” means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable and to have effect as an order of court.

3. A submission, unless a contrary intention is expressed therein, shall be irrevocable, except by leave of the court or a judge or by mutual consent, and shall have the same effect in all respects as if it had been made an order of court.

Provisions implied in submissions. Schedule.

4. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the Schedule, so far as they are applicable to the reference under the submission.

Power to stay proceedings where there is a submission.

5. If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any other person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that court to stay the proceedings, and that court if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for the court in certain cases to appoint an arbitrator, umpire, or third arbitrator.

6. (1) In any of the following cases—

(a) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not after differences have arisen concur in the appointment of an arbitrator;

(b) if an appointed arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy;

(c) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;

(d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the court or a judge may, on application by the party who gave the notice, appoint an arbitrator, umpire or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

7. (1) Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention—

Power for parties in certain cases to supply vacancy.

(a) if either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place;

(b) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent.

(2) The court or a judge may set aside any appointment made in pursuance of this section.

8. The arbitrators, or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power—

Powers of arbitrator.

(a) to administer oaths to or take the affirmations of the parties and witnesses appearing; and

Oaths.

the Chief

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- Special case. (b) to state an award as to the whole or part thereof in the form of a special case for the opinion of the court; and
- Clerical error. (c) to correct in an award any clerical mistake or error arising from any accidental slip or omission.
- Witnesses may be summoned by subpoena. 9. Any party to a submission may sue out a writ of *subpoena ad testificandum*, or a writ of *subpoena duces tecum*, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.
- Power to enlarge time for making award. 10. The time for making an award may from time to time be enlarged by order of the court or a judge, whether the time for making the award has expired or not.
- Power to remit award. 11. (1) In all cases of reference to arbitration the court or a judge may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.
(2) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.
- Power to set aside award. 12. (1) Where an arbitrator or umpire has misconducted himself, the court may remove him.
(2) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the court may set the award aside.
- Enforcing award. 13. An award on a submission may, by leave of the court or a judge, be enforced in the same manner as a judgment or order to the same effect.
- Power to compel attendance of witness. 14. (1) The court or a judge may order that a writ of *subpoena ad testificandum* or of *subpoena duces tecum* shall issue to compel the attendance before any arbitrator or umpire of a witness wherever he may be within Nigeria.
(2) The court or a judge may also order that a writ of *habeas corpus ad testificandum* shall issue to bring up a prisoner for examination before any arbitrator or umpire.
(3) The provisions of any written law relating to the service or execution outside Eastern Nigeria of any such *subpoena* or order for the production of a prisoner issued or

made in civil proceedings by the High Court shall apply in relation to a *subpoena* or order issued or made under this section.

15. Any arbitrator or umpire may at any stage of the proceedings under a reference, and shall, if so directed by the court or a judge, state in the form of a special case for the opinion of the court any question of law arising in the course of the reference.

Statement of case pending arbitration.

16. Any order made under this Law may be made on such terms as to costs, or otherwise, as the authority making the order thinks just.

Costs.

17. The Chief Justice, with the approval of the Governor, may make rules of court conferring on any officer of the High Court all or any of the jurisdiction conferred by this Law on the court or a judge.

Exercise of powers by officers of the court.

18. This Law shall apply to every arbitration under any Law passed before or after the commencement of this Law as if the arbitration were pursuant to a submission, except in so far as this Law is inconsistent with the Law regulating the arbitration or with any rules of procedure authorized or recognized by that Law.

Application of Law to references under Statutory powers.

19. This Law shall apply to and in respect of an arbitration to which the Government of the Federation of Nigeria or of any Region thereof is a party, but nothing in this Law shall affect the law as to costs payable by the State.

State to be bound.

SCHEDULE

Section 4.

PROVISIONS TO BE IMPLIED IN SUBMISSIONS

(a) If no other mode of reference is provided the reference shall be to a single arbitrator.

(b) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(c) The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

*Arbitration*SCHEDULE — *continued*

(d) If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

(f) The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(g) The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

(h) The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 11
ASSESSMENT LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Power to apply the Law to any place.
4. Appointment of appraisers.
5. Appointment of assessment committee.
6. Quorum.
7. Chairman.
8. Secretary.
9. Appraisers to assess value of tenements.
10. Powers of appraiser.
11. Penalty for refusing information.
12. Assessment of annual value of a tenement actually rented at a fair rent.
13. Assessment of annual value in other cases.
14. Notice of assessment to be given to the owners and occupiers.
15. List of tenements and valuation.
16. Appraisement of part of a place only.
17. First general assessment to be the valuation for two years.
18. Valuation list of general assessment to be open to inspection.
19. (1) Preparation of valuation list when existing valuation is adopted.
(2) Notice and exhibition of list.
20. (1) Notice of objection.
(3) Fee to be lodged.
21. Notice of hearing of objections.
22. Power of assessment committee.
23. Order of committee.
24. Appeal to High Court.
25. Power to make regulations.
26. Power to make rules regulating appeals.

CHAPTER 11

L. of N.
1948,
Cap. 16.
N.L.N.
47 of 1951;
131 of 1954,
47 of 1955.

A Law to provide for the Ascertainment of the Value of Tenements for Rating Purposes.

[21st May, 1915]

Short title.

1. This Law may be cited as the Assessment Law.

Interpretation.

2. In this Law—

“annual value” means the rent at which any tenement might reasonably be expected to let, at the time of the valuation, from year to year, if the tenant undertook to pay all usual tenant’s rates and taxes, and if the landlord undertook to pay the costs of repairs and insurance, with any other expenses necessary to maintain the tenement in a state to command the rent. Such annual value shall not include the value of any machinery in or upon the tenement;

“capital value” means the price which a purchaser might reasonably be expected to give for the tenement, excluding any machinery upon or in the tenement;

“improvements on land” means all work actually done or material used thereon by the expenditure of money or labour by any owner or occupier of the land, nevertheless in so far only as the effect of such work or material done or used is to increase the value of the land, and the benefit thereof is unexhausted at the time of valuation.

“Minister” means the Minister for the time being charged with responsibility for Local Government;

“occupier” means the person in occupation of the tenement in respect of which the word is used or of any part of such tenement, but does not include a lodger;

“owner” includes the person for the time being receiving the rent of the tenement in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the same if such tenement were let to a tenant, and the holder of a tenement direct from the State whether under lease, licence or otherwise;

- “prescribed officer” means the officer appointed by the Minister to perform the duties of the prescribed officer under this Law;
- “tenement” means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf or pier in the waters of Eastern Nigeria;
- “unimproved value” of a tenement means the sum which the owner’s estate or interest in the land if unencumbered by any mortgage or other charge thereon might be expected to realize at the time of valuation, if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to impose, and if no improvements as hereinafter defined had been made on the said land.

Application of Law

3. The Minister may by notice in the *Eastern Nigeria Gazette* apply this Law to any place in Eastern Nigeria as specified in such notice, and may in like manner extend, alter, or reduce the limits of any place to which the Law is applied.

Power to apply the Law to any place.

Appraisers

4. The Minister may by notice in the *Eastern Nigeria Gazette* appoint for any place to which this Law is applied any suitable persons to be appraisers for the purposes of this Law.

Appointment of appraisers.

Assessment Committee

5. (1) The Minister shall each year appoint in respect of each place to which this Law is applied a committee of not less than four or more than eight members, of whom four shall be Government officers, to be called the assessment committee (hereinafter referred to as the committee) for the hearing of objections to the valuation list made under this Law.

Appointment of assessment committee.

(2) The committee shall hold office until the 31st December of the year in which they are appointed.

(3) If any member of the committee resigns or dies or becomes incapable of acting as a member, the Minister shall with all convenient speed appoint another person in place of such member.

(4) During any such vacancy the other members may act, and shall have the same powers and jurisdiction as if no such vacancy had occurred.

Quorum. 6. Three members of the committee shall form a quorum, and the decision of the majority of the members of the committee shall be the decision of the committee. In case the members of the committee shall be equally divided, the presiding chairman shall have a second or casting vote.

Chairman. 7. The chairman of each committee shall be appointed by the Minister. In the event of his absence the next senior official member shall preside.

Secretary. 8. There shall be a secretary to each committee who shall be appointed by the Minister. All acts, orders and decisions of the committee shall be signed by the secretary and countersigned by the chairman.

Valuation of Premises

Appraisers to assess value of tenements. 9. (1) On or after the application of this Law to any place, the Minister shall give directions as to whether the capital or annual value or unimproved value of tenements shall be assessed, and, as soon as conveniently may be after the receipt of such directions, the appraiser shall proceed to ascertain and assess the capital or annual value or unimproved value of the tenements in such place in accordance with the Minister's directions. Such assessment is hereinafter referred to as the first general assessment.

(2) The Minister may in any year direct that a new general assessment shall be made in respect of all the tenements or of any class of tenements in any place or portion of a place to which the Law has been applied.

When a new general assessment is directed in respect of all tenements, the directions shall include directions as to whether the new assessment shall be of the capital or annual value or unimproved value of tenements.

(3) In the month of July or as soon as conveniently may be thereafter in every year an appraiser shall ascertain and assess the capital value or annual value or unimproved value of any tenements, which, having been assessed, in the opinion of the appraiser require reassessment, and of any tenements which, being ratable, or about to become ratable, have not been

assessed, and of any tenement in respect of which any person claiming to be the owner or occupier thereof shall have delivered to the appraiser a written request for reassessment on or before the first day of the preceding March.

(4) (a) When any tenement has been increased or reduced in value since the preparation of the current valuation list, whether by building, destruction of building, or other alteration in the structural condition of such tenement, or when a tenement, being ratable or about to become ratable is not included in such valuation list, the appraiser may, at any time, reassess or assess the capital value or annual value or unimproved value of such tenement and deliver a note of such reassessment or assessment to the prescribed officer, who shall thereupon cause a notice, signed by him, specifying the capital or annual value or unimproved value as so reassessed or assessed, and the date in the current year from which such reassessment or assessment is intended to operate, to be served on the owner and occupier (if any) of such tenement.

(b) Such reassessment or assessment shall come into operation on the date specified in such notice, and in the case of reassessment shall supersede the assessment in the current valuation list, and in the case of a first assessment shall be added to such valuation list:

Provided that any owner or occupier who may be dissatisfied with such reassessment or assessment, or with the date from which it is intended to operate, may lodge a notice of objection, as provided in section 20, within twenty-one days of the service upon him of the notice of reassessment, or assessment, and all the other provisions of this Law relating to objections to a valuation list, and to appeals from an assessment committee shall apply in such cases.

10. An appraiser may—

- (a) on any day except a Sunday or public holiday between the hours of seven o'clock in the morning and six o'clock in the afternoon enter into and upon any tenement for the purpose of making a valuation thereof, and take such measurements and other particulars as he may deem necessary for the purpose;

Powers of
appraiser.

- (b) call upon the occupier for his name and, if the occupier is not the owner, the name and address of the owner of the tenement;
- (c) call upon the owner or occupier of any tenement to exhibit to him any receipt for rent, rent books or other documents whatever connected with the rent or value of the tenement;
- (d) require the owner or occupier of any tenement actually rented to make a declaration in writing as to the yearly rent paid or payable for the same;
- (e) require the owner or occupier to inform him as to the boundaries of the tenement;
- (f) generally, require the owner or occupier to furnish any information which in the opinion of the appraiser may affect the capital or annual value or unimproved value of the tenement; and
- (g) appoint in writing deputies who may exercise all the powers of an appraiser under this section.

Penalty for refusing information.

11. (1) Any person who, when required by an appraiser or his deputy to exhibit anything or to make any declaration or give any information which the appraiser or his deputy is authorized by the last preceding section to require of him, shall refuse or neglect to exhibit such thing or to make such declaration or to give such information, or shall make a false declaration or shall give information which he knows to be false, shall be liable to a fine of twenty-five pounds.

(2) Any person who prevents or hinders or obstructs an appraiser or his deputy from entering, inspecting or measuring any tenement shall be liable to the penalty prescribed in subsection (1).

Assessment of annual value of a tenement actually rented at a fair rent.

12. When any tenement is actually rented and a declaration in writing is made as to the yearly rent of such tenement or as to the amount of rent paid or payable for the same, the appraiser shall, if he is of opinion that the yearly rent so stated is the fair annual value of the tenement, assess the annual value on it.

Assessment of annual value in other cases.

13. The appraiser shall, according to the best of his ability, assess the annual value of any tenement—

- (a) where such tenement is not actually rented;
- (b) where no declaration has been made with respect to such tenement;

(c) where the appraiser is of opinion that the rent stated in the declaration is not the fair annual value of such tenement.

14. When the capital, annual, or unimproved value of any tenement is assessed for the first time or when an existing assessment is altered, the appraiser shall cause a notice, signed by him and specifying the capital, annual or unimproved value as assessed by him, to be served on the owner and occupier (if any):

Notice of assessment to be given to the owners and occupiers.

Provided that such notice shall not be required in respect of any tenement the capital, annual or unimproved value of which is assessed at less than forty-five pounds, three pounds or fifteen pounds respectively; and provided further that omission to serve such notice shall not invalidate any assessment or relieve any person from the payment of any rate.

15. (1) As soon as a first or any subsequent general assessment shall have been completed, the appraiser shall make out and sign a list of the several tenements assessed and of their respective valuation and shall deliver the same to the prescribed officer.

List of tenements and valuation.

(2) The appraiser shall in every year make out and sign a list of the several tenements which he shall have assessed under subsection (3) of section 9 and of their respective valuations and shall deliver the same to the prescribed officer.

16. (1) In the case of any general assessment when the assessment of the tenements in any part of the place in respect of which such general assessment is to be made has been completed, the appraiser may, if he thinks fit, and shall, if so directed by the Minister, make out, sign and deliver the list required by subsection (1) of section 15 in respect of that part of the place without awaiting the completion of the assessment of the whole place.

Appraisal of part of a place only.

(2) Such list shall, in relation to the part of the place to which it refers, have the same effect and shall be dealt with in the same manner as a list delivered by the appraiser under subsection (1) of section 15.

17. (1) A valuation list of a first general assessment shall, for the purpose of any rate to be levied in respect of the tenements assessed, be the valuation list for the year in which the same is published and for the next following year.

First general assessment to be the valuation for two years.

(2) When an order has been made by the Minister altering the basis of valuation before the assessment of all the tenements in the place in respect of which such order has been made has been completed, the list published in accordance with such order shall for the purpose of subsection (1) be deemed to be the list of a first general assessment.

Valuation list of general assessment to be open to inspection.

18. (1) The prescribed officer shall after receiving the valuation list of any general assessment give public notice in the *Eastern Nigeria Gazette*, or by such other means as he may think fit, of the fact that the valuation list has been prepared, and as to the place at which the same may be inspected.

(2) The list or an examined copy thereof shall be open to inspection at the place mentioned during ordinary office hours for twenty-one days from the date of the publication of such notice.

Preparation of valuation list when existing valuation is adopted.

19. (1) (a) In every year in which there shall be no general assessment the prescribed officer, after receiving the list mentioned in subsection (2) of section 15, shall cause a copy of the existing valuation list to be prepared with such additions and alterations only as are necessary to give effect to any new assessment or reassessment shown on the list delivered by the appraisers.

(b) Such valuation list when prepared shall be signed by the prescribed officer and, subject to any alterations which may be made on the order of the assessment committee or the High Court, shall be the valuation list for the year next following the year for which the then existing list has been made.

Notice and exhibition of list.

(2) Notice of the preparation of such list and of the place at which the same may be inspected shall be given in the manner prescribed by section 18, and the list or an examined copy thereof shall be open for inspection for the same period as a list of a first or subsequent general assessment.

Objections to Valuation List

Notice of objection.

20. (1) Any owner or occupier of a tenement who may be dissatisfied with the valuation of such tenement as appearing in the valuation list may lodge with the secretary of the

assessment committee a notice of objection:

Provided that such notice shall be lodged within the period during which the valuation list is open for public inspection as provided in either of the last two preceding sections.

(2) The notice of objection shall state fully the grounds on which the objection is made, and the objector shall cause a copy thereof to be served on the appraiser.

(3) The person lodging an objection shall deposit with the said secretary the sum of ten shillings. Such sum may at the discretion of the committee be forfeited to the Government as to the whole or a part thereof if the objection is disallowed, but shall otherwise be refunded when the objection has been heard.

Fee to be lodged.

21. If a notice of objection and the prescribed sum is lodged within the prescribed period the assessment committee shall give notice to the objector and to the appraiser of the date and place at which the objection will be heard.

Notice of hearing of objection.

22. (1) The assessment committee---

Power of assessment committee.

(a) may, by summons, require the attendance of any persons and may examine them for the purpose of any objection before them and may require answers to any questions which they think fit to put touching the matter before them;

(b) may require and enforce the production of all books, papers and documents which they consider necessary; and

(c) may administer oaths or affirmations.

(2) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on *subpoena* to give evidence before the High Court; and in case of dispute as to the amount of these expenses, the same shall be referred to the Chief Registrar of the High Court, who shall on request made to him for that purpose ascertain and certify the proper amount of these expenses.

(3) If any person summoned refuses to attend as a witness or refuses or neglects to make any answer, or to produce any book, paper or document in his possession he shall be guilty of an offence, and for each offence shall be liable to a fine of ten pounds.

Order of
committee.

23. (1) The assessment committee, after hearing the objector and the appraiser and any evidence which may be produced and which the committee may consider necessary, shall either make an order directing the alteration of the assessment or shall refuse to make any order.

(2) When an order is made under this section the assessment committee shall cause an office copy thereof to be served on the prescribed officer, who shall make the alteration directed in the valuation list.

Appeal from Assessment Committee

Appeal to
High Court.

24. Any person who shall have lodged an objection with the committee and who shall be dissatisfied with the decision of the committee thereon may appeal to the High Court subject to the following conditions—

- (a) the appellant shall within fourteen days after the decision of the committee give notice in writing to the secretary of the committee of his intention to appeal and of the grounds thereof; and
- (b) the appellant shall within the like period enter into a recognizance before a judge of the High Court or a magistrate with two sufficient sureties, conditioned to pay any costs which may be awarded against him on such appeal.

Regulations

Power to
make
regulations.

25. The Minister may make regulations as to—

- (a) the practice and procedure on the hearing of objections by the assessment committee;
- (b) the forms to be used for any of the purposes of this Law;
- (c) generally for the better carrying into effect the objects and purposes of this Law, save and except for the purposes of appeals to the High Court.

Power to
make rules
regulating
appeals.

26. The Chief Justice may, with the approval of the Governor, make rules as to—

- (a) the practice and procedure on appeals under section 24;
- (b) the forms to be used and the fees to be paid on such appeals;
- (c) generally for the purposes of appeals under section 24.

CHAPTER 11

ASSESSMENT LAW

SUBSIDIARY LEGISLATION

Notice of Application

given in exercise of the powers conferred by section 3

1. This notice may be cited as the Assessment Law Citation.
(Application) Notices, 1933-1963.

2. The provisions of the Assessment Law shall apply to Application.
the places set out in the second column of the Schedule
hereto with effect from the date mentioned in the third
column thereof.

SCHEDULE

| 1 Notice No. | 2 Place | 3 Date |
|-------------------------------------|---|----------------------------|
| P.N. 20 of 1949 (Aba) | The Township and Urban District of Aba as demarcated on the plans of the said Township and Urban District signed by the Governor on the 27th of December, 1933, and the 20th of July, 1944, and deposited in the office of the Director of Surveys. | 3rd February, 1949. |
| P.N. 116 of 1950 (Calabar) | The Township of Calabar as demarcated on the plan of the said Township signed by the Officer Administering the Government on the 6th day of July, 1949, and deposited in the office of the Land and Survey Department at Lagos. | 14th August, 1950. |
| E.N.L.N. 83 of 1963 (Enugu) | The area of the Enugu Urban County Council as set out in the Instrument establishing the Enugu Urban County Council. | 19th Septem- ber, 1963. |
| E.R.L.N. 71 of 1956 (Onitsha) | The area of the authority of the Onitsha Urban County Council as defined by paragraph 3 of the Instrument establishing the Onitsha Urban County Council. | 1st June, 1956. |

SCHEDULE—*continued*

| 1 Notice No. | 2 Place | 3 Date |
|--|---|---------------------|
| E.N.L.N. 48 of 1963 (Port Har- court) | The area of the Port Harcourt Municipality, as set out in the Instrument establishing the Port Harcourt Municipality. | 13th June, 1963. |
| E.R.P.N. 155 of 1953 Umuahia- Ibeku | The Township of Umuahia-Ibeku as defined in the Umuahia-Ibeku Township Order, E.R. No. 14 of 1952. | 1st April, 1953. |

NOTE

Some geographical areas, referred to in the Schedule printed above, are no longer styled Townships and so on. The present day equivalent area (which may not be exactly the same) are the areas of authority of—

P.N. 20 of 1949—Aba Urban County Council

P.N. 116 of 1950—Calabar Urban County Council

E.R.L.N. 71 of 1956—No change

E.N.L.N. 48 of 1963—No change

E.R.P.N. 155 of 1953—Umuahia-Ibeku Urban County Council.

*Assessment Appeals Rules***Assessment Appeals Rules**

*made by the Chief Justice under section 26
with the approval of the Governor*

Rules of
Court 4 of
1934.
N.L.N. 47
of 1955.

1. These rules may be cited as the Assessment Appeals Rules and shall apply to appeals from decisions of an assessment committee appointed for any place to which the Law applies. Citation.

2. An appeal shall be brought before the court by way of petition filed in court by the appellant or, with leave of the court, which may be requested and given orally and without any formality or payment of fees, by way of dictation made to the registrar, to whom also shall be dictated at the same time the grounds of the appeal. Appeal by petition or orally by dictation.

3. No petition shall be filed or dictation made unless a fee of ten shillings shall have been paid therefor, which fee shall also include the cost of filing the documents required by these rules to be attached to a petition. Fee.

4. When an appeal is made by way of petition the appellant shall attach thereto an affidavit to the effect that the petitioner has complied with the conditions prescribed by section 24 of the Assessment Law, together with a copy of his grounds of appeal. Affidavit with petition.

5. When an appeal is made by way of dictation the court shall immediately before the commencement of the hearing thereof require the appellant to give evidence as to whether or not he has complied with the conditions prescribed by section 24 of the Assessment Law, and if it appears that the conditions have not been complied with the appeal shall be dismissed without being heard. Evidence in lieu of affidavit, if petition is oral.

6. At the hearing of an appeal, no fresh evidence shall be adduced without special leave of the court; and if such leave be granted such evidence shall be given by affidavit or by oral examination of witnesses as the court shall direct. No fresh evidence without leave.

Venue. 7. Appeals under these rules shall be made to the High Court in the judicial division in which is situated the tenement in respect of the valuation of which the appeal is made.

Limitation of appeals. 8. No appeal shall be entertained after the expiration of two months from the date of the decision of the assessment committee.

CHAPTER 12

AUCTIONEERS LAW

*Arrangement of Sections**Section*

1. Short title and application.
2. Interpretation.
3. Business of auctioneer.
4. Auctioneer to hold licences.
5. Appointment of licensing authority.
6. Licences: areas to which they may extend, forms and fees.
7. Licences to be granted to individuals.
8. Application for and grant of licence.
9. Security to be given by auctioneer.
10. Minister may suspend or revoke licences on certain conditions.
11. (1) Duration of licences.
(2) Suspension or revocation of licences.
12. Occasional licence.
13. (1) Licences to agents of auctioneers.
(2) Liability of employer.
14. Suspension and revocation of agent's licence.
15. (1) Agent ceasing to be in employer's service disqualified.
(2) Transfer of licence.
16. Register of licences.
17. Auctioneers to accept the sale of all property offered by owners.
18. Auctioneer's licence not to authorize sale of intoxicating liquor.
19. Notice of sale of land.
20. Notice, catalogue and report of sale to be furnished to divisional officer.
21. Auctioneer's name and address to be published at sale.
22. (1) Sales subject to a reserve, and vendors right to bid.
(2) Where without reserve.
(3) Where subject to reserve price.
(4) Where right to bid reserved to seller.
(5) Consequences of seller bidding in the preceding cases.
(6) Penalty on auctioneer receiving unlawful bidding.
23. (1) Auctioneer may recover purchase money.
(2) Payment to seller.

Section

24. Employment to sell by auction does not authorize private sale.
25. (1) Remuneration of auctioneer on sale.
(2) Where property is bought in.
(3) Agreements for higher rates void.
26. (1) Penalties incurred by agents.
(2) Employers remedy.
27. (1) Order of suspension or revocation of licence.
(2) Report of order.
28. Savings as to sales in execution of decrees.
29. Auctioneer prohibited from preparing conveyances.
30. Power to make regulations.

FIRST SCHEDULE — FORMS

SECOND SCHEDULE — FEES

CHAPTER 12

A Law to provide for the Licensing of Auctioneers and to regulate Sales by Auction.

L. of N.
1948,
Cap. 203.
N.L.N. 131
of 1954.
N.L.N. 52
of 1958.

[21st June, 1917]

Short title
and applica-
tion.*

1. This Law may be cited as the Auctioneers Law and shall apply to such parts of Eastern Nigeria as the Governor may by order declare.

Interpre-
tation.

2. In this Law—
“auctioneer” means a licensed auctioneer and includes the holder of an agent’s licence and in sections 3 and 22 includes any person conducting a sale by auction;
“goods” includes animals and any interest in goods;
“lands” includes any interest in land.

Business of
auctioneer.

3. Every person who sells any goods or lands at any sale where any person becomes or may become the purchaser of the same by competition and being the highest bidder, either by being the sole bidder, or increasing upon the

*This Law has been called, hitherto, the Sales by Auction Ordinance.

biddings made by others, or decreasing on sums named by the auctioneer, or other person at such sale, or by any other mode of sale by competition shall be deemed to carry on the business of an auctioneer.

4. (1) No person shall carry on business of an auctioneer in any part of Eastern Nigeria to which this Law applies without a licence granted under this Law authorizing him to carry on such business or in any part or area to which such licence does not extend.

Auctioneer
to hold
licences.

Penalty: a fine of fifty pounds.

(2) This section shall not apply to any person in the service of the Government selling goods or lands being the property of the Government or which the Government or any department or officer of the Government is by any Law authorized to sell, or to a sale conducted by an officer of a court acting under the orders of the court.

5. The Minister may by notice in the *Eastern Nigeria Gazette* appoint any person to be the licensing authority for the purposes of this Law for any area specified in such notice.

Appoint-
ment of
licensing
authority.

6. Licences granted under this Law shall extend—

- (a) to all parts of the Region to which this Law applies; or
- (b) to any such part or group of such parts in respect of which a separate fee for the licence is specified in the Second Schedule or is prescribed; or
- (c) in the case of an agent's licence, to the area of a licensing authority,

Licences:
areas to
which
they may
extend,
forms and
fees.

and shall be in one of the forms set forth in the First Schedule. There shall be paid therefor prior to the issue of a licence the fee specified for such licence in the Second Schedule or such other fee as may be prescribed.

First
Schedule
Forms A-D.

7. Licences may, subject to the provisions of this Law, be granted by the licensing authority to an individual but shall not be granted to a firm, or corporation or to a pawnbroker as defined by the Pawnbrokers Law, or to any servant, apprentice or agent of any such pawnbroker.

Licences to
be granted
to indi-
viduals.
(Cap. 90)

8. (1) Application for a licence shall be made in writing to the licensing authority for the area in which the principal office or place of business of the applicant is situate.

Application
for and
grant of
licence.

(2) Before granting any licence, the licensing authority shall make such inquiries as he considers requisite for ascertaining that the applicant is a fit and proper person to be licensed, and may refuse any licence without assigning any reason to the applicant.

(3) Any person to whom a licence has been refused may represent his case to the Minister who may direct that the licence be withheld or that further examination and inquiry be held.

Security to
be given by
auctioneer.

9. (1) If the licensing authority shall decide, or be directed by the Minister, to grant a licence he shall require the applicant to give security by bond in the prescribed form for such sum as may be prescribed for such licence, with one or more sureties approved by the licensing authority, to answer for the faithful discharge of his office:

Provided that the licensing authority may accept, in lieu of the security aforesaid, security by deposit in the Treasury of the sum prescribed for the bond.

(2) If it shall appear to the licensing authority that the security of any auctioneer has become insufficient, he shall call upon the auctioneer to give sufficient security, and if the auctioneer shall fail to do so, the Minister may, on the report of the licensing authority, suspend the licence of the auctioneer until sufficient security has been given.

Minister
may suspend
or revoke
licences on
certain
conditions.

10. The Minister may, on the recommendation of a licensing authority and after such inquiry as he may consider necessary, if he considers it advisable in the public interest to do so, suspend or revoke the licence of an auctioneer:

Provided that upon any such suspension or revocation there shall be refunded to the auctioneer by the licensing authority which issued the licence so suspended or revoked a sum equivalent to one-twelfth of the annual licence fee for each completed month for which the licence is suspended or for the remainder of the period for which the licence was issued as the case may be.

Duration of
licences.

11. (1) A licence under this Law other than an occasional licence shall have effect from the date of the granting thereof till the close of the 30th June, or the 31st December, in the

case of half-yearly or yearly licences respectively, of the year in which such licence may have been granted.

(2) Whenever an order suspending a licence is made, the licence shall cease to be of any effect during the term of suspension; and whenever the licence is revoked the licence shall cease to have any effect whatever.

Suspension
or revoca-
tion of
licences.

12. An occasional licence permitting the person named therein to carry on the business of an auctioneer for one day only may be granted by a licensing authority:

Occasional
licence.

Provided that an occasional licence shall not be granted in an area in which a licensed auctioneer is carrying on business and the provisions of subsection (1) of section 9 shall apply in respect to such a licence.

13. (1) Any person who may have a licence in force as in Form B of the First Schedule may apply for and obtain from the licensing authority for any area one or more licences (hereinafter called an agent's licence) and every such licence shall authorize the person named therein (such person being in the permanent employment of the person applying for such licence under a contract of not less than three months' duration) to sell by auction on behalf of such employer in the area of the licensing authority who has granted such licence:

Licences to
agents of
auctioneers.
First
Schedule
Form B.

Provided that—

(a) the total number of persons who may be authorized by agents' licences to sell by auction on behalf of any such employer shall not exceed three; and

(b) an agent's licence shall not be issued in respect of an area to which the employer's licence does not extend.

(2) Such agent shall not be required to find security but the employer shall be required to give such additional security as may be prescribed, and the provisions of section 9 shall apply in respect to an agent's licence. The employer shall be responsible for the agent's compliance with all of the provisions of this Law and for the payment of any pecuniary penalties which he may incur for contraventions thereof.

Liability
of employer.

14. An agent's licence may be suspended or revoked for any offence, committed by him, for which any other licence under this Law may be suspended or revoked, and in case the licence of the employer of such agent should terminate, or be

Suspension
and revo-
cation of
agent's
licence.

suspended or revoked, the licence of any agent employed by him shall *ipso facto* terminate, or be suspended during the suspension of the employer's licence, or be revoked as the case may be.

Agent ceasing to be in employer's service disqualified.

15. (1) If the holder of an agent's licence shall cease to be in the employment of the auctioneer who applied for the same, he shall forthwith cease to be qualified to act as an auctioneer under such licence.

Transfer of licence.

(2) The licensing authority may in such last-mentioned case, on the request of the person who applied for such licence, transfer the same for the unexpired period thereof to some other person in the employment of such applicant under contract as aforesaid, but no agent's licence shall be transferred more than once in any period of six months.

Register of licences.

16. Each licensing authority shall keep a register of auctioneers licensed by him and of persons holding agents' licences for the area of the licensing authority.

Auctioneers to accept the sale of all property offered by owners.

17. (1) Every auctioneer shall, on the requisition of the owner thereof, accept the sale of all property which may be offered to him for sale in the township or place in which he carries on his ordinary business as an auctioneer, and shall sell the same within such time as the owner may require, or as soon thereafter as possible, having regard to the sale of other property with which he has been entrusted:

Provided that except in the case of perishable goods he shall not be bound to sell such property sooner than seven days after he shall have accepted the sale thereof.

(2) Nothing herein shall be held to restrict any auctioneer from selling at the same sale the property of more than one owner, so as the goods are lotted consecutively and in such manner that no owner's goods may become mixed with the goods of any other owner.

Auctioneer's licence not to authorize sale of intoxicating liquor.

18. No auctioneer's licence shall authorize any person to sell intoxicating liquor, for the sale of which a licence required by law, except upon premises in respect of which the owner of such liquor shall have in force at the time of the sale thereof, the proper licence for the sale of such liquor.

Where subject to reserved price.

(3) If it is stated that the sale will be subject to a reserved price as regards any one or more lots, it shall be lawful for the seller or any person employed by him to give one bid for each such lot and no more, which bid shall be openly declared at the auction upon the lot being put up for sale, before any other bidding for such lot is received.

Where right to bid reserved to seller.

(4) If it is stated that the sale will be subject to a right for the seller to bid, it shall be lawful for the seller, or for any one person on his behalf, but not more than one, to bid at such auction in such manner as he shall think proper.

Consequences of seller bidding in the preceding cases.

(5) If the seller or any person employed by him or in his behalf shall bid at any sale contrary to any of the provisions of this section, any purchaser may refuse to fulfil his purchase, but the highest *bona fide* bidder shall be entitled, if he shall so elect, to have the land or goods at the price offered by him.

Penalty on auctioneer receiving unlawful bidding.

(6) No auctioneer nor any person in partnership with him or in his employment or in his behalf shall bid at any sale conducted by him and any auctioneer who—

(a) knowingly receives any bidding contrary to the provisions of this section, or

(b) bids himself or receives any bid from any partner of his or any person in his employment or in his behalf, shall be liable on conviction, to a fine of fifty pounds.

Auctioneer may recover purchase money.

23. (1) The auctioneer conducting a sale by auction shall (unless it be agreed otherwise between him and the seller) be entitled to sue for, recover and discharge all sums due in respect of such sale.

Payment to seller.

(2) The auctioneer shall (unless it be agreed otherwise between him and the seller) be liable for the due payment to the seller of the net proceeds of the sale within ten days from the time of sale of such property.

Employment to sell by auction does not authorize private sale.

24. The employment of an auctioneer to sell any property by public auction does not authorize him, in case the public auction proves abortive, to sell the property by private contract.

Remuneration of auctioneer on sale.

25. (1) The remuneration of any auctioneer for selling any property by auction shall in no case exceed seven pounds *per centum* on the gross amount of such sale.

Auctioneers

(2) If any property exposed for sale is bought in by or on behalf of the owner, the remuneration of the auctioneer shall not exceed three pounds *per centum* on the amount at which the same has been so bought in, if the said amount be under one hundred pounds, or two pounds *per centum*, if above that sum.

Where property is bought in.

(3) No agreement to pay or allow any higher rates than in this section mentioned shall be binding, and any auctioneer who shall receive or retain out of the proceeds of any sale any higher rates shall be liable to have his licence suspended or revoked by the Minister.

Agreements for higher rates void.

26. (1) If the employer of any person holding an agent's licence is ordered to pay any penalty incurred by such person, and makes default in doing so, the penalty may be levied by distress, seizure and sale of movable and immovable property of such employer.

Penalties incurred by agents.

(2) Any penalty paid by or recovered from the employer on behalf of such person so employed by him, together with all costs incurred by such employer in respect of such penalty, shall be a debt due to him from the person so employed by him.

Employer's remedy.

27. (1) The court imposing any pecuniary penalty under this Law upon any auctioneer may, if it shall appear that the offence is of such nature as to require the licence of such auctioneer to be suspended or revoked, make an order to that effect, and the licence shall be suspended or revoked accordingly.

Order of suspension or revocation of licence.

(2) The court making any order of suspension or revocation of a licence shall forthwith intimate the same to the licensing authority.

Report of order.

28. Nothing in this Law shall be construed to alter or derogate from the provisions of any Law or rules of court, relating to sales in execution of decrees.

Savings as to sales in execution of decrees.

29. No auctioneer, or person in his employment or in partnership with him, shall draft, prepare or procure the execution of any conveyance of land.

Auctioneer prohibited from preparing conveyances.

Penalty: a fine of fifty pounds.

Power to
make
regulations.

30. The Minister may make regulations for the following purposes—

- (a) altering the sums specified in the Schedule either generally or in relation to licences issued in any area specified in such regulation;
- (b) prescribing the sums for which security shall be required in respect of the several licences which may be issued under this Law;
- (c) generally for the further or better carrying into effect the purposes of this Law.

FIRST SCHEDULE—FORMS OF LICENCES

FORM A. AUCTIONEER'S LICENCE

Without Privilege of Agents

Licence is hereby granted to (a).....to carry on the business of an auctioneer (without privilege of agents) in (b).....until the.....day of....., 19....., subject to the Auctioneers Law (Chapter 12).

Dated this.....day of....., 19.....

Fee paid: £ s d.

.....
Signature of Licensing Authority

- (a) *Insert name and address of the person licensed.*
- (b) *Insert "Eastern Nigeria" or the part thereof to which licence is to extend.*

FORM B. AUCTIONEER'S LICENCE

With Privilege of Agents

Licence is hereby granted to (a).....to carry on the business of an auctioneer (with privilege of agents) in (b).....until the.....day of....., 19....., subject to the Auctioneers Law (Chapter 12).

Dated this.....day of....., 19.....

Fee paid: £ s d.

.....
Signature of Licensing Authority

- (a) *Insert name and address of the person licensed.*
- (b) *Insert "Eastern Nigeria" or the part thereof to which licence is to extend.*

Auctioneers

FORM C. AUCTIONEER'S AGENT'S LICENCE

Licence is hereby granted to (a).....to carry on the business of an auctioneer in the (b)..... of Eastern Nigeria as agent of (c)....., until the.....day of....., 19....., in case such agency shall continue so long, subject to the Auctioneers Law (Chapter 12).

Dated this.....day of....., 19.....

Fee paid: £ s d.

.....
Signature of Licensing Authority

- (a) *Insert here name and address of the person licensed.*
- (b) *Insert here the district or other area of Eastern Nigeria to which the licence extends.*
- (c) *Insert here the name and address of the auctioneer who employs the agent.*

FORM D. OCCASIONAL LICENCE

Licence is hereby granted to.....to carry on the business of an auctioneer for one day subject to the Auctioneers Law (Chapter 12).

Dated this.....day of....., 19.....

.....
Signature of Licensing Authority

SECOND SCHEDULE—FEES FOR LICENCES

| | | | £ | s | d |
|-------------------------|---------------|--------|----|----|---|
| Every licence in Form A | For one year | | 24 | 0 | 0 |
| | For half year | | 14 | 10 | 0 |
| Every licence in Form B | For one year | | 26 | 10 | 0 |
| | For half year | | 15 | 12 | 0 |
| Every licence in Form C | For one year | | 2 | 0 | 0 |
| | For half year | | 1 | 4 | 0 |
| Every licence in Form D | For one day | | 0 | 10 | 0 |

CHAPTER 12
AUCTIONEERS LAW
SUBSIDIARY LEGISLATION

E.R.L.N.
295 of
1960.

Auctioneers Law (Application) Order

made under section 1

Citation.

1. This order may be cited as the Auctioneers Law (Application) Order.

Application
of Law.

2. The Auctioneers Law shall apply to the areas of authority of the councils both—

(Cap. 79)

(a) established, or deemed to be established, under the Local Government Law; and

(b) mentioned in the Schedule to this order.

SCHEDULE

1. Abakaliki Urban County Council.
 2. Aba Urban County Council.
 3. Calabar Urban County Council.
 4. Ikot Ekpene Urban County Council.
 5. Onitsha Urban County Council.
 6. Owerri Urban County Council.
 7. Opobo Urban County Council.
 8. Umuahia-Ibeku Urban County Council.
 9. Municipality of Enugu.
 10. Municipality of Port Harcourt.
 11. Oron Urban County Council.
 12. Ugep Urban County Council.
 13. Oguta Urban County Council.
 14. Ikom Urban County Council.
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Sales by Auction Regulations

Sales by Auction Regulations
made under section 30

Regs. 38 of 1935.

- 1. These regulations may be cited as the Sales by Auction Regulations; they shall apply to those parts of Eastern Nigeria, to which the Sales by Auction Law (herein referred to as the Law) for the time being applies.
2. The bond required by section 9 of the Law shall be in accordance with Form A in the Schedule hereto and shall be for the sum of four hundred pounds.
3. Where the holder of a licence with the privilege of having agents desires to obtain an agent's licence the bond required by sections 9 and 13 of the Law shall be in accordance with Form B in the Schedule hereto and shall be for the sum of one hundred pounds.
4. The bond required by subsection (1) of section 9 and by section 12 of the Law shall be in accordance with Form C in the Schedule hereto and shall be for the sum of fifty pounds.

SCHEDULE

FORM A

Reg. 2

Auctioneer's Bond

KNOW ALL MEN by these presents that we are held and firmly bound unto the Governor in the sum of pounds of good and lawful money of Nigeria to be paid to the Governor and his successors, for which payment well and truly to be made we bind ourselves and each of us jointly and severally, our heirs, executors and administrators, firmly by these presents:

Sealed with our seals this day of, 19

WHEREAS the above bounden has applied for a licence under the Auctioneers Law to authorize him to carry on the business of an auctioneer in Eastern Nigeria with(out) the privilege of having agents from the day of, 19 until the day of next thereafter, and the said application has been approved, and the above bounden have also been approved as the sureties of the said

Now the condition of this obligation is such that if the above-named do and shall in all things conform to all and every the provisions of the said Auctioneers Law, then this obligation shall be void, otherwise shall be and remain in full force and effect.

Signed, sealed and delivered in the presence of



Auctioneers

Reg. 3.

FORM B

Auctioneer's Bond for an Agent

KNOW ALL MEN by these presents that we.....are held and firmly bound unto the Governor in the sum of.....hundred pounds of good and lawful money of Nigeria to be paid to the Governor and his successors, for which payment well and truly to be made we bind ourselves and each of us jointly and severally, our heirs, executors and administrators, firmly by these presents:

Scaled with our seals this.....day of....., 19.....

(Cap. 12)

WHEREAS the above bounden.....has applied for an agent's licence under the Auctioneers Law to authorize.....to sell by auction on behalf of the said.....from the.....day of....., 19....., until the.....day of.....next thereafter, and the said application has been approved, and the above bounden.....have also been approved as the sureties of the said.....

Now the condition of this obligation is such that if the above-named.....or any other person to whom such agent's licence may be transferred under the provisions of the said Law do and shall in all things conform to all and every the provisions of the said Auctioneers Law, then this obligation shall be void, otherwise shall be and remain in full force and effect.

Signed, sealed and delivered } in the presence of }

Reg. 4.

FORM C

Bond in respect of an Occasional Licence

KNOW ALL MEN by these presents that we.....are held and firmly bound unto the Governor in the sum of fifty pounds of good and lawful money of Nigeria to be paid to the Governor and his successors, for which payment well and truly to be made we bind ourselves and each of us jointly and severally, our heirs, executors and administrators firmly by these presents:

Scaled with our seals this.....day of....., 19.....

(Cap. 12)

WHEREAS the above bounden.....has applied for a licence under the Auctioneers Law to authorize him to carry on the business of an auctioneer in Eastern Nigeria on the.....day of....., 19....., only, and the said application has been approved, and the above bounden.....have also been approved as the sureties of the said.....

Now the condition of this obligation is such that if the above-named.....do and shall in all things conform to all and every the provisions of the said Auctioneers Law, then this obligation shall be void, otherwise shall be and remain in full force and effect.

Signed, sealed and delivered } in the presence of }

Appointment of Licensing Authorities

E.N.L.N.
504 of 1960.

made by the Minister under section 5

The Councils mentioned in the Schedule to this notice are hereby appointed to be licensing authorities for their respective areas of authority.

SCHEDULE

1. Abakaliki Urban County Council.
 2. Aba Urban County Council.
 3. Calabar Urban County Council.
 4. Ikot Ekpene Urban County Council.
 5. Onitsha Urban County Council.
 6. Owerri Urban County Council.
 7. Opobo Urban County Council.
 8. Umuahia-Ibeku Urban County Council.
 9. Municipality of Enugu.
 10. Municipality of Port Harcourt.
 11. Oron Urban County Council.
 12. Ugep Urban County Council.
 13. Oguta Urban County Council.
 14. Ikom Urban County Council.
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CHAPTER 13

AUDIT LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Salary of Director of Audit.
4. Powers of the Director of Audit.
5. Annual accounts.
6. Accounts of public corporations.

CHAPTER 13

A Law to provide for the Salary of the Director of Audit and for purposes incidental to or connected with his powers conferred by the Constitution of Eastern Nigeria.

E.R.N. 38
of 1955,
10 of 1960.
E.N.L.N.
79 of 1961.
E.N. 22 of
1961.

[1st April, 1956]

1. This Law may be cited as the Audit Law. Short title.
2. In this Law— Interpreta-
tion.

“Accountant-General” means the chief accounting officer of the receipts and payments of the Government;

“Director of Audit” means the Director of Audit for the Region established by section 61 of the Constitution of Eastern Nigeria;

“Government” means the Government of Eastern Nigeria;

“the Minister” means the Minister for the time being charged with responsibility for finance;

“officer” means any person in the employment of the Government;

“public moneys” include—

(a) the public revenues of Eastern Nigeria;

- (b) any trust or other moneys held, whether temporarily or otherwise, by any officer in his official capacity either alone or jointly with any other person, whether an officer or not.

Salary of
Director of
Audit.

3. There shall be paid to the Director of Audit an annual salary of not less than two thousand seven hundred pounds and such allowances as may be prescribed by or under a Law enacted by the Legislature of Eastern Nigeria.

Powers of
the Director
of Audit.

4. (1) In the exercise of his powers the Director of Audit may—

- (a) call upon any officer for any explanation and information he may require in order to enable him efficiently to discharge his duties;
- (b) require any officer in his behalf to conduct any inquiry, examination or audit, and such officer shall report thereon to the Director of Audit:

Provided that any such request shall be subject to the approval of the head of the Ministry or the non-ministerial department in which the officer concerned is employed;

- (c) without payment of any fee cause search to be made in and extracts to be taken from any book, document or record in any public office;
- (d) examine on oath, declaration or affirmation (which oath, declaration or affirmation the Director of Audit is hereby empowered to administer) all persons whom he may think fit to examine respecting the receipt or expenditure of money or the receipt or issue of stores or other property of any kind whatsoever affected by the provisions of this Law and respecting all other matters and things whatever necessary for the due performance and exercise of the duties and powers vested in him;
- (e) lay before the Attorney-General a case in writing as to any question regarding the interpretation of any Law or regulation concerning the powers of the Director of Audit or the discharge of his duties and the Attorney-General shall give a written opinion on such case.

(2) In the exercise of his duties the Director of Audit or any officer duly authorized thereto by him shall have access to all books, vouchers, documents, cash, stamps, securities, stores or other Government property of any kind whatsoever in the possession of any officer.

(3) Any person examined in pursuance of paragraph (d) of subsection (1) of this section who gives a false answer to any question put to him or who makes a false statement knowing that answer or statement to be false or not knowing or believing it to be true shall be deemed to be guilty of perjury and shall be liable to be prosecuted and, on conviction, to be punished accordingly.

5. (1) Within a period of six months or such longer period as the Legislative Houses of the Region may, by resolution, appoint after the close of each financial year, the Accountant-General shall sign and present to the Director of Audit accounts showing fully the financial position of the Government of Eastern Nigeria on the last day of such financial year. Annual
accounts.

(2) Such accounts shall include—

- (a) an abstract account of receipts and payments;
- (b) a statement of assets and liabilities;
- (c) statements of revenue and expenditure by sub-heads; and
- (d) such other statements as the Minister may from time to time require.

(3) The Director of Audit shall transmit to the Minister copies of the accounts, signed and presented by the Accountant-General in pursuance of the provisions of subsection (2) of this section, together with his certificate and a report upon his examination and audit of all accounts relating to the public moneys, stamps, securities, stores and other Government property of any kind whatsoever.

(4) The Minister shall lay the documents referred to in subsection (3) of this section without alteration thereto on the table of the House of Assembly at its next following meeting after the receipt by him of such documents.

(5) The Director of Audit may at any time transmit a special report to the Minister on any matter incidental to the exercise of his powers and the performance of his duties

and the Minister shall lay such report on the tables of the Legislative Houses of the Region in like manner.

Accounts of
public
corpora-
tions.

6. (1) Subject to the provisions of this section the Director of Audit shall examine, enquire into and audit the accounts of any corporation established under the provisions of any law if, subject to his consent, he is appointed to do so by the Minister with responsibility for matters relating thereto.

(2) The remuneration for and expenses of any examination, enquiry or audit of account performed under this section to such amount as may be sanctioned by the Minister shall be paid by the corporation concerned.

(3) In the exercise of his duties under this section the Director of Audit shall have in relation to any such corporation and its members, employees and property in addition to the powers conferred upon him by any other written law the same duties, responsibilities and powers as are conferred upon him by section 4 of this Law in relation to public moneys, stamps, securities, stores or other Government property.

(4) The Director of Audit shall report on such examination and audit and shall transmit such report to the Minister by whom he was appointed.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 14

BIRTHS, DEATHS AND BURIALS LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Births and deaths which are registrable.
4. Appointment of registries and registrars.
5. Duties of registrars.
6. Registrars to furnish returns.
7. Registers not to be removed from office without permission.
8. Persons responsible for registering births.
9. Registrar may summon persons to register births.
10. New-born child found exposed.
11. Illegitimate children.
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14. Persons baptizing.
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16. Certificate of baptism to be given.
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20. No registration after twelve months.
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24. Correction of entries when registered in wrong office.
25. Registrar to be informed of such corrections.
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30. Registrar to issue certificate for burial.

Section

31. Coroner may authorize burial before registration of death.
32. Registrar's certificate and coroner's order to be delivered to person burying.
33. Prohibition against burial without proper sanction.
34. Time within which dead bodies are to be buried.
35. Burial of deceased child as still-born.
36. Power to declare burial-grounds.
37. Control and management of public burial-grounds.
38. Where public burial-ground provided corpses not to be buried elsewhere.
39. On whom duty of causing a body to be buried falls.
40. No corpse to be buried at less depth than four feet.
41. Power of court to close dwelling-house near which corpse is buried.
42. Search warrant for corpse buried near a dwelling-house.
43. Exhumation.
44. Penalty for failing to register birth or death.
45. Offence by registrars.
46. Power of Local Government Council to provide for registration of births and deaths occurring amongst Nigerians.
47. Registration of non-registrable births and deaths.
48. Power to make regulations.

SCHEDULES

CHAPTER 14

L. of N.
1948,
Cap. 20.
N.L.N.
47 of 1951,
131 of 1954.
E.R.N.
17 of 1960
(S. 2 and 5th
Schedule).

**A Law to provide for Registration of Births and Deaths,
and to regulate Burials.**

[1st April, 1918]

Short title.*†

1. This Law may be cited as the Births, Deaths and Burials Law.

*See the Civil Aviation (Births, Deaths and Missing Persons) Act (Fed. Cap. 33) as to registration of births and deaths occurring in, and deaths of persons missing as a result of an accident to, aircraft registered in Nigeria.

†See section 50 of the Births, Deaths and Burials Act (Fed. Cap. 23) as to registration of births and deaths occurring upon the territorial waters of Nigeria.

2. In this Law—

Interpreta-
tion.

“house” means any building and also any part of a building, where such part is occupied separately from the rest, and includes a prison, lock-up, hospital, lunatic asylum and public or charitable institution;

“occupier” includes the officer in charge of any prison, hospital, lunatic asylum or public or charitable institution, and where a house is let in separate lodgings or apartments, includes any person residing in such house who is the person under whom such separate lodgings or apartments are immediately held, or his agent;

“registrar” includes a deputy registrar;

“relative” includes a connexion by marriage;

“the parent” means in the case of a legitimate child, the father, or, if the father be dead, then the mother, and in the case of an illegitimate child, the mother;

“the particulars required to be furnished” means with reference to a birth the particulars comprised in Form A or Form B in the First Schedule as the case may be, and, with reference to a death, the particulars comprised in Form C or Form D in the said Schedule as the case may be;

“Principal Registrar” means the Principal Registrar appointed under section 4 of the Births, Deaths and Burials Act;

Fed.
Cap. 23*

“to register” in relation to a registrar, means to record in the proper book the particulars furnished to him concerning a registrable birth or a registrable death, and, in relation to any other person, means to furnish to the best of his knowledge and belief, to the registrar at the proper registry the particulars required to be furnished with regard to a registrable birth or registrable death and to sign the entry in the book relating to such birth or death.

3. (1) Births and deaths are registrable under this Law in the cases following—

Births and
deaths which
are
registrable.

(a) All births and deaths occurring amongst persons other than citizens of Nigeria in Eastern Nigeria.

*The Permanent Secretary, Ministry of Internal Affairs, Lagos, is the appointed Principal Registrar. See N.L.N. 46 of 1961.

(b) All births and deaths occurring amongst citizens of Nigeria in any area of Eastern Nigeria defined in an order made under subsection (2).

(2) The Minister may by order direct that all births and deaths occurring amongst **citizens of Nigeria in an area defined in such order shall be registered.

(3) The birth of a child still-born is not registrable under this Law.

Appointment
of registries
and
registrars.

4. The Minister may by notice in the *Eastern Nigeria Gazette*—

(a) appoint registry offices and direct for what areas and in relation to what class of persons each such office shall be the proper office for the registration of births and deaths under this Law;

(b) appoint such registrars and deputy registrars as he may think proper.

Duties of
registrars.
Forms A, B,
C and D.
First
Schedule.

5. (1) Registrars shall be provided with register books in the Forms A, B, C and D in the First Schedule and shall, subject to the provisions of this Law, register in the proper book all births and deaths registrable in his office immediately after the same have been reported to him.

(2) A registrar shall keep himself informed of all births and deaths occurring and registrable in his office.

Registrar
to furnish
returns.

6. A registrar shall furnish such returns as may be prescribed, or as the Principal Registrar may direct.

Registers not
to be
removed
from office
without
permission.

7. No register shall be taken out of a registry except by permission in writing of the registrar or under the order of a court.

Penalty: a fine of one pound.

Registration of Births

Persons
responsible
for
registering
births.

8. When a registrable birth occurs, the parent, and, in default of the parent, the person having charge of the child, and, in default of such person, if the birth took place in a house to the knowledge of the occupier thereof, then such occupier, or if the birth took place on a ship, then the master of the ship, shall, within twenty-one days next after the birth, register the birth.

**cf. section 84, item (59) of the Local Government Law (Cap. 79).

9. When a birth has not been duly registered within such twenty-one days as aforesaid, the registrar may, by notice in writing in the Form E in the First Schedule, summon any of the persons required by law to register the birth to attend personally at the registry within such time as may be specified in the summons (being not less than two days after the receipt thereof and not more than twelve months after the date of the birth) and register the birth.

Registrar may summon persons to register births. Form E. First Schedule.

10. Any person who finds any living new-born child exposed shall forthwith report the matter to the nearest magistrate or police officer who shall thereupon make inquiries, and if it appears to him that the birth is registrable, shall require the person who reported the matter, and such person is hereby required, to register the birth.

New-born child found exposed.

11. (1) No father of an illegitimate child shall be compelled to register the birth of such child, and the registrar shall not enter in the register the name of any person as the father of any such child unless at the joint request of the mother and the person acknowledging himself to be the father, and such person shall in such case sign the register together with the mother.

Illegitimate children.

(2) A registrar who shall commit a breach of the provisions of this section shall be liable to a fine of two pounds.

12. The registrar shall upon registering any birth deliver to the informant free of charge a certificate in the Form F in the First Schedule.

Certificate of registration of birth. Form F. First Schedule.

13. No birth shall be registered after the expiration of three months therefrom except upon payment of the prescribed fee: and no birth shall be registered after the expiration of twelve months therefrom except under the written authority of the Principal Registrar and upon payment of the prescribed fee, and such authority shall be entered in the register.

Registration after three and twelve months from birth.

14. Every minister or other person who shall baptize any infant whose birth is registrable shall before performing the rite of baptism upon such infant, require production to him of a certificate of registration of the birth of such infant signed by the registrar; and in case no such certificate shall

Persons baptizing.

Form G.
First
Schedule.

be produced to him, he shall, within forty-eight hours from the baptism give notice of the fact in writing in the Form G in the First Schedule to the registrar at the office at which the birth of such child should have been registered.

Penalty: a fine of one pound.

Registration
of name
subsequent
to registra-
tion of birth.

Form H or I.
First
Schedule.

15. (1) Where a birth has been registered, and it is desired to change the name of the child or where a birth has been registered without a name and a name is subsequently given to the child, the parent or guardian of such child may within twelve months after the registration of the birth deliver to the registrar a certificate in the Form H or I in the First Schedule and the registrar upon receipt of such certificate and upon payment of the prescribed fee shall without any erasure of the original entry forthwith enter in the register the name mentioned in such certificate as having been given to such child.

(2) Every such certificate shall be signed by the person who performed the rite of baptism upon the occasion on which the name was given or altered, or, if the child is not baptized, by the parent or guardian of the child.

Certificate of
baptism to
be given.
Form H.
First
Schedule.

16. Every person who performs the rite of baptism shall deliver upon demand and upon payment of a fee not exceeding one shilling a certificate in the Form H in the First Schedule.

Penalty: a fine of two pounds.

Registration of Deaths

Deaths in
houses or on
board ship.

17. When a registrable death occurs in a house, or on board a ship, the relatives of the deceased present at the death, or in attendance during the last illness of the deceased, and in default of such relatives, every person present at the death, and in default of such persons if the death took place in a house to the knowledge of the occupier then such occupier, or if the death took place on a ship then the master of the ship, and in default of such occupier or master the person causing the body of the deceased to be buried, shall, within forty-eight hours of the death, register the death.

18. When a registrable death occurs in a place other than a house or a ship, or the dead body of a person whose death is registrable is found, whether in a house or elsewhere, every relative of the deceased having knowledge of any of the particulars required to be registered concerning the death, and in default of such relatives, every person present at the death, and in default of such persons, every person finding or taking charge of the body, shall, without delay, register the death.

Deaths not in houses or on board ship.

19. Where any death has not been duly registered the registrar by notice in writing in the Form E in the First Schedule may summon any of the persons required by law to register the death to attend personally at the registry within such time as may be specified in the summons (being not less than two days after receipt thereof and not more than twelve months after the death or finding of the body) to register the death.

Registrar may summon persons to register death. Form E. First Schedule.

20. No death shall be registered after the expiration of twelve months after such death or after the finding of any dead body except under the written authority of the Principal Registrar and the fact of such authority having been given shall be entered in the register.

No registration after twelve months.

21. Every qualified medical practitioner who has attended a person during his last illness shall without charge deliver to the person required to register the death a certificate in the Form J in the First Schedule and such person shall deliver such certificate to the registrar and the cause of death as stated in the certificate shall be entered in the register together with the name of the certifying medical practitioner.

Medical certificate of cause of death. Form J. First Schedule.

Penalty: a fine of ten pounds.

22. (1) Where an inquest is held on and a certificate rendered in respect of any dead body under the provisions of the Coroners Law, no person shall with respect to such dead body, or the death, be liable to attend upon a summons of the registrar, or be subject to any penalty for failing to give information in pursuance of any provision of this Law, and a qualified medical practitioner shall not be required to give a medical certificate under the last preceding section.

When inquest held person other than coroner not required to register death. (Cap. 29)

(2) The fact of the death and the particulars contained in the said certificate shall be entered in the register in the



prescribed form and manner, and if such death has been previously registered the said particulars shall be so entered without any alteration of the original entry.

Correction of Errors in Registers

Correction of errors in general.

23. Any clerical error in a register may if discovered at the time of making the entry be then corrected by the registrar but save as is provided in the next succeeding section no other alteration shall be made in any register except upon the written authority of the Principal Registrar and upon adequate inquiry by him and on payment of the prescribed fee. Every correction in a register shall be made by entry in the margin without any alteration of the original entry.

Penalty: a fine of five pounds.

Correction of entries when registered in wrong office.

24. Whenever it is found that a birth or death has been registered at the wrong registry the registrar of the registry where such erroneous entry has been made shall correct the same by an entry in the margin stating the circumstances in which the correction is made with the date thereof. The entry shall be signed by the persons, if any, supplying the information upon which it is made and also by the registrar who shall then rule one clear line through the erroneous entry but so that such entry shall remain legible, and the registrar shall thereupon notify the erroneous entry, the correction and all the circumstances under which the correction is made to the registrar of the registry in which the birth or death should properly have been registered, who shall forthwith make a special entry thereof and shall add a note in the margin of such entry explaining the facts attending the same as notified to him by the registrar of such other district.

Principal Registrar to be informed of such corrections.

25. In every case of a correction of or addition to a register made under the last preceding section the registrar making the same shall send the Principal Registrar a special report of the correction with all particulars thereof.

Penalty: a fine of two pounds.

Searches in and Certified Extracts from Register

Right to search register.

26. Every person shall be entitled at all reasonable hours upon payment of the prescribed fee to inspect any entry in any register and to have a certified copy of any entry.

Births, Deaths and Burials

27. Every such certified copy shall be an exact copy of the entry in the register with a certificate at the foot in the Form K in the First Schedule and shall be signed by the registrar.

Form of certified copies. Form K. First Schedule.

28. A certified copy of an entry in any register shall be receivable in evidence in all courts in Eastern Nigeria.

Admission of certified copies in evidence.

Fees

29. The fees specified in the Second Schedule shall be paid to the registrars for the several matters therein contained.

Fees. Second Schedule.

Burials of Persons whose Deaths are Registrable and of Still-born Children whose Births if they had been born alive would have been Registrable

30. Immediately upon registering any death or receiving information of the birth of any child still-born, the registrar shall issue his certificate in the Form L in the First Schedule for the burial of the body:

Registrar to issue certificate for burial. Form L. First Schedule.

Provided that a registrar shall not, without the written authority of a coroner, issue such certificate in any of the following cases—

- (a) if it shall appear to the registrar that there is reason to believe that the deceased died either a violent or unnatural death, or died suddenly from a cause unknown, or whilst confined in a lunatic asylum or in prison;
- (b) if the registrar shall consider that the circumstances connected with any death require investigation; or
- (c) if he shall be informed that a report concerning the death in question has been or is about to be made to the coroner.

31. Where a coroner has made an order for burial under the provisions of the Coroners Law, such burial may take place notwithstanding the fact that the death of the deceased person has not been registered.

Coroner may authorize burial before registration of death. (Cap. 29)

32. Every certificate of the registrar under section 30 and every order of the coroner made under the provisions of the Coroners Law shall be delivered by the person to whom it is issued to the person who buries, or the person who performs any funeral service over the body of the deceased.

Registrar's certificate and coroner's order to be delivered to person burying. (Cap. 29)

Penalty: a fine of two pounds.

Prohibition
against burial
without
proper
sanction.

33. (1) Unless a magistrate or medical officer of health shall in writing order otherwise, no body of a deceased person whose death is registrable or a still-born child whose birth if he had been born alive would have been registrable shall be buried or otherwise disposed of until a certificate shall have been granted by the registrar or an order shall have been made by the coroner.

Penalty: a fine of twenty pounds.

(2) A magistrate or medical officer of health may, subject to the like restrictions as are imposed on the registrar by the proviso to section 30, make such order in any case in which he may consider it to be necessary in the interest of the public health, but shall in every case notify the registrar in the Form M in the First Schedule of such order having been made.

Form M.
First
Schedule.

Time within
which dead
bodies are
to be buried.

34. Every body of a deceased person or of a still-born child shall be buried within twenty-four hours of the issue of the registrar's certificate or the making of the order of the coroner, magistrate or medical officer of health.

Penalty: a fine of twenty pounds.

Burial of
deceased
child as
still-born.

35. (1) No person shall wilfully bury or otherwise dispose of or procure to be buried or otherwise disposed of the body of any deceased child as if it were still-born.

Penalty: a fine of ten pounds.

(2) A registrar shall not issue his certificate for the burial of any still-born child before there is delivered to him either—

Form N.
First
Schedule.

(a) a written certificate in one of the Forms N in the First Schedule that such child was not born alive signed by a qualified medical practitioner who was in attendance at the birth, or who has examined the body of such child; or

Form O.
First
Schedule.

(b) a declaration in the Form O in the First Schedule signed by some person who would, if the child had been born alive, have been required to register the birth, to the effect that no medical certificate can be obtained, and that the child was not born alive.

Declaration of Burial-Grounds

36. The Minister may by order—

- (a) declare any burial-ground within Eastern Nigeria to be a public burial-ground for any area specified in such order;
- (b) appropriate any public burial-ground within Eastern Nigeria to persons of any class, nationality or religious denomination mentioned in the order;
- (c) order that any burial-ground within Eastern Nigeria whether a public burial-ground or not, named in such order shall from a date specified be discontinued either wholly or subject to any exceptions or qualifications mentioned in such order.

Power to declare burial-grounds.

37. Every public burial-ground shall be under the control or management of such person or body of persons as the Minister may direct.

Control and management of public burial-ground.

38. Where one or more public burial-grounds have been declared for an area either by the Minister under this Law or by a local government council under a written law relating to local government in the Region, no corpse shall be buried in a place within that area other than a place within those public burial-grounds, except with the consent in writing of the Divisional Officer.

Where public burial-ground provided, corpses not to be buried elsewhere.

Penalty: a fine of twenty pounds.

Burials Generally

39. (1) The duty of causing the body of a deceased person to be buried is imposed on the persons following—

- (a) the executors of the deceased;
- (b) in the absence or default of an executor each and every one of the relatives of the deceased; and
- (c) in the absence or default of the relatives, the occupier of the premises on which the body lies:

On whom duty of causing a body to be buried falls.

Provided that any person who shall cause a body to be buried shall be entitled to be paid all reasonable expenses incurred out of the property of the deceased in priority to all other charges.

Declaration of Burial-Grounds

36. The Minister may by order—

- (a) declare any burial-ground within Eastern Nigeria to be a public burial-ground for any area specified in such order;
- (b) appropriate any public burial-ground within Eastern Nigeria to persons of any class, nationality or religious denomination mentioned in the order;
- (c) order that any burial-ground within Eastern Nigeria whether a public burial-ground or not, named in such order shall from a date specified be discontinued either wholly or subject to any exceptions or qualifications mentioned in such order.

Power to declare burial-grounds.

37. Every public burial-ground shall be under the control or management of such person or body of persons as the Minister may direct.

Control and management of public burial-ground.

38. Where one or more public burial-grounds have been declared for an area either by the Minister under this Law or by a local government council under a written law relating to local government in the Region, no corpse shall be buried in a place within that area other than a place within those public burial-grounds, except with the consent in writing of the Divisional Officer.

Where public burial-ground provided, corpses not to be buried elsewhere.

Penalty: a fine of twenty pounds.

Burials Generally

39. (1) The duty of causing the body of a deceased person to be buried is imposed on the persons following—

- (a) the executors of the deceased;
- (b) in the absence or default of an executor each and every one of the relatives of the deceased; and
- (c) in the absence or default of the relatives, the occupier of the premises on which the body lies:

On whom duty of causing a body to be buried falls.

Provided that any person who shall cause a body to be buried shall be entitled to be paid all reasonable expenses incurred out of the property of the deceased in priority to all other charges.

(2) The duty of causing the body of a still-born child to be buried is imposed on the parent and in default of the parent the occupier of the premises on which the body lies.

No corpse to be buried at less depth than four feet.

40. Except with the consent of a medical officer no corpse shall be buried at a less distance than four feet from the surface of the ground.

Penalty: a fine of ten pounds or imprisonment for two months.

Power of court to close dwelling-house near which corpse is buried.

41. (1) A court may on the application of a health officer order that any dwelling-house in which, or within a hundred yards of which, a corpse has been buried be closed until the same is fit for habitation, and may if necessary authorize any police officer to remove from such house the occupants thereof.

(2) Any person inhabiting a dwelling-house so closed shall be liable to a fine of one pound and a further fine of five shillings for each day that such habitation continues.

(3) No order shall be made under this section if the corpse has been buried in a public burial-ground.

Search warrant for corpse buried near a dwelling-house.

42. (1) Upon the information of a health officer or any person authorized by him that a corpse has been buried in any dwelling-house or in any place, not being a public burial-ground, within one hundred yards from any dwelling-house a court may issue a warrant, authorizing any member of the police or any officer of the court to search, and, if necessary, to dig up any ground in any such dwelling-house, or within one hundred yards from such dwelling-house, for the purpose of ascertaining if any corpse has been buried.

Removal and burial of corpse buried in contravention of Law.

(2) Any corpse found in the execution of a warrant issued under this section shall be removed and buried by such person or persons as the court may direct, and the costs of such removal and burial shall be paid by the persons by whom such corpse has been buried or caused to be buried in the place from which it has been removed or otherwise as the court may direct.

Exhumation.

43. (1) The Minister may by writing under his hand order the exhumation of any body buried in any place within Eastern Nigeria and may direct that any such exhumation shall be carried out in the presence of, and in a manner

approved by, a medical officer and give such other directions with regard to any such exhumation as he may think fit.

(2) Save as provided in subsection (1) no corpse shall be taken up, exhumed, transferred or removed from a public burial-ground:

Provided that nothing in this Law shall be deemed to affect the power of a coroner to order exhumation under the provisions of the Coroners Law.

(Cap. 29)

(3) Any person contravening the provisions of subsection (2) shall on conviction be liable to a fine of one hundred pounds or imprisonment for two years.

Penalties

44. Every person required by this Law to register any birth or death, who shall fail to register the same or to comply with a summons of the registrar, or shall wilfully refuse to answer any question put to him by the registrar relating to the particulars required to be registered shall be liable to a fine of two pounds.

Penalty for failing to register birth or death.

45. Every registrar who—

- (a) fails to register any birth or death which he is required to register under this Law;
 - (b) registers any birth or death which he is prohibited from registering under this Law;
 - (c) refuses or fails, without reasonable excuse, to deliver or issue in accordance with this Law any certificate or certified copy; or
 - (d) delivers or issues any certificate which he is prohibited from delivering or issuing,
- shall be liable to a fine of ten pounds.

Offence by registrars.

46. A local government council may, with the approval of the Minister—

- (a) make rules providing for the registration of births and deaths occurring amongst citizens of Nigeria in any area in which such births and deaths are not registrable under this Law and for the imposition of fees in respect of such registration; and
- (b) appoint registration offices and registrars for the purposes of any such registration.

Power of local government council to provide for registration of births and deaths occurring amongst Nigerians.

Registration
of non-
registrable
births and
deaths.

47. Whenever a birth or death occurs in Eastern Nigeria which is not registrable under this Law any person desiring that the birth or death shall be registered may furnish to any registrar of Nigerian or non-Nigerian births and deaths, as the case may be, the particulars required to be furnished with regard to a registrable birth or registrable death, as the case may be, and the registrar shall, subject to the provisions of sections 13 and 20 register such birth or death and shall enter in the margin a note that the registration of such birth or death is not compulsory but has been registered at the request of the informant. The informant shall sign the register in the appointed column and shall place his initials at the end of the note in the margin.

Power
to make
regulations.

48. The Minister may make regulations—

- (a) for the government and guidance of the registrars;
- (b) for adding to or altering the forms in the First Schedule;
- (c) for altering the fees specified in the Second Schedule;
- (d) for prescribing the manner in which entries shall be made in registers;
- (e) for regulating burials in public burial-grounds;
- (f) for the protection of memorials of the dead in public burial-grounds;
- (g) for regulating the size, the position of, and the price to be paid for spaces for graves and burials;
- (h) for prescribing the duties of keepers of burial-grounds and
- (i) generally for the better carrying into effect of provisions of this Law.

FIRST SCHEDULE
 FORM A
 BIRTHS, DEATHS AND BURIALS LAW
 (EASTERN NIGERIA)
 (Chapter 14)

Register of Births of persons other than citizens of Nigeria.

| No. | Date of birth | Place of birth | Sex of child | Name (if any) | Name and nationality or country of father | Maiden name and nationality or country of mother | Rank or occupation and address of father (or, in default, of mother) | Signature, description and address of informant | Date of registration | Signature of registrar | Name if added after registration of birth |
|-----|---------------|----------------|--------------|---------------|---|--|--|---|----------------------|------------------------|---|
| | | | | | | | | | | | |

FIRST SCHEDULE—*continued*
 FORM C
 BIRTHS, DEATHS AND BURIALS LAW
 (EASTERN NIGERIA)
 (Chapter 14)

Register of Deaths of persons other than citizens of Nigeria.

| No. | Date of death | Place of death | Name | Sex | Age | Rank or occupation | Nationality or country | Abode | Cause of death | Name of certifying medical practitioner (if any) | Duration of illness | Place of burial | Signature, description and address of informant | Date of registration | Signature of registrar |
|-----|---------------|----------------|------|-----|-----|--------------------|------------------------|-------|----------------|--|---------------------|-----------------|---|----------------------|------------------------|
| | | | | | | | | | | | | | | | |

Register of Deaths of citizens of Nigeria.

FIRST SCHEDULE—continued
 Form D
 BIRTHS, DEATHS AND BURIALS LAW
 (EASTERN NIGERIA)
 (Chapter 14)

| | |
|--|---|
| | No. |
| | Date of death |
| | Place of death |
| | Full name |
| | Sex |
| | Age |
| | Nationality or tribe |
| | Place of birth |
| | Rank or occupation |
| | Usual place of residence |
| | Period of continuous residence in registration area |
| | Last place of residence before arrival in registration area |
| | Cause of death |
| | Name of certifying medical practitioner (if any) |
| | Duration of illness |
| | Place of burial |
| | Signature, description and address of informant |
| | Date of registration |
| | Signature of registrar |

FIRST SCHEDULE — *continued*

FORM E
BIRTHS, DEATHS AND BURIALS LAW
(Chapter 14)

Sections 9
and 19.

Registrar's Summons to appear and testify

To _____, of _____
You are hereby required to appear before me, the undersigned registrar of births and deaths, at _____ on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, then and there to testify of your knowledge concerning the _____ of _____
Herein fail not. In default you will be liable to a penalty of forty shillings.
Given under my hand this _____ day of _____, 19____.
(Signature) _____
(Registrar).

FORM F
BIRTHS, DEATHS AND BURIALS LAW
(Chapter 14)

Section 12.

Certificate of Registration of Birth

I, _____, registrar of births and deaths at _____ in Eastern Nigeria, do hereby certify that I have this day registered the birth of _____, born at _____, the child of (insert the names of the parents if the child is legitimate, or of the mother if the child is illegitimate).
Witness my hand this _____ day of _____, 19____.
(Registrar).

FORM G
BIRTHS, DEATHS AND BURIALS LAW
(Chapter 14)

Section 14.

Notice to Registrar by Person baptizing Infant without production of Certificate of Registration of Birth

I, the undersigned, hereby give you notice that on the _____ day of _____, 19____, I baptized an infant of the name of _____, the child of _____, of _____ and _____, his wife, and that no certificate of registration of the birth of the said infant was previously produced to me.
(Date) _____
(Signature) _____
(Additions) _____
(Address) _____

To the Registrar of Births and Deaths.



FIRST SCHEDULE—continued
FORM J
BIRTHS, DEATHS AND BURIALS LAW
(Chapter 14)

Section 21.

Section 21.

Medical Certificate of Cause of Death

Medical Certificate of Cause of Death

I hereby certify that I have medically attended
who was (a) apparently,
aged to be aged _____ years, that I last saw
_____ on the _____, 19____, that _____
was then suffering from _____, that _____
died as I am aware, or (b) informed, on the _____ day of
_____ 19____, at (c) _____, and that the cause
of death was to the best of my knowledge and belief as
in stated:—

I hereby certify that I have medically attended
of* who was (a) apparently,
or stated to be aged _____ years, that I last saw
_____ on the _____, 19____, that _____
was then suffering from _____, that _____
died as I am aware, or (b) informed, on the _____ day of
_____ 19____, at (c) _____, and that the cause
of death was to the best of my knowledge and belief as
herein stated:—

Primary cause
Secondary cause
and that the disease had continued
Witness my hand this _____ day of _____,

Primary cause
Secondary cause
(d) and that the disease had continued
Witness my hand this _____ day of _____,
19____.

Signature
Medical qualification
Address

Signature
Medical qualification
Address

*State address.
(a) Omit "apparently" or "or stated to be" as the case may be.
(b) Omit "aware or" when hour of death is known from report.
(c) State the time.
(d) State duration of illness if possible.
Note that by primary cause of death is meant the disease
present at the time of death, which initiated the train of events
leading thereto, and not a secondary, contributory or immedi-
ate cause or a terminal condition or mode of death.

*State address.
(a) Omit "apparently" or "or stated to be" as the case may be.
(b) Omit "aware or" when hour of death is known from report.
(c) State the time.
(d) State duration of illness if possible.
Note that by primary cause of death is meant the disease
present at the time of death, which initiated the train of events
leading thereto, and not a secondary, contributory or immedi-
ate cause or a terminal condition or mode of death.

Births, Deaths and Burials

[CAP. 14

135

FIRST SCHEDULE — continued

FORM N

Section 35.

BIRTHS, DEATHS AND BURIALS LAW

(Chapter 14)

(1)

Certificate that Child was Still-born, by Medical Practitioner who was in attendance at the Birth

I, the undersigned medical practitioner, hereby certify that I was present at ... on the ... day of ... 19 ... when ... of ... (or, if the child was born in wedlock, say ... the wife (or widow) of ...), gave birth to a male (or female) child, and that the said child was not born alive.

Dated at ... the ... day of ... 19 .

(Signature)
(Additions)
(Address)

(2)

Certificate that Child was Still-born, by Medical Practitioner who has examined the Body

I, the undersigned medical practitioner, hereby certify that I have examined the body of a male (or female) child to which as I am informed and believe, ... of ... (or, if the child was born in wedlock, say ... the wife (or widow) of ...), gave birth at ... on the ... day of ... 19 , and that, in my opinion, the said child was not

born alive.
Dated at ... the ... day of ... 19 .

(Signature)
(Additions)
(Address)

FORM O

Section 35.

BIRTHS, DEATHS AND BURIALS LAW

(Chapter 14)

Declaration by Informant that Child was Still-born

I, the undersigned, hereby declare that a male (or female) child was born to ... of ... (or, if the child was born in wedlock, say ... the wife (or widow) of ...), at ... on the ... day of ... 19 , that the said child was not born alive, and that no medical practitioner was present at the birth (or, and that no medical certificate of the said child not having been born alive can be obtained).

Dated at ... the ... day of ... 19 .

(Signature, description and address of declarant).

SECOND SCHEDULE

Section 29.

FEES

| | s | d |
|--|---|---|
| For registering a birth, when the child is more than three, but not more than twelve, months old (to be paid by the informant) ... | 2 | 6 |
| For registering a birth, when the child is more than twelve months old (to be paid by the informant) | 5 | 0 |
| For entering the baptismal or other name of a child, upon a certificate being produced, after registration of birth (to be paid by the person procuring the name to be entered) | 1 | 0 |
| For correcting an error of fact in a register (to be paid by the person requiring the error to be corrected) - | 2 | 6 |
| For each search of the index to, and inspection of an entry in, a register | 1 | 0 |
| For each certified copy of an entry in a register | 2 | 6 |

CHAPTER 14
BIRTHS, DEATHS AND BURIALS LAW
SUBSIDIARY LEGISLATION

Orders in Council under section 3 (2) of the Births,
Deaths and Burials Law.

ABA

All births and deaths occurring amongst citizens of Nigeria in the township of Aba on and after the 1st day of January, 1937, shall be registered. Orders in Council 6 of 1937.

CALABAR

All births and deaths occurring amongst citizens of Nigeria in the township of Calabar on and after the 1st day of September, 1926, shall be registered. 22 of 1926.

ENUGU

All births and deaths occurring amongst citizens of Nigeria in the township of Enugu on and after the 1st day of January, 1937, shall be registered. 78 of 1936.

PORT HARCOURT

All births and deaths occurring amongst citizens of Nigeria in the township of Port Harcourt on and after the 1st day of April, 1932, shall be registered. 57 of 1931.

*These Orders in Council have not been expressly revoked or replaced.

Regulations
41 of 1917
2 of 1920
1 of 1941.

Births, Deaths and Burials Regulations

made under section 48

- * 1. These regulations may be cited as the Births, Deaths and Burials Regulations.

Registration

2. Every registrar shall at the beginning of each month forward to the Principal Registrar a true copy, certified under the hand of such registrar of all entries made during the preceding month in the registers kept by him.

3. Every registrar shall keep alphabetical indexes showing all births and deaths respectively registered in his office. Separate indexes shall be kept for citizens of Nigeria and for other persons.

4. The registers and indexes shall be kept in a locked safe or other secure receptacle and shall not be taken out of the registry, except by permission in writing of a Principal Registrar or under the order of a court.

5. The entries in the registers shall be made in order, and shall be numbered progressively from the beginning to the end of each year, the entries for each year beginning with number 1. Every entry shall be divided from the preceding one by a line.

6. In cases in which no certificate of a medical officer is produced, registrars shall ascertain as accurately as possible from the person registering a death the cause of such death.

Public Burial-Grounds

7. The position of all grave spaces shall be delineated and plotted on a plan prepared by a Government or licensed surveyor and kept in the office of the officer in charge of the cemetery.

*There are particular regulations about burials, graves and vaults in the Urban County of Calabar. See the Regulations published as E.R. No. 7 of 1953.

There are particular rules about registration of births and deaths in Obuba. See the Rules published as E.R.L.N. 189 of 1954.

Regulations

8. Each space shall be numbered and a register kept recording the following particulars—

| Number of space on plan | Date of Grant | Name of Grantee | Name of person buried |
|-------------------------|---------------|-----------------|-----------------------|
| | | | |

9. The size of a grave space shall be eight feet by four feet.

10. No greater number than ten such spaces comprising an area of sixteen feet by twenty feet shall be granted to any one person or family for the construction of a brick vault.

11. The charges for grave spaces (except in that portion of a burial-ground allotted for free burials) shall be as follows—

- (a) for a grave space other than one granted for the purposes referred to in paragraph (b) } 5s.
- (b) for every grave space granted for the construction of a vault, or which is to be enclosed by a curb, rails, chains or any other form of enclosure, or on which is to be erected any headstone or other mark in permanent material. } 2s per square foot of superficial area with a minimum charge of £3 4s.

12. The foundations of a headstone or other memorial shall not extend more than two feet below the surface of the ground.

Exhumation

13. When the Minister shall make an order for the exhumation of a body he may require the person applying for such order to pay a fee of such amount, not exceeding five pounds, as the Minister may determine, and may direct that the exhumation and removal of the body shall be carried out in the presence of, and in a manner approved by, a medical officer, and may order the payment to the medical officer of the whole or any portion of the fee paid as aforesaid.

14. The Minister may remit any of the fees prescribed in these regulations either generally in respect of any public burial-ground or in special cases.

CHAPTER 15
BUILDING LINES LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Roads to which this Law applies.
4. Notice of Minister's intention to reconstruct.
5. Space on both sides of road to be cleared of obstruction but exemption may be granted.
6. The building line at a railway level crossing.
7. Reduction of space to be kept free of obstruction.
8. Special provisions as to towns and villages.
9. Requirement as to consent of Minister.
10. Offences.
11. Removal of obstruction and recovery of expenses.
12. Facilitating reconstruction of a road.
13. Right to take materials for maintenance or reconstruction of a road.
14. Exemption of certain obstructions.

CHAPTER 15

A Law to provide for the Regulation of the Position of Buildings and other Obstructions with reference to Roads other than Federal Trunk Roads.

E.R.N. 22
of 1960.
E.N. 3 of
1961.

[23rd January, 1961]

1. This Law may be cited as the Building Lines Law. Short title.*
2. In this Law— Interpreta-
tion.

“Appropriate Authority”, in relation to a road the maintenance of which is the responsibility of—

 - (a) the Minister, means the Minister, and
 - (b) a local government council, the council;

*The Nigerian Railway Corporation Act (Fed. Cap. 139) provides in its section 97 that “the provisions of . . . (d) any Law regulating the construction, alteration, repair or demolition of buildings shall not apply in relation to any railway land.”

The Ports Act (Fed. Cap. 155) provides in its section 116 that “the provisions of . . . (d) any Law regulating the construction, alteration, repair or demolition of buildings shall not apply to any land for the time being vested in or in the possession of the (Nigerian Ports) Authority.”

(Cap. 79) "council" means a council for the purpose of local government established, or deemed to have been established, under the Local Government Law;

"create an obstruction" includes—

- (a) erect a structure of a permanent nature or a building,
- (b) plant a permanent crop or tree;

"erect a building" includes—

- (a) re-erect—
 - (i) a building taken or fallen down to or below the top of the ground floor, or
 - (ii) a frame-building, of which only the framework is left down to the top of the ground floor, or
- (b) convert into a dwelling-house a building not originally constructed for human habitation, and
- (c) add a structure to a building;

* "Federal trunk road" means a road declared for the time being to be a Federal trunk road for the purposes of item 39 of Part I of the Schedule to the Constitution of the Federation;

"Minister" means the Minister for the time being charged with responsibility for roads;

"permanent crops" includes—

- (a) trees valuable as food, and
- (b) trees having a trade value for their natural products but does not include crops requiring to be sown and reaped within a period of twelve months;

"road" means a thoroughfare, other than a Federal trunk road—

- (a) used by the public, or
- (b) under construction.

"structure of a permanent nature" means a structure not removable within a period of twelve months, after notice, without damage to the structure.

*The law as to building lines on Federal trunk roads is to be found in the Building Lines (Federal Trunk Roads) Act (Fed. Cap. 27).

3. Subject to section 4, the Appropriate Authority may, in its discretion, by order, apply this Law to a road mentioned in the order.

Roads to which this Law applies.

4. (1) The Minister may, in his discretion, by notice published in the *Eastern Nigeria Gazette*, announce his intention of reconstructing a road—

Notice of Minister's intention to reconstruct.

- (a) mentioned in that notice, and
 - (b) whether or not the responsibility of a council.
- (2) After publication of that notice, the Minister may—
- (a) in relation to that road, and
 - (b) whether or not he is the Appropriate Authority, exercise the power conferred by section 3.

5. (1) Except as may be allowed by this section or an order made under either section 7 or section 8, a person shall not—

Space on both sides of road to be cleared of obstruction but exemption may be granted.

- (a) within a distance of one hundred feet of the centre line of a road to which this Law applies, create or cause to be created an obstruction; or
- (b) on the ground occupied by that road or the adjacent drains, plant a crop requiring to be sown and reaped within a period of twelve months.

(2) Subject to such conditions as it may impose, the Appropriate Authority may, in its discretion, permit the creation of an obstruction.

6. Notwithstanding subsection (1) of section 5, where a road to which this Law applies encounters a railway level crossing, a person shall not—

The building line at a railway level crossing.

- (a) within a distance of two hundred and fifty feet on either side of the centre line of that road, and
- (b) for a distance of one hundred feet along that road on either side of the railway level crossing, create or cause to be created an obstruction.

7. (1) Subject to section 9 the Appropriate Authority may, in its discretion, by order, substitute, for the distance mentioned in section 5, a distance of not less than fifty feet.

Reduction of space to be kept free of obstruction.

- (2) That order may—
- (a) be made applicable to a specified portion of a named road to which this Law applies, and

(b) vary in respect of different portions of the same road.

Special provisions as to towns and villages.

8. (1) Subject to this section and to section 9 and in relation to a road to which this Law applies, where that road is in or passes through a town or village, the Appropriate Authority may, in its discretion, by order prescribe—

- (a) the line in which buildings shall be erected in that town or village, as the case may be, or
- (b) the distance from the centre of the road within which a person shall not—
 - (i) create an obstruction, or
 - (ii) place obstructions specified in the order.

(2) Where he is the Appropriate Authority the Minister shall consult the council concerned.

(3) That order may—

- (a) be made applicable to a specified portion of a named road to which this Law applies;
- (b) vary in respect of different portions of the same road;
- (c) prescribe different distances in respect of buildings and other obstructions as seems proper to the Appropriate Authority, and
- (d) either be—
 - (i) published in the *Eastern Nigeria Gazette*, or
 - (ii) communicated to the inhabitants of that town or village, as appropriate.

(Cap. 66)

(4) Notwithstanding section 19 of the Interpretation Law, that order has the force of law from and including the date of that publication or communication.

Requirement as to consent of Minister.

9. Where the Appropriate Authority is a council, the approval of the Minister, given in his discretion, is necessary for an order either under section 7 or section 8.

Offences.

10. A person who—

- (a) creates, or causes to be created, an obstruction in contravention of—
 - (i) subsection (1) of section 5, or
 - (ii) an order made under—
 - (A) section 7, or
 - (B) section 8; or

(b) plants a crop in contravention of paragraph (b) of subsection (1) of section 5,
is guilty of an offence:

Penalty, a fine of fifty pounds.

11. (1) Subject to section 12, the Appropriate Authority may, without compensation, cause to be pulled down or removed, as the case may be—

Removal of obstruction and recovery of expenses.

(a) a building or part of a building, erected or being erected, or

(b) other obstruction erected or being erected in contravention of—

(i) subsection (1) of section 5, or

(ii) an order made under—

(A) section 7, or

(B) section 8;

(c) a crop planted in contravention of paragraph (b) of subsection (1) of section 5; or

(d) a natural obstruction within one hundred feet of the centre of a road to which this Law applies.

(2) Where expenses have been incurred in the pulling down or removal of anything mentioned in subsection (1), the Minister may, on behalf of the Government, authorize, in writing, an officer to recover, in a summary manner in a court of law, from the person who—

(a) created or caused to be created the obstruction in question, or

(b) planted the crop in question, as the case may be, the expenses so incurred.

12. (1) Subject to this section, where—

(a) a council is the Appropriate Authority, and

(b) in order to facilitate the reconstruction of a road mentioned in a notice under subsection (1) of section 4, the Minister considers it necessary for himself, and not that council, to exercise the powers mentioned in subsection (1) of section 10,

the Minister—

(c) may fix a date with effect from which he shall exercise those powers, and

Facilitating reconstruction of a road.

(d) shall so inform that council.

(2) At six monthly intervals, the Minister shall review his retention of those powers and not unreasonably withhold them from the council.

Right to take materials for maintenance or reconstruction of road.

13. The Appropriate Authority may, without compensation—

(a) take, from anywhere within an area of one hundred feet of the centre line of a road to which this Law applies, or such lesser distance substituted by an order made either under section 7 or section 8, such materials as may be necessary for the maintenance or reconstruction of that road, and

(b) may construct and maintain within that area, all drainage works necessary for the maintenance of that road.

Exemption of certain obstructions.

14. Sections 5, 7, 8 and 11 do not apply to—

(a) a structure of a permanent nature erected, or

(b) permanent crops planted on land,

* before the Building Lines Regulation Ordinance was applied to that land.

*The Building Lines Regulation Ordinance was Chapter 24 of the Laws of Nigeria, 1948. It came into operation on 4th June, 1936, and applied to what is now Eastern Nigeria until the enactment of this Law, as Law No. 22 of 1960. This Law came into operation on 23rd January, 1961, and provided in its section 13 that the Building Lines Regulation Ordinance should cease to apply to Eastern Nigeria. The section 13 has been omitted from this printing of the Law.

CHAPTER 15

BUILDING LINES LAW

SUBSIDIARY LEGISLATION

Building Lines Order

made under sections 3 and 7 by the Minister, as Appropriate Authority, in respect of roads, of which the maintenance is his responsibility

E.N.L.N.
107 of 1961.
115 of 1961.
116 of 1961.

1. This order may be cited as the Building Lines Order. Citation.
2. Subject to this order the Building Lines Law shall apply to the roads set out in the second and third columns of the Schedule. Application of law to certain roads.
3. Notwithstanding section 5 of the Law, the extent of space which shall be kept clear of obstruction on the sides of a road mentioned in the second column of the Schedule shall be as set out opposite that road in the fourth and fifth columns thereof. Reduction of space to be kept free of obstruction.

SCHEDULE

| Route (1) | Road (2) | MILEAGE | | | | OBSTRUCTION FREE AREA IN FEET | | Province (6) |
|--------------|--|---------|-------|-------|-------|--|---|-------------------------|
| | | From | | To | | Left hand side from centre of Road (4) | Right hand side from centre of Road (5) | |
| | | Miles | Yards | Miles | Yards | | | |
| | | (3) | | | | | | |
| 293 | Okigwi-Afikpo (Ndibi Beach) .. | 10 | 0 | 46 | 880 | 100 | 100 | Abakaliki and Owerri. |
| 297 | Afikpo Road Station Branch .. | 0 | 0 | 2 | 440 | 100 | 100 | Abakaliki. |
| 667 | Abakaliki-Obubra | 0 | 0 | 30 | 880 | 100 | 100 | Abakaliki. |
| 287 | Abakaliki-Afikpo | 0 | 0 | 38 | 0 | 100 | 100 | Abakaliki. |
| 290 | Ozu Edda-Bende Boundary .. | 0 | 0 | 14 | 0 | 75 | 75 | Abakaliki. |
| 663 | Ediba-Obubra | 10 | 0 | 50 | 0 | 100 | 100 | Abakaliki. |
| 340 | Aba-Opobo | 1 | 880 | 66 | 0 | 50 | 50 | Annang/Uyo and Umuahia. |
| | Aba-Opobo: Extension to Wharf and Market | 0 | 0 | 2 | 0 | 50 | 50 | Annang. |
| 398 | Ikot Ekpene-Itu | 24 | 0 | 49 | 0 | 50 | 50 | Annang/Uyo. |
| 403 | Abak-Uyo | 0 | 0 | 10 | 0 | 50 | 50 | Annang/Uyo. |
| 397 | Ikot Ekpene-Ekparakwa | 0 | 0 | 27 | 0 | 50 | 50 | Annang. |
| 355/711 | Umuahia-Ikot Ekpene | 0 | 0 | 31 | 880 | 50 | 50 | Annang. |
| 402 | Uyo-Ikot Osom-Uyaron | 17 | 0 | 59 | 880 | 50 | 50 | Uyo. |
| 404 | Ikot Osom-Ikot Ubo-Akpe .. | 0 | 0 | 22 | 880 | 50 | 50 | Uyo. |
| 405 | Eket-Ikot Ubo | 0 | 0 | 11 | 0 | 50 | 50 | Uyo. |
| 401 | Uyo-Nwaniba | 0 | 0 | 9 | 0 | 50 | 50 | Uyo. |
| 400 | Itu-Itam | 0 | 0 | 16 | 0 | 50 | 50 | Uyo. |
| 427 | Itu-Ahaba | 0 | 0 | 66 | 0 | 50 | 50 | Uyo/Umuahia. |
| 406 | Calabar-Ndealichi-Arochuku .. | 0 | 440 | 71 | 1,320 | 50 | 50 | Calabar/Umuahia. |
| 277 | Awgu-Ndeaboh | 0 | 0 | 8 | 880 | 75 | 75 | Enugu. |
| 247 | Opi-Nsukka | 0 | 0 | 6 | 880 | 75 | 75 | Enugu. |
| 249 | Obolo-Eha Amufu | 0 | 0 | 35 | 0 | 50 | 50 | Enugu. |
| 248 | Obolo-Nsukka-Ogrugu | 0 | 0 | 52 | 0 | 50 | 50 | Enugu. |
| 253 | Ofoko-Idda Boundary | 0 | 0 | 18 | 880 | 50 | 50 | Enugu. |
| 285 | Udi-Agbani | 0 | 0 | 14 | 880 | 50 | 50 | Enugu. |
| 276 | Awgu-Enugu | 0 | 0 | 32 | 440 | 50 | 50 | Enugu. |

SCHEDULE—continued

| Route | Road | MILEAGE | | | | OBSTRUCTION FREE AREA IN FEET | | Province |
|---------|--|---------|-------|-------|-------|--|---|----------------------|
| | | From | | To | | Left hand side from centre of Road (4) | Right hand side from centre of Road (5) | |
| (1) | (2) | Miles | Yards | Miles | Yards | | | (3) |
| 235 | Awka-Dikenafia | 0 | 0 | .2 | 880 | 100 | 100 | Onitsha. |
| 235 | Awka-Dikenafia | 2 | 880 | 2 | 1,320 | 75 | 75 | Onitsha. |
| 235 | Awka-Dikenafia | 2 | 1,320 | 6 | 0 | 100 | 100 | Onitsha. |
| 235 | Awka-Dikenafia | 6 | 0 | 15 | 0 | 75 | 75 | Onitsha. |
| 235 | Awka-Dikenafia | 15 | 0 | 23 | 0 | 100 | 100 | Onitsha. |
| 235 | Awka-Dikenafia | 73 | 0 | 37 | 0 | 50 | 50 | Owerri. |
| | Jn. Route 155-Nkwelle | 0 | 0 | 3 | 0 | 50 | 50 | Onitsha. |
| | Jn. Route 155-Nkissi Pumping Station | 0 | 0 | 1 | 0 | 50 | 50 | Onitsha. |
| | Jn. Route 230-Sack Factory | 0 | 0 | 1 | 1,320 | 50 | 50 | Onitsha. |
| 232 | Ukpo-Aguleri | 0 | 0 | 15 | 0 | 50 | 50 | Onitsha. |
| 231/271 | Nnewi-Ekwulobia-Umunze | 0 | 0 | 33 | 0 | 50 | 50 | Onitsha. |
| 268/272 | | | | | | | | |
| 237 | Owerri-Umunna | 0 | 0 | 27 | 0 | 50 | 50 | Owerri. |
| 295 | Umuduru-Anghara | 24 | 0 | 29 | 0 | 50 | 50 | Owerri. |
| 237 | Port Harcourt-Owerri | 1 | 440 | 69 | 0 | 50 | 50 | Port Harcourt/Owerri |
| 263 | Mbidi-Orlu-Nkwerre-Okwelle | 1 | 0 | 24 | 0 | 50 | 50 | Owerri. |
| 262 | Uli-Oguta | 0 | 0 | 7 | 0 | 50 | 50 | Owerri. |
| 264 | Ogbaku-Oguta | 0 | 0 | 18 | 0 | 50 | 50 | Owerri. |
| 336 | Owerri-Akalovo | 0 | 0 | 9 | 880 | 50 | 50 | Owerri. |
| 328 | Akalovo-Aguneze | 0 | 0 | 13 | 0 | 50 | 50 | Owerri. |
| 331 | Aguneze-Umulogho | 0 | 0 | 7 | 880 | 50 | 50 | Owerri. |
| | Oguta-Mbidi | 0 | 0 | 8 | 0 | 50 | 50 | Owerri. |
| 325 | Degema Hulk-Oguta | 0 | 0 | 80 | 880 | 50 | 50 | Port Harcourt/Owerri |
| 306 | Jn. Route 235-Orlu-Urualla | 0 | 0 | 7 | 0 | 50 | 50 | Owerri. |
| 270 | Ihiala-Orlu | 0 | 0 | 12 | 1,320 | 50 | 50 | Onitsha/Owerri. |
| 303 | Orlu-Owerri | 0 | 0 | 24 | 0 | 50 | 50 | Owerri. |
| 322 | Okpuala-Igrita | 0 | 0 | 29 | 0 | 50 | 50 | Port Harcourt/Owerri |

SCHEDULE — continued

| Route | Road | MILEAGE | | | | OBSTRUCTION FREE AREA IN FEET | | Province |
|----------|-------------------------------------|---------------|-------|-------------|-------|--|---|----------------------|
| | | From Miles | Yards | To Miles | Yards | Left hand side from centre of Road (4) | Right hand side from centre of Road (5) | |
| (1) | (2) | (3) | | | | (4) | (5) | (6) |
| 342 | Umuahia-Bende-Osu Abam-Ebem .. | 21 | 0 | 57 | 880 | 50 | 50 | Umuahia. |
| 456/427 | Umuahia-Ahaba | 0 | 0 | 69 | 0 | 50 | 50 | Umuahia. |
| 351 | Asa-Azumini | 0 | 0 | 19 | 0 | 50 | 50 | Umuahia. |
| — | Imo River Railway Station .. | 0 | 0 | 1 | 0 | 50 | 50 | Umuahia. |
| — | Obiga-Ogwe Railway Station .. | 0 | 0 | 2 | 0 | 50 | 50 | Umuahia. |
| 324 | Elele-Ahoada | 35 | 0 | 47 | 0 | 50 | 50 | Port Harcourt. |
| 364 | Nkarahia-Nsokpo | 24 | 880 | 29 | 880 | 50 | 50 | Port Harcourt. |
| 321 | Igrita-Umukoroshe | 0 | 0 | 9 | 0 | 50 | 50 | Port Harcourt. |
| 891 | Umuchita-Umuola | 0 | 0 | 1 | 880 | 50 | 50 | Port Harcourt. |
| 321, 660 | Umukoroshe-Bori-Kono | 9 | 0 | 48 | 0 | 50 | 50 | Port Harcourt. |
| — | Ikom (Jn. Route 115)-Bashua-Wula | 3 | 0 | 24 | 0 | 50 | 50 | Ogoja. |
| — | Ikom Town (Jn. Route 115) .. | 0 | 0 | 3 | 0 | 50 | 50 | Ogoja. |
| — | Obudu-Bateriko-Wula | 0 | 0 | 25 | 0 | 100 | 100 | Ogoja. |
| — | Bansara Spur-Bansara-Jn. Route 155 | 0 | 0 | 3 | 0 | 50 | 50 | Ogoja. |
| 664 | Ogoja (Jn. Route 108)-Ogoja Town .. | 115 | 0 | 121 | 0 | 50 | 50 | Ogoja. |
| 108 | Yahe-Gakem-Gboko | 93 | 0 | 136 | 880 | 100 | 100 | Ogoja. |
| 784 | Tiv Border-Obudu Station | 0 | 0 | 1 | 880 | 50 | 50 | Ogoja. |
| 661 | Bansara-Lefin-Oju | 0 | 0 | 28 | 0 | 100 | 100 | Ogoja. |
| — | Nkalagu-Eha Amufu | 0 | 0 | 13 | 0 | 100 | 100 | Abakaliki and Enugu. |
| — | Nkalagu-Eha Amufu | 13 | 0 | 14 | 0 | 75 | 75 | Abakaliki and Enugu. |
| 286 | Amike-Effium | 0 | 0 | 19 | 0 | 100 | 100 | Abakaliki. |
| 663 | Abba Omega-Itigidi | 0 | 0 | 10 | 0 | 100 | 100 | Abakaliki. |
| 296 | Afikpo-Unwana Road | 0 | 0 | 9 | 0 | 100 | 100 | Abakaliki. |
| — | Orlu-Amaigbo-Anghara-Umuduru .. | 0 | 0 | 18 | 0 | 75 | 75 | Owerri. |
| — | Orlu-Amaigbo-Amaraka | 9 | 0 | 15 | 0 | 75 | 75 | Owerri. |
| — | Umuyota-Afugiri-Nkata-Ata | 0 | 0 | 7 | 0 | 75 | 75 | Owerri. |

SCHEDULE — continued

| Route (1) | Road (2) | MILEAGE | | | | OBSTRUCTION FREE AREA IN FEET | | Province (6) |
|--------------|--|---------------|-------------|-------|-------------|--|---|---------------------------|
| | | From Miles | To Yards | Miles | To Yards | Left hand side from centre of Road (4) | Right hand side from centre of Road (5) | |
| 355/343 | Aba-Umuaro-Olokoru Court (Umu- ahia) | 0 | 0 | 33 | 0 | 75 | 75 | Umuahia. |
| — | Amawom-Okporoenyi | 0 | 0 | 9 | 0 | 75 | 75 | Umuahia. |
| 341 | Owerrinta-Umuaro | 0 | 0 | 13 | 500 | 75 | 75 | Umuahia. |
| 327 | Okpuala-Nguru-Ahiara-Ekwereazu- Umuezeala-Owerri (Okigwi) | 0 | 0 | 25 | 0 | 75 | 75 | Port Harcourt/Owerri |
| 321 | Eleme-Okrika | 15 | 704 | 19 | 880 | 100 | 100 | Port Harcourt. |
| — | Ahoada-Mbiama | 0 | 0 | 16 | 440 | 100 | 100 | Port Harcourt/ Degema. |
| — | Mbiama-Yenagoa | 16 | 440 | 36 | 0 | 100 | 100 | Yenagoa. |
| — | Ozubulu-Atani | 0 | 0 | 5 | 600 | 100 | 100 | Onitsha. |
| 243 | Nnobi-Adazi | 0 | 0 | 8 | 880 | 100 | 100 | Onitsha. |

*Building Lines***Building Lines Orders**

*made under sections 3 and 7 by local government councils, as
Appropriate Authorities in respect of roads, of which the
maintenance is their responsibility*

E.N.L.N.
25 of 1963.
Citation.

Application
of Law to
certain roads.

Reduction
of space to
be kept
clear of
obstruction.

ONITSHA URBAN COUNTY COUNCIL

1. This order may be cited as the Building Lines (Onitsha Urban County Council) Order.

2. Subject to this order, the Building Lines Law shall apply to the roads set out in the first column of the Schedule to the extent set out in the second column thereof.

3. Notwithstanding section 5 of the Law, the extent of space which shall be kept clear of obstruction on the sides of a road mentioned in the first column of the Schedule shall be as set out opposite that road in the third and fourth columns thereof.

SCHEDULE

| Road | Extent of road to which order is applied | OBSTRUCTION FREE AREA IN FEET | |
|--|---|------------------------------------|-------------------------------------|
| | | Left hand side from centre of Road | Right hand side from centre of Road |
| 1. New Market Road .. | Whole road and up to mile 2 along Onitsha-Awka Road | 50 | 50 |
| 2. Onitsha-Awka Road .. | From Mile 2 to the boundary of Onitsha Urban County Council area of Authority | 75 | 75 |
| 3. Old Market Road .. | Whole road | 50 | 50 |
| 4. The road stretching from the Old Post Office to the Police Barracks to the Dennis Memorial Grammar School Round-about | Whole length of that road .. | 50 | 50 |
| 5. Onitsha-Owerri Road (from the Dennis Memorial Grammar School Round-about). | Whole road within the area of Authority of the Onitsha Urban County Council. | 50 | 50 |
| 6. All other roads within the Township (except the roads in Modebe Layout). | Whole length of each of those roads | 30 | 30 |
| 7. All roads in Modebe Layout including Modebe Avenue. | Whole length of each of those roads. | 40 | 40 |
| 8. Zik Avenue, Fegge .. | Whole road | 60 | 60 |
| 9. Third Avenue, Fegge .. | Whole road | 60 | 60 |
| 10. Fifth Avenue, Fegge .. | Whole road | 60 | 60 |
| 11. Seventh Avenue, Fegge .. | Whole road | 60 | 60 |
| 12. Niger Avenue, Fegge .. | Whole road | 60 | 60 |
| 13. Atani Road, Fegge .. | Whole road | 60 | 60 |
| 14. All other roads and streets in the Fegge. | Whole length of each of those roads and streets. | 30 | 30 |

CHAPTER 16
CATTLE (TAXATION AND CONTROL) LAW

Arrangement of Sections

Section

1. Short title.
2. Charge of cattle tax.
3. Meaning of "trade cattle" and rate of cattle tax.
4. Trade cattle to be taken to Cattle Control Posts.
5. Person accountable for tax.
6. Establishment of Cattle Control Posts.
7. Where tax payable.
8. Offences.
9. Trade cattle to be impounded.
10. Minister may vary Schedules.
11. Regulations.

SCHEDULE

CHAPTER 16

A Law to control and tax Cattle entering Eastern Nigeria. E.R.N.
9 of 1954.

[1st April, 1955]

1. This Law may be cited as the Cattle (Taxation and Control) Law. Short title.

2. A tax to be called the Cattle Tax shall be charged subject to and in accordance with the provisions of this Law upon every head of trade cattle entering Eastern Nigeria. Charge of
cattle tax.

3. "Trade Cattle" includes any animal specified in the First Schedule and the tax shall be charged at such rates as are specified in the First Schedule. Meaning of
"trade
cattle" and
rate of cattle
tax.
(First
Schedule).

Trade cattle
to be taken
to Cattle
Control
Posts.

4. Any person who is the owner, the agent of the owner or who is in charge of any trade cattle entering the Region shall take such trade cattle to the Cattle Control Post which is nearest to the point at which such cattle enter the Region:

Provided that any trade cattle entering the Region by rail shall be taken by the owner or agent of the owner or person who is in charge of such cattle to the Cattle Control Post at Umuahia-Ibeku or Enugu.

Person
accountable
for tax.

5. The person accountable for tax chargeable shall be the owner, his agent or the person in charge of such trade cattle when such cattle are taken to a Cattle Control Post in accordance with the provisions of section 4.

Establish-
ment of
Cattle
Control
Posts.
(Second
Schedule).

6. So soon as may be there shall be established at each of the places specified in the Second Schedule a Cattle Control Post for the purposes of this Law.

Where tax
payable.

7. The cattle tax shall be paid at the appropriate Cattle Control Post which shall be that Cattle Control Post which is nearest to the point at which such cattle enter the Region:

Provided that in respect of any trade cattle entering the Region by rail the appropriate Cattle Control Post for the purposes of this section shall be the Cattle Control Post at Umuahia-Ibeku or Enugu.

Offences.

8. Any person who is the owner, the agent of the owner or who is in charge of any trade cattle entering the Region who—

(a) fails to pay cattle tax in accordance with the provisions of this Law in respect of such cattle; or

(b) who fails to take such trade cattle to the appropriate Cattle Control Post; or

(c) who removes any trade cattle from a Cattle Control Post without having paid the correct amount of tax, shall be guilty of an offence and liable upon summary conviction to a fine of twenty pounds or to imprisonment for two months.

Trade cattle
to be
impounded.

9. (1) A Veterinary Officer or a person duly authorized by him may impound any trade cattle in respect of which cattle tax is payable if such trade cattle be removed from a Cattle Control Post without the payment of such tax.

CHAPTER 17
CENSUS LAW
SUBSIDIARY LEGISLATION

Census Regulations
made under section 9

Regulations
61 of 1951.

1. These regulations may be cited as the Census Regulations. Citation.

2. In these regulations, unless the context otherwise requires— Definitions.

“The Law” means the Census Law;

“census order” means any order made under section 2 of the Law;

“census” means any census directed by a census order to be taken;

“institution” includes hospitals of all kinds, nursing homes, clubs, schools, prisons, asylums, hostels, camps and public and charitable institutions;

“Census Superintendent” means the officer appointed by the Minister as superintendent of the census under section 3 of the Law;

“Census Officer”, “Census Supervisor” and “Enumerator” mean respectively, an officer so appointed under paragraph (i) of regulation 4 of these regulations.

3. It shall be the duty of the Census Superintendent— Duties of
Census
Superinten-
dent.

(i) to divide Eastern Nigeria into divisions for the purpose of the Census;

(ii) to supervise the sub-division of each division into districts and sub-districts.

4. For the purpose of the Census— Appointment
of Census
Officers,
Census
Supervisors,
and Enume-
rators.

(i) the Census Superintendent may appoint such number of suitable persons as he considers necessary to act in accordance with these regulations as Census Officers, Census Supervisors or Enumerators.

(ii) Every Census Officer, appointed in pursuance of this regulation shall be assigned to one or more divisions,

every Census Supervisor to one or more districts within a division, and every Enumerator to one or more sub-districts within a district.

(ii)

Duties of
Census
Officer.

5. A Census Officer appointed in pursuance of the last preceding regulation shall—

- (i) subject to the approval of the Census Superintendent, divide his Census division into districts and sub-districts for the purpose of the Census;
- (ii) recommend for appointment suitably qualified persons to serve as Census Supervisors and Enumerators in his division;
- (iii) give all necessary instructions to Census Supervisors and Enumerators in his division;
- (iv) subject to the control of the Census Superintendent, exercise general supervision and management of the Census in his division.

(iii)

(i)

Duties of
Census
Supervisors.

6. A Census Supervisor appointed in pursuance of regulation 4 of these regulations shall—

- (i) supervise the Enumerators in his district in the performance of their duties;
- (ii) distribute to the Enumerators in his district all forms and other material necessary for the making of returns;
- (iii) examine the returns delivered to him by the Enumerators and where it appears to him that any return is incomplete or that any entry on a return is insufficient or is inconsistent with any other entry, he shall require the Enumerator from whom it was received to take such steps as may be reasonably necessary, whether by enquiry from any person or otherwise, to complete or correct the return within the period specified for that purpose;
- (iv) deliver to the Census Officer all returns delivered to him by the Enumerators in his district.

C
r
t
1

Duties of
Enumera-
tors.

7. An Enumerator appointed in pursuance of regulation 4 of these regulations shall—

- (i) report to the Census Supervisor in such manner, on such occasions and at such regular intervals as he may direct;

Census Regulations

- (ii) keep carefully any books, forms, documents or instructions and any identification certificate or other article or thing delivered to him in connection with his duties and deliver them up in good condition upon the termination of his appointment or when called upon so to do;
- (iii) personally visit as directed all premises, institutions and other places within his area and there obtain the information necessary for making a return;
- (iv) personally deliver to the Census Supervisor of his sub-district the returns of all persons in his area duly completed and do such other acts and things relating to the census enumeration in his area as may be required by instructions and directions of the Census Superintendent given under these regulations.

8. Every person appointed or required to act as Census Officer, Census Supervisor or Enumerator under these regulations and every person assisting the Census Superintendent in the performance of his duties shall, at such time as the Census Superintendent may direct, take an oath in the appropriate form set out in Schedule II to these regulations, or in any form substantially to the like effect faithfully to perform his duties under the Law and these regulations.

Oath to be taken by Census Officers, Supervisors, Enumerators and Superintendent's staff.

9. The officer in charge of every institution shall make such returns with respect to the inmates thereof as may be required of him.

Institutions.

10. The particulars which may be included in the schedule to be used in connection with the taking of a Census shall be those set out in Schedule I of these regulations.

Particulars.

11. The Census Superintendent or other person acting on his authority and on his behalf may give, or may authorize a Census Supervisor to give to any Enumerator such instructions or directions, whether particular or general, as he may think necessary for securing the due performance by Enumerators of their duties under the Law and these regulations, and any such instructions or directions shall be complied with by any Enumerator to whom they are given.

Superintendent may give instructions.

Replace-
ment of
Census
Supervisor
or
Enumerator.

12. When it appears to a Census Officer that a Supervisor or Enumerator is, for reason of health or otherwise, unfit to perform his duties under the Law and these regulations, the Census Officer may appoint some fit and proper person in his place to perform such duties.

Official
Secrecy.

13. (i) All personal information gathered from individual members of the public shall be secret, and no facts concerning the Census shall be made known by any Census Officer, Supervisor, Enumerator or other person employed in connection with the Census, except with the permission of the Census Superintendent.

(ii) Any person contravening this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

14. The forms set out in Schedule II of these regulations are the forms to be used in connection with the taking of a Census.

SCHEDULE I

Regula-
tion 10.

Particulars which may be included in the Census Schedule—

1. Name.
2. Sex and age.
3. Literacy and standard of education.
4. Occupation.
5. Tribe or nationality.
6. Birth place and length of residence in Eastern Nigeria.
7. Marital status.
And for all women 15 years of age and over.
8. Number of children born.
9. Number of children now living.

SCHEDULE II

FORMS OF APPOINTMENT

Regula-
tion 14.

(a) Enumerator's Certificate of Appointment.

This is to certify that Mr.....of.....
is appointed Census Enumerator of Sub-district No.....
of District No.....of.....
Division of.....Province.

.....
Census Officer

Census Regulations

(b) Supervisor's Certificate of Appointment.

This is to certify that Mr.....of.....
is appointed Census Supervisor of District No.....
of..... Division of..... Province.

.....
Census Officer

FORM OF OATH

Regulation 8.

I,, solemnly swear (or solemnly affirm)
that I will faithfully and honestly fulfil my duties as.....
in conformity with the requirement of the Census Law (Chapter 17) and
all orders, regulations and instructions issued in pursuance thereof, and
that I will not, without due authority in that behalf, disclose or make known
any matter or thing which comes to my knowledge by reason of my employ-
ment as such.....

.....
Signed in the presence of
.....

.....

CHAPTER 18

CHANGE OF TITLES LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Changes in titles of public officers.
4. Changes in Ministerial, etc., titles.

CHAPTER 18

A Law to provide for the Change of Official, Ministerial and Departmental Titles appearing in Enactments. L. of N. 1948, Cap. 30.

[1st April, 1930]

1. This Law may be cited as the Change of Titles Law. Short title.
2. In this Law— Interpretation.
“enactment” includes law, order, proclamation, rule, rule of court, regulation, commission, bye-law or notice made or issued under any Law.
3. Whenever any change of the title of any public office is made, the Governor may by order direct that wherever the former title may appear in the enactments in force in Eastern Nigeria on the date of such order there shall be substituted the new title of such public office. Changes in titles of public officers.
4. Whenever any change of the title of any Ministry or non-Ministerial Department or of any division of either is made, the Governor may by order direct that wherever the former title may appear in the enactments in force in Eastern Nigeria on the date of such order there shall be substituted the new title of such Ministry, non-Ministerial Department or division thereof. Changes in Ministerial, etc., titles.

SUBSIDIARY LEGISLATION

(All changes of titles made before this printing of the Laws have been made in the various Laws concerned.)

CHAPTER 19
CHILDREN AND YOUNG PERSONS LAW

Arrangement of Sections

PART I.—PRELIMINARY

Section

- 1 Short title and application.
- 2 Interpretation.

PART II.—JUVENILE OFFENDERS

- 3 Bail of juvenile arrested.
- 4 Custody of juvenile not discharged on bail after arrest.
- 5 Association with adults while in custody.
- 6 Constitution of Juvenile Court.
- 7 Remand or committal to custody.
- 8 Procedure in Juvenile Court.
- 9 Rules of Court.
- 10 Attendance at court of parent or guardian.
- 11 Power to order parent or guardian to pay fine, damages or costs and to give security.
- 12 Restrictions on punishment.
- 13 Detention in the case of certain crimes committed by juveniles.
- 14 Method of dealing with juvenile charged with offences.
- 15 Places of detention.
- 16 "Conviction" and "sentence" not to be used in relation to juveniles.

PART III.—PROBATION OFFICERS

- 17 Appointment of Probation Officers.

PART IV.—APPROVED INSTITUTIONS

- 18 Establishment of approved institutions.
- 19 Committal orders.
- 20 Committal order need not come into immediate operation.
- 21 Limitation of age.
- 22 Leave from approved institutions.
- 23 Legal custody.
- 24 Procedure in case of unruly, etc., juvenile.
- 25 Power to vary committal order.

PART V.—JUVENILES IN NEED OF CARE AND ATTENTION

Section

26. Power to bring before a Juvenile Court in certain cases.
 27. Interference with working of committal order.
 28. Where parent or guardian unable to exercise control.

PART VI.—CONTRIBUTION BY PARENT OR GUARDIAN
TOWARDS MAINTENANCE OF JUVENILES

29. Court may order contributions.

PART VII.—DETERMINATION OF AGE

30. Presumption or determination of age.

PART VIII.—POSSESSION AND CUSTODY OF JUVENILES

31. Prohibition against dealing in juveniles.

PART IX.—NEGLECT OF CHILDREN

32. Ill-treatment and neglect of children.
 33. Prohibition of juveniles being used in begging and in hawking at night.

PART X.—POWER TO MAKE REGULATIONS

34. Regulations.

SCHEDULE

CHAPTER 19

E.R.N. 6 of
1958.
E.N. 15 of
1961.

**A Law to make Provision for the Welfare of the Young
and the Treatment of Young Offenders and for the
Establishment of Juvenile Courts.**

[15th May, 1958]

PART I.—PRELIMINARY

Short title
and
application.
*

1. (1) This Law may be cited as the Children and Young Persons Law.
 (2) Parts I, II, IV, V, VI, VII, VIII, IX and X of this Law shall apply throughout Eastern Nigeria.

*Part III was applied to the Calabar, Uyo, Eket, Abak, Ikot Ekpene and Enyong (including Arochuku District) Divisions in 1959 (E.N.L.N. 95 of 1959), and throughout Eastern Nigeria from 12th July, 1962, (E.N.L.N. 40 of 1962):

(3) The Minister may by order direct that Part III of this Law or any provision thereof shall apply throughout Eastern Nigeria or to any area thereof.

2. In this Law—

Interpre-
tation.

“approved institution” means an institution established, and any place or institution declared to be an approved institution under section 18;

“authorized officer” means a person appointed by the Minister for the purposes of this Law and includes a Probation Officer;

“child” means any person who has not yet attained the age of fourteen years;

“guardian” in relation to a child or young person includes any person who in the opinion of the court having cognizance of any matter in which a child or young person is concerned, has for the time being the charge of or control over such child or young person;

“juvenile” includes a child and a young person;

“Juvenile Court” means a court constituted under section 6;

“Minister” means the Minister for the time being charged with responsibility for this Law;

“Probation Officer” includes Assistant Probation Officer;

“whipped” and “corporal punishment” mean whipped with a light rod or cane or birch or whip, which shall be of patterns approved by the Minister;

“young person” means a person who has attained the age of fourteen years but who has not attained the age of seventeen years.

PART II.—JUVENILE OFFENDERS

3. Where a person apparently under the age of seventeen years is apprehended with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, the police officer in immediate charge for the time being of the police station, to which such person is brought, shall inquire into the case and may in any case, and shall—

Bail of
juvenile
arrested.

- (a) unless the charge is one of homicide or other grave crime; or
- (b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice, release such person on a recognizance being entered into by him or by his parent or guardian, with or without sureties, for such an amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge.

Custody of juvenile not discharged on bail after arrest.

4. (1) Where a person apparently under the age of seventeen years has been apprehended and is not so released as aforesaid, the police officer to whom such person is brought shall cause him to be detained in a place of detention provided under this Law until he can be brought before a court unless the police officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly or depraved a character that he cannot be safely so detained; or
- (c) that by reason of his state of health or his mental or bodily condition it is inadvisable so to detain him.

(2) Such certificate shall be produced to the court before which the person is brought.

Association with adults while in custody.

5. It shall be the duty of all police officers and prison officers to make arrangements for preventing, so far as is practicable, a juvenile while in custody from associating with an adult charged with or convicted of an offence.

Constitution of Juvenile Court.

6. (1) A Juvenile Court for the purpose of the hearing and determination of all matters relating to juveniles shall be constituted by a Magistrate sitting with such other persons, if any, as the Chief Justice shall appoint.

(2) A court when hearing charges against juveniles shall, unless the juvenile is charged jointly with any other person not being a juvenile, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held.

(3) Where in the course of any proceedings in a Juvenile Court it appears to the court that the person charged or to whom the proceedings relate is of the age of seventeen years or upwards, or where in the course of any proceedings in any

court other than a Juvenile Court it appears that the person charged or to whom the proceedings relate is under the age of seventeen years, nothing in this section shall be construed as preventing the court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

(4) Provision shall be made for preventing persons apparently under the age of seventeen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of seventeen years is jointly charged or convicted.

(5) In a Juvenile Court no person other than the members and officers of the court and the parties to the case, their solicitors, and other persons directly concerned in the case, shall, except by leave of such court, be allowed to attend:

Provided that *bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the court.

(6) No person shall publish the name, address, school, photograph or anything that is likely to lead to the identification of the child or young person before a Juvenile Court, save with the permission of such court or in so far as is required by the provisions of this Law. Any person who acts in contravention of this subsection shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds.

7. (1) A court on remanding or committing for trial a juvenile who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Law and named in the committal order to be there detained for the period for which he is remanded or until he is thence delivered in due course of law:

Remand or committal to custody.

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained,

(2) A committal order under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court acting in or for the place in or for which the court which made the order acted, and if it is revoked the young person may be committed to prison.

Procedure in
Juvenile
Court.

8. (1) Where a juvenile is brought before a Juvenile Court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(2) Where a child is brought before a Juvenile Court for any offence other than homicide the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the Juvenile Court.

(3) After explaining the substance of the alleged offence the court shall ask the juvenile whether he admits the offence.

(4) If the juvenile does not admit the offence the court shall then hear the evidence of the witnesses in support thereof. At the close of the evidence in chief of each such witness, the court shall ask the juvenile or if the court sees fit in the case of a child, the parent or guardian of such child, whether he wishes to put any questions to the witness.

(5) If the juvenile instead of asking questions wishes to make a statement he shall be allowed to do so. It shall be the duty of the court to put to the witnesses such questions as appear to be necessary. The court may put to the juvenile such questions as may be necessary to explain anything in the statement of the juvenile.

(6) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the juvenile shall be allowed to give evidence or to make any statement.

(7) If the juvenile admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the court shall obtain such information as to his general conduct,

home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the juvenile and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the court may from time to time remand the juvenile on bail or to a place of detention.

(8) If the juvenile admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for purposes of inquiry or observation, the court may cause an entry to be made in the court records that the charge is proved and that the juvenile has been so remanded. The court before which a juvenile so remanded is brought may, without further proof of the commission of the offence, make any order in respect of the juvenile which could have been made by the court which so remanded the juvenile.

9. The Magistrates' Courts Rules Committee may make rules for regulating the procedure in Juvenile Courts, the fees to be charged and the forms to be used therein and such of the provisions of any written law relating to the practice and procedure in Magistrates' Courts not inconsistent with the provisions of this Law shall have effect subject to any rules so made.

Rules of Court.

10. Where a juvenile is charged with any offence his parent or guardian may in any case and shall if required by the court attend at the court before which the case is heard or determined during all the stages of the proceedings and the court may make such orders as are necessary for the purpose of enforcing attendance.

Attendance at court of parent or guardian.

11. (1) Where a juvenile is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the juvenile instead of by the juvenile, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the juvenile.

Power to order parent or guardian to pay fine, damages or costs and to give security.

(2) Where a juvenile is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court thinks that a charge against a juvenile is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to find the juvenile person guilty of the offence.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the juvenile was charged.

(6) A parent or guardian may appeal against an order made under this section to the High Court.

Restrictions
on punish-
ment.

12. (1) No child shall be ordered to be imprisoned.

(2) No young person shall be ordered to be imprisoned if in the opinion of the court he can be suitably dealt with in any other way whether by probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise.

(3) A young person ordered to be imprisoned shall not be allowed to associate with adult prisoners.

Detention in
the case of
certain
crimes
committed
by juveniles.

13. Notwithstanding anything to the contrary in this Law or in any written law, where a juvenile is found guilty of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm the court may order the offender to be detained for such period as may be specified in the order, and where such an order is made the juvenile shall, during that period be liable to be detained in such place and in such condition as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

14. Where a juvenile charged with any offence is tried by a court, and the court is satisfied of his guilt, the court may—
- (a) dismiss the charge; or
 - (b) discharge the offender upon his entering into a recognizance; or
 - (c) discharge the offender and place him under the supervision of Probation Officer; or
 - (d) commit the offender by a committal order to the care of a fit person; or
 - (e) commit the offender by a committal order to an approved institution; or
 - (f) order the offender to be whipped; or
 - (g) order the offender or the parent or guardian of the offender to pay a fine, damages or costs; or
 - (h) order the parent or guardian of the offender to give security for his good behaviour; or
 - (i) commit the offender to custody in a place of detention provided under this Law for a period not exceeding six months; or
 - (j) if the offender is a young person order him to be imprisoned subject to the provisions of subsections (2) and (3) of section 12; or
 - (k) deal with the matter in any other manner in which it may legally be dealt with.

Method of dealing with juvenile charged with offences.

15. (1) The Minister or a Local Government Council with the prior approval of the Minister may establish remand homes.

Places of detention.

(2) The Minister may make rules for the management, upkeep and inspection of such remand homes.

(3) Where a remand home is conveniently situated it shall be a place of detention for the purposes of sections 4, 7, and 14.

(4) Where no remand home is conveniently situated a juvenile ordered to be detained in custody may in the discretion of the police officer or officer of the court as the case may be be detained in an approved institution, prison or police station or any other suitable place or in the care and custody of such person as the police officer or court may think proper.

"Conviction" and "sentence" not to be used in relation to juveniles.

16. The expressions "conviction" and "sentence" shall not be used in relation to a juvenile dealt with in a Juvenile Court and any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a juvenile, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding as the case may be.

PART III.—PROBATION OFFICERS

Appointment of Probation Officers.

17. (1) The Public Service Commission may appoint fit and proper persons of either sex to be Probation Officers or Assistant Probation Officers.

(2) An Assistant Probation Officer shall perform all or any of the duties of a Probation Officer under the direction of a Probation Officer.

(3) A Probation Officer when acting under a probation order shall be subject to the control of the courts for the area for which he is appointed.

(4) When a juvenile is charged with any offence other than homicide and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally upon his entering into a recognizance, with or without sanctions, to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding three years, as may be specified in the order and to comply with such other terms as may be specified in the order. A recognizance entered into under this section shall, if the court so orders, contain a condition that the offender be under the supervision of a Probation Officer or such person as may be named in the order during the period specified in the order and such other condition for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Law referred to as a "probation order".

(5) The Probation Officer or other person named in a probation order may at any time be relieved of his duties, and, in any such case or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear to be further dealt with.

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(6) It shall be the duty of a Probation Officer, subject to the discretion of the court—

- (a) to visit or receive reports from the persons under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the Probation Officer may think fit;
- (b) to see that he observes the conditions of his recognizance;
- (c) to report to the court as to his behaviour;
- (d) to advise, assist, and befriend him and, when necessary, to endeavour to find him suitable employment.

(7) The court before which any person is bound by his recognizance under this Law to appear to be further dealt with may, upon the application of the Probation Officer, and after notice to the offender, vary the conditions of the recognizance and may, upon being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

(8) (a) If the court before which an offender is bound by his recognizance to appear to be further dealt with, or any court, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties, if any, requiring him or them to attend at such court and at such time as may be specified in the summons.

(b) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear to be further dealt with, be brought before a court.

(c) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear to be further dealt with, remand him to custody or on bail until he can be brought before the last-mentioned court.

(d) A court, before which a person is bound by his recognizance to appear to be further dealt with, on being satisfied that he has failed to observe any condition of his recognizance may forthwith, without any further proof of his guilt, deal with him as for the original offence.

PART IV.—APPROVED INSTITUTIONS

Establishment of approved institutions.

18. The Minister may establish institutions or may declare any school or institution to be an approved institution for the purposes of this Law.

Committal orders. (Schedule)

19. (1) A committal order shall be in the form in the Schedule or as near thereto as the circumstances may require.

(2) A committal order shall be prepared in triplicate by the court by which it is issued provided that where it is proposed to commit the juvenile to a person named, the committal order shall not be prepared until it has been ascertained that such person so named in the order is willing to accept guardianship of such juvenile under the terms of the committal order. The court shall send the committal order in triplicate to the Minister together with a report which shall state the tribe or community to which the juvenile belongs, the religion of the person in whose custody the child or young person has been, the circumstances in which and the reasons why the committal order has been issued by the court.

(3) The Minister may disallow or confirm a committal order. If the Minister disallows an order the juvenile to whom it relates shall be brought before the court again to be otherwise dealt with under the provisions of section 14 or 26 as to the court may seem proper. If the Minister confirms an order he may confirm or vary the period for which the committal order shall be in force.

(4) One copy of the committal order shall be filed by the Minister, another by the court by which it was issued, and the third shall be sent with the juvenile named therein to the approved institution or person to which or to whom the juvenile is to be sent under such order.

Committal order need not come into immediate operation.

20. The operation of a committal order may be suspended pending the completion of arrangements for the reception of the juvenile into an approved institution or on account of his ill health or for other good and sufficient reason and in such a case the court may remand in custody or may order such juvenile to be committed to the care of some fit and proper person willing to undertake such custody, or may release him on bail.

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21. No committal order shall be made in respect of a person who has attained the age of seventeen years and no such order shall remain in force after the person to whom it relates shall have attained the age of twenty years.

Limitation of age.

22. At any time during the period of a person's detention in an approved institution the person in charge thereof may grant leave to him to be absent therefrom in the charge of such person and for such period as the manager may think fit, but during such leave he shall, for the purposes of this Law be deemed to be under the care of the manager who may at any time require him to return to the approved institution.

Leave from approved institutions.

23. A juvenile whilst detained in or whilst on leave from an approved institution in accordance with the provisions of this Law and whilst being conveyed to or from such institution shall be deemed to be in legal custody and if he escapes he may be apprehended without warrant and brought back thereto.

Legal custody.

24. If the person in charge of an approved institution is satisfied that any juvenile committed to the institution is of so unruly or depraved a character that it is undesirable that he should remain at such institution, he may cause such juvenile to be brought before a court having jurisdiction in the place where the institution is situated or before the court which issued the committal order and such court may in respect of such juvenile make any order which could have been legally made by the court which issued the committal order under the provisions of this Law.

Procedure in case of unruly, etc., juvenile.

25. (1) The Minister may—

- (a) if he is satisfied that the juvenile in respect of whom a committal order is about to expire would benefit by further care or training, extend the period of the committal order subject to the provisions of this Law;
- (b) order any juvenile whose period of detention has exceeded twelve months to be discharged;
- (c) order any juvenile to be removed from one approved institution or person to another such institution or person;
- (d) authorize the person in charge of the approved institution to release any juvenile on condition that he shall be of good behaviour and live under the charge of any

Power to vary committal order.

trustworthy and respectable person, willing to receive and take charge of him, and to keep him at school or employed in some trade, occupation or calling:

Provided that in the discretion of the person in charge of the approved institution the juvenile so released may be recalled to the institution, and thereupon the original committal order shall remain in full force and effect.

(2) For the purposes of this section—
“committal order” includes a—

(L. of N.
1948
Cap. 31)
(L. of N.
1948
Cap. 141)
*

- (a) corrective order issued under the Children and Young Persons Ordinance, and
- (b) mandate issued under the Native Children (Custody and Reformation) Ordinance.

PART V.—JUVENILES IN NEED OF CARE AND ATTENTION

Power to
bring before
a Juvenile
Court in
certain cases.

26. (1) Any Magistrate, Justice of the Peace, Police Officer, Probation Officer or other person authorized by the Minister in this behalf having reasonable grounds for believing that a juvenile comes within any of the following descriptions—

- (a) who is an orphan or is deserted by his relatives; or
- (b) who has been neglected or ill-treated by the person having the care and custody of such juvenile; or
- (c) who has a parent or guardian who does not exercise proper guardianship; or
- (d) who is found destitute, and has both parents or his surviving parent, undergoing imprisonment; or
- (e) who is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the juvenile; or
- (f) who is the daughter of a father who has been convicted of an offence under section 218 of the Criminal Code or under the provisions of the Punishment of Incest Law in respect of any of his daughters; or

(Cap. 30)
(Cap. 110)

*These two former Nigerian Ordinances have ceased to apply to Eastern Nigeria.

Children and Young Persons

- (g) who is found wandering and has no home or settled place of abode or visible means of subsistence; or
 - (h) who is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise, or is found in any street, premises, or place for the purpose of so begging or receiving alms; or
 - (i) who accompanies any person when that person is begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise; or
 - (j) who frequents the company of any reputed thief or common or reputed prostitute; or
 - (k) who is lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the juvenile; or
 - (l) in relation to whom an offence under Chapter XXI of the Criminal Code has been committed or attempted; or (Cap. 30)
 - (m) who having been born or brought within Eastern Nigeria would but for the provisions of the law relating to the legal status of slavery be a slave; or
 - (n) who is otherwise exposed to moral danger, may bring that juvenile before a Juvenile Court.
- (2) The court if satisfied that the juvenile comes within any of the descriptions contained in subsection (1) may—
- (a) issue a committal order—
 - (i) sending him to an approved institution; or
 - (ii) committing him to the care of any fit person whether a relative or not, who is willing to undertake the care of him; or
 - (b) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; or
 - (c) without making any other order, or in addition to making an order under either paragraph (a) or (b), make an order placing him under the supervision of a Probation Officer or of some other person appointed by the court until he attains such age as is specified in such order, which shall not exceed twenty years.

(3) For the purposes of paragraph (n) of subsection (1), but without prejudice to the generality of the words thereof, the fact that a juvenile is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale, or is found loitering for the purpose of so begging or receiving alms, shall be evidence that he is exposed to moral danger.

(4) Any court, before which a person is convicted of having committed in respect of a juvenile any offence referred to in paragraph (f) or paragraph (l) of subsection (1); may direct that the juvenile be brought before a Juvenile Court with a view to that court making such order under that subsection as may be proper, or, if satisfied that the material before them is sufficient to enable them properly to exercise jurisdiction, may, notwithstanding anything in Part II, themselves make any order which the Juvenile Court might make.

Interference
with working
of committal
order.

27. Any person who—

- (a) knowingly assists or induces or persistently attempts to induce a juvenile to run away from a person to whose care he has been committed under the provisions of this Law or from an approved institution or place of detention at which he has been committed as aforesaid; or
- (b) without lawful authority takes away a juvenile from such a person, institution or place; or
- (c) knowingly harbours or conceals a juvenile who has so run away or has been so taken away or who prevents him from returning,

shall be guilty of an offence and liable upon conviction to a term of imprisonment not exceeding six months or to a fine not exceeding one hundred pounds.

Where
parent or
guardian
unable to
exercise
control.

28. Where the parent or guardian of a juvenile proves to a Juvenile Court that he is unable to control the juvenile the court, if satisfied—

- (a) that it is expedient so to deal with the juvenile, and

(b) that the parent or guardian understands the results which will follow from, and consents to, the making of the order,

may make a committal order in respect of such juvenile, or may order him to be placed under the supervision of a Probation Officer or of some other person appointed by the court until he attains such age as is specified in such order which shall not exceed twenty years.

PART VI.—CONTRIBUTION BY PARENT
OR GUARDIAN TOWARDS MAINTENANCE
OF JUVENILE

29. (1) Whenever a juvenile has under section 14, 17 (8), 26 or 28 been committed to an approved institution or to the care of an individual and the court is satisfied that the need for such an order has arisen from neglect on the part of any person who in the opinion of the court is or has been or ought to have been exercising the powers of a parent or a guardian over the child or young person, the court may order any such person to make contributions in respect of him.

Court may
order
contri-
butions.

(2) When making any such order the court shall have regard to the means of the person ordered to contribute and no person shall be ordered to contribute a sum exceeding ten pounds per month.

(3) If any person neglects to comply with any such order the court may for every breach of the order direct the amount to be levied in the manner by law provided for levying fines imposed by a court in a criminal proceeding and in addition the court may sentence such person to imprisonment for a term of three months.

(4) A court having jurisdiction over the place, in which the person or persons liable to contribute may be, may, at any time on the application of such person or persons or on the application of a Probation Officer or any other person appointed by the Minister in that behalf and on proof of a change of circumstances of the person or persons so required to contribute, increase, reduce or rescind any order in such manner as to the court may seem just.

PART VII.—DETERMINATION OF AGE

Presumption
or determi-
nation of age.

30. Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a juvenile, the court shall make due inquiry as to the age of that person, and for that purpose shall require the production of a birth certificate or other direct evidence as to the date of birth and in the absence of such certificate or evidence, a certificate signed by a medical officer in the service of the Government giving his opinion as to such age, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Law, be deemed to be the true age of that person and, where it appears to the court that the person so brought before it is of the age of seventeen years or upwards, that person shall for the purposes of this Law be deemed not to be a juvenile.

PART VIII.—POSSESSION AND CUSTODY
OF JUVENILES

Prohibition
against
dealing in
juveniles.

31. (1) It shall be an offence—

(a) to barter or sell a juvenile;

(b) to place a juvenile in moral danger or to place him in danger of exploitation;

(c) (i) to give a child into the custody, possession, control or guardianship of any person other than a grand-parent or the descendant of a grand-parent of such juvenile whether or not for pecuniary or other benefit;

(ii) not being a grand-parent or the descendant of a grand-parent of a juvenile, to acquire the custody, possession or guardianship of such juvenile whether or not for pecuniary or other benefit:

Provided that it shall be a defence to a charge brought under the provisions of this paragraph, the onus of proving which shall be upon the accused, to show that the giving or acquisition was for the benefit of the juvenile and that the juvenile is not placed in moral danger or in danger of exploitation by reason of such giving or acquisition or that the giving or acquisition is in accordance with local customary law so

far as such local customary law is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

(2) The Minister may by order notwithstanding any local customary law to the contrary declare that in any area in Eastern Nigeria described in such order no person shall give or acquire the custody, possession, control or guardianship of any juvenile or of any female of any specified age below the age of seventeen years or shall remove any such female from such area save in accordance with rules made by the Minister and such rules may be made either generally or made in respect of any particular area in Eastern Nigeria.

(3) No proceedings shall be taken in respect of an offence against the provision of subsection (1) without the written consent of the Attorney-General who may delegate his powers under this subsection to a state counsel.

(4) Any person contravening any provision of this section or of any rules made thereunder shall be guilty of an offence and liable upon conviction to a term of imprisonment not exceeding seven years.

(5) In this section—

“moral danger” includes slavery, bondage and exposure to destitution, prostitution or immorality of any kind;

“exploitation” includes making unreasonable or excessive use of the services of a child or young person or using the services of a child or young person for monetary profit.

PART IX.—NEGLECT OF CHILDREN

32. Any person who has attained the age of seventeen years and who has the custody, charge or care of any child or young person who has not yet attained the age of fourteen years and who—

ill-treat-
ment and
neglect of
children.

(a) wilfully assaults, ill-treats, neglects, abandons, or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight or hearing or limb or organ of the body or any mental derangement); or

- (b) exposes him to the risk of burning by allowing him to be in any place near an open fire without any protection or guard against the risk of his being burnt or scalded or without taking any reasonable precautions against that risk; or
- (c) leaves him at night unattended by any person over the age of seventeen; or
- (d) leaves him unattended by any person over the age of seventeen in a motor vehicle,

shall be guilty of an offence and liable upon conviction to a fine not exceeding one hundred pounds or to a term of imprisonment not exceeding two years.

Prohibition of juveniles being used in begging and in hawking at night.

33. Any person who causes or allows any juvenile to be used for the purposes of begging or for the purposes of trading or hawking between the hour of 8 p.m. and sunrise shall be guilty of an offence and liable upon conviction to a fine not exceeding one hundred pounds or to a term of imprisonment not exceeding two years.

PART X.—POWER TO MAKE REGULATIONS

Regulations.

34. The Minister may make regulations generally for the carrying into effect of this Law and without prejudice to the generality may make regulations for—

- (a) regulating the management, control, inspection, discipline and interior economy of approved institutions;
- (b) providing for the inspection of persons committed to the custody of approved institutions and of individuals;
- (c) prescribing the disposal of contributions made under section 29;
- (d) prohibiting the employment of children or young persons in any particular trade, occupation, business or calling.

Children and Young Persons

SCHEDULE

Form of Committal Order

THE CHILDREN AND YOUNG PERSONS LAW

In the.....Court of Eastern Nigeria.
The..... Court.....

Let the *boy or girl known by the name of.....
whose description appears below be taken to.....
(Name of institution or person)

and be there detained in the custody and care of--
.....
(the person in charge of the said institution or the name of the said person)
subject to the provisions of the Children and Young Persons Law.

This Committal Order shall remain in force from the date thereof up
to and inclusive of the.....day of.....19.....

DESCRIPTION

Name.....
Sex..... Age.....
Tribe or community.....
Name and address of father.....
Name and address of mother.....
Description of child or young person.....
Reason for issue of committal order.....

DATED this.....day of.....19.....

Judge.....Division

Magistrate.....District

Confirmed this.....day of.....19.....

Minister

*Delete as required.

CHAPTER 19

CHILDREN AND YOUNG PERSONS LAW

SUBSIDIARY LEGISLATION

Declaration of Approved Institutions*made under section 18*E.N.L.N.
61 of
1959.

ENUGU APPROVED SCHOOL

The Enugu Approved School is for purposes of this Law, declared an approved institution in respect of male children and male young persons who, on the date of committal order made on their behalf, have not attained the age of sixteen years and provided that no such order shall remain in force after the person to whom it relates shall have attained the age of eighteen years.

E.N.L.N.
62 of 1959.

PORT HARCOURT BORSTAL INSTITUTION

The Port Harcourt Borstal Institution is, for purposes of this Law, declared an approved institution to be used for the reformation and training of juvenile offenders whose conduct shows no improvement after detention in the Enugu Approved School.

E.N.L.N.
40 of 1962.**Order applying Part III***made under section 1 (3)*

Citation.

1. This order may be cited as the Children and Young Persons Order.

Application
of Part III
of Cap. 19.

2. Part III of the Law is hereby made applicable throughout Eastern Nigeria.

Juvenile Courts RulesE.N.L.N.
105 of 1962.*made under section 9*

PRELIMINARY

1. These rules may be cited as the Juvenile Courts Rules.
2. Definitions—
 - “court” means juvenile court;
 - “registrar” means registrar of the court;
 - “supervision order” means an order made under section 14 (c) or section 26 (2) (c) of the Law, or under section 28 of the Law not being a committal order.

PART I.—THE PANEL

3. The Chief Justice may from time to time appoint persons to sit with a magistrate for the purpose of constituting a court in any magisterial district where the Law applies, and such persons while so appointed shall be the panel for the district.
4. Where a panel has been appointed—
 - (a) the court shall be constituted by a magistrate sitting with such persons from the panel, not being more than two in number, as the magistrate may select from time to time:

Provided that if at any sitting of a court the only member of the court present is the magistrate, and he thinks it inexpedient in the interests of justice to adjourn the proceedings, he may sit alone;
 - (b) in selecting persons from the panel to sit with him upon a court, the magistrate shall, so far as is practicable, ensure that at least one member of the court shall be a woman;
 - (c) the magistrate shall be the chairman of the court;
 - (d) upon every issue or question which falls to be decided by the court, other than a question of law, the decision of the majority of the members present shall be the decision of the court;
 - (e) upon every question of law which falls to be decided by the court the decision of the magistrate shall be the decision of the court;

- (f) in deciding every such issue or question as aforesaid no member of the court shall be heard who has not been present during the whole of the antecedent hearing.

PART II.—TRIAL OF OFFENDERS

5. This Part shall apply in the case of a child or young person brought before a court charged with an offence.

6. (1) The court shall, except where the child or young person is legally represented, allow his parent or guardian, if present, to assist him in conducting his defence, including the cross-examination of witnesses for the prosecution.

(2) Where the parent or guardian cannot be found, or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this Part of these rules.

7. Where the child or young person admits the offence or the court is satisfied that it is proved, the court, before deciding how to deal with the child or young person—

- (a) shall take into consideration any report which may be furnished by an authorized officer;
- (b) may receive any written report of an authorized officer or medical practitioner, and consider the same without reading it aloud:

Provided that—

(i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;

(ii) the parent or guardian, if present, shall be told the substance of any part of the report which the court considers to be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of the child or young person; and

(iii) if the child or young person or his parent or guardian, having been told the substance of any part of such report, desires to produce evidence with

reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report;

- (c) may require the parents or guardian of the child or young person, if present, to withdraw from the court if acting in pursuance of this rule it considers it necessary in the interests of the child or young person to do so; and
- (d) shall finally, unless it thinks it undesirable to do so, inform the parent or guardian, if present, of the manner in which it proposes to deal with the child or young person, and allow the parent or guardian to make representations.

8. When the court has decided how to deal with the child or young person, it shall explain to him the effect of the order to be made and whether and in what circumstances and in what manner he may be further dealt with by the court.

PART III.—CARE AND PROTECTION CASES AND OTHER APPLICATIONS

9. This Part shall, subject to the exceptions in rules 19, 20 and 21, apply in the case—

- (a) of a child or young person brought or to be brought before the court under Part V of the Law, and
- (b) in the case of a child or young person appearing or brought or to be brought before a court—
 - (i) under section 24 of the Law, or
 - (ii) in accordance with, or after the breach of a recognizance entered into under the Law or these rules, or
 - (iii) for the purposes of an application under rule 24 of these rules, or
 - (iv) otherwise to be further dealt with in respect of a charge or of an application under Part V of the Law after the termination in accordance with section 14 or section 26 (2) or section 28 of the Law of the original proceedings.

10. Where a child or young person is to be brought before the court and an application is to be made to the court for an order in respect of the child or young person, the person intending to make the application shall, unless he is himself the parent or guardian of the child or young person, serve a notice on such parent or guardian, if he can be found, specifying the grounds upon which the child or young person is to be brought before the court, and the time and place at which the court will sit; and in any case shall send a notice to the registrar.

(Cap. 31)

11. A summons or warrant may if necessary be issued to secure the attendance of the child or young person before the court and the provisions of Part XI of the Criminal Procedure Law shall apply as if the application were by way of complaint for the purpose of instituting proceedings under that Law and the child or young person were the defendant in such proceedings.

12. (1) The court shall, except where the child or young person is legally represented, allow his parent or guardian, if present, to conduct the case in opposition to the application.

(2) Where the parent or guardian cannot be found, or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this Part of these rules.

13. Before proceeding with the hearing the court shall explain to the child or young person the reason for his presence and the substance of any application concerning him which may have been made.

14. (1) The court shall then proceed to hear the evidence tendered in support of the application.

(2) Where the nature of the case, or the evidence to be given, is such that in the opinion of the court it is in the interests of the child or young person that the evidence, other than any evidence relating to the character or conduct of the child or young person, should not be given in his presence, the court may hear any part of that evidence in his absence; and in that event his parent or guardian, if present, shall be permitted to remain in court during the absence of the child or young person.

(3) The court may exclude the parent or guardian of the child or young person while he gives evidence or makes a statement, if the court is satisfied that in the circumstances it is proper to do so:

Provided that the court shall inform the parent or guardian of the substance of any allegation made by the child or young person, and shall give him an opportunity of meeting it by calling evidence or otherwise.

15. If it appears to the court after hearing the evidence in support of the application that a *prima facie* case is made out, it shall tell the child or young person and his parent or guardian if present, that they may give evidence or make a statement, and call witnesses.

16. Where a child brought before the court appears to the court to be under the age of five years, the court may direct that the child need not attend at any adjourned hearing of the application unless or until required by the court to do so.

17. Where the court is satisfied that an order may be made under section 17 (8) (d) or section 26 or section 28 of the Law or rule 22 or rule 24, or is about to decide what form of order, if any, ought to be made under section 24 of the Law, the court, before deciding how to deal with the child or young person—

- (a) shall obtain such information as to the general conduct, home surroundings, school record and medical history of the child or young person as may enable it to deal with the case in his best interest; and shall, if such information is not fully available, consider the desirability of adjourning the case for such inquiry as may be necessary;
- (b) shall take into consideration any report which may be furnished by an authorized officer;
- (c) may receive any written report of an authorized officer or medical practitioner and consider the same without reading it aloud:

Provided that—

- (i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;

(ii) the parent or guardian, if present, shall be told the substance of any part of the report which the court considers to be material as aforesaid and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of the child or young person; and

(iii) if the child or young person or his parent or guardian, having been told the substance of any part of such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary require the attendance at the adjourned hearing of the person who made the report;

(d) may require the parent or guardian of the child or young person, if present, to withdraw from the court, if acting in pursuance of this rule it considers it necessary in the interests of the child or young person to do so; and

(e) shall finally, unless it thinks it undesirable to do so, inform the parent or guardian, if present, of the manner in which it proposes to deal with the child or young person, and allow the parent or guardian to make representations.

18. When the court has decided how to deal with the child or young person, it shall explain to him the effect of the order to be made and whether and in what circumstances and in what manner he may be further dealt with by the court.

19. In the application of this Part to the case of a child or young person brought before a court under section 17 (8) (d) of the Law or rule 22 or rule 24, rule 12 shall not apply where the parent or guardian is the applicant.

20. In the application of this Part to the case of a child or young person brought before a court under section 24 of the Law the following modifications shall have effect—

(a) rules 14 and 15 shall not apply; and

(b) the certificate of the person in charge of the approved institution to which the child or young person has been committed shall be conclusive evidence that the child

or young person is of so unruly or depraved a character that it is undesirable that he should remain at such institution.

21. In the application of this Part of these rules to the case of a child or young person brought before a court under section 28 of the Law, the following modifications shall have effect—

- (a) rules 10 and 12 shall not apply; and
- (b) so much of rule 15 as relates to the parent or guardian shall not apply; and
- (c) before the application is heard the registrar shall give notice thereof to the probation officer for the area of the district of the court unless he is satisfied that the probation officer has already been informed.

PART IV.—GENERAL

22. A supervision order may direct the release of the child or young person, and the suspension of any other order which the court makes at the same time, conditionally upon the child or young person entering into a recognizance of the description and containing the conditions mentioned in section 17 (4) of the Law, save that the condition requiring the child or young person to be of good behaviour may, where he is not charged with an offence, be omitted if the court thinks fit; and such recognizance shall also contain a condition that the child or young person shall appear before the court to be further dealt with when so directed by the person under whose supervision he is placed; and thereupon the provisions of subsections (4) and (8) of section 17 of the Law shall, *mutatis mutandis*, apply whether the child or young person is an offender or not, and the court before which the child or young person appears under the recognizance may, without further proof of the facts on which the supervision order was grounded, deal with him in any manner in which he might have been dealt with at the time of making the supervision order:

Provided that the court shall not deal with the child or young person under paragraph (f), (g), (i) or (j) of section 14 of the Law: and provided further that where at the time of

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making the supervision order an order under paragraph (f), (g), (i), or (j) of section 14 of the Law was made and suspended, the court may direct that it shall cease to be suspended.

23. Where an order is made under section 17 (5) of the Law substituting one probation officer for another notice thereof shall be served on the child or young person on probation or under supervision.

24. A committal order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

(a) by the court which made it, or

(b) by the court of the magisterial district where the child or young person is residing,

and the court by which the committal order is revoked may, without further proof of the facts on which the supervision order was grounded, deal with the child or young person in any manner in which he might have been dealt with at the time of making the committal order:

Provided that the court shall not deal with the child or young person under paragraph (f), (g), (i), or (j) of section 14 of the Law.

25. The security which a court may, under paragraph (h) of section 14 or section 11 (2) or (3) of the Law, require a parent or guardian to give for the good behaviour of a child or young person shall be given by way of recognizance, with or without sureties.

26. Before making an order under section 29 of the Law for the payment of contributions in respect of a child committed to an approved institution or to the care of an individual the court shall give the person liable to make such contributions an opportunity of being heard and may issue a summons to enforce his attendance for that purpose.

27. An order made under section 29 of the Law for the payment of contributions in respect of a child committed to an approved institution or to the care of an individual shall be served on the person on whom it is made,

28. Any order, notice, or other document, save a summons under subsection (8) of section 17 of the Law, required by the Law or these rules to be served on any person, may, where no other mode of service is prescribed, be served by any police officer by delivering a copy thereof to such person, or by leaving the same at that person's last known place of abode with some other person for him, or by sending the same by registered post to him at his last known place of abode.

29. Where a child or young person is charged with an offence a summons or warrant may be issued by the court to enforce the attendance of a parent or guardian in accordance with section 10 of the Law, and the provisions of Part XI of the Criminal Procedure Law shall apply as if a complaint (Cap. 31) were made upon which a summons or warrant could be issued against a defendant and the parent or guardian were such defendant, and a summons to the child or young person may include a summons to the parent or guardian to enforce his attendance for the said purpose.

30. (1) Where a young person is committed to prison—
(a) on remand or committal for trial under section 7 of Law; or
(b) upon the suspension of a committal order under section 20 of the Law,

the court shall endorse on the warrant of committal a certificate as required by section 7 (1) of the Law, which shall also state his apparent age and the fact that he is a young person.

(2) Where a young person is committed to prison upon a finding of guilt in respect of an offence or in default of payment of a fine, damages, or costs, the court shall endorse on the warrant of committal a certificate that the young person cannot be suitably dealt with in anyway other than by imprisonment.

31. The forms in the First Schedule, or forms to the like (First Schedule) effect, may be used in the cases to which they refer, with such variations as circumstances may require.

32. The fees prescribed in the Second Schedule shall, (Second Schedule) unless remitted or waived, be payable by the party prosecuting a proceeding or asking for a service as thereon provided in respect of the proceedings or services to which they relate.

Juvenile Courts Rules

FIRST SCHEDULE—continued

FORM 3

(Section 7, Cap. 19)

(General Title—Form 1)

To.....and to the person/ officer in charge of the Remand Home (or Approved Institution) (or Prison) at.....hereinafter called the place of detention.

AB hereinafter called the defendant, being a child/young person brought before the aforesaid Juvenile Court sitting at.....charged with having*.....

*State the substance of the offence.

The hearing of the case being adjourned:

You, the said Police Officer, are hereby commanded to convey the defendant to the place of detention, and there to deliver him/her to the person/officer in charge thereof, together with this warrant, and you, the person/officer in charge of the said place of detention, to receive him/her into your custody, and, unless he/she shall have been bailed in the meantime, keep him/her until the.....day of....., 19..... and on that day you, the said Police Officer, are required to convey him/her before the aforesaid Juvenile Court sitting at.....at the hour of.....in the.....noon, to be further dealt with according to law, unless otherwise ordered in the meantime.

DATED this.....day of....., 19.....

Magistrate

FORM 4

SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

(Section 10, Cap. 19)

(General Title—Form 1)

To CD of.....

AB, a child/young person of whom you are stated to be the parent/guardian is charged for that he on the.....day of..... 19..... at.....in the.....Magisterial District aforesaid, did*

*State the substance of the offence.

You are therefore summoned to appear before the Juvenile Court sitting at.....on.....day, the.....day of....., 19....., at the hour of.....in the.....noon, and during all the stages of the proceedings.

DATED this.....day of....., 19.....

Magistrate

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FIRST SCHEDULE — FORMS

GENERAL TITLE

FORM 1

IN THE JUVENILE COURT OF.....MAGISTERIAL DISTRICT

Case No...../19.....

Between.....Complainant/Applicant

andDefendant/Respondent

FORM 2

WARRANT FOR ARREST OF CHILD OR YOUNG PERSON

(General Title—Form 1)

.....Complaint on oath has been made on the.....day of..... by.....CD.....that.....AB, a child/young person, on the.....day of....., 19..... at.....in the Magisterial District aforesaid did/has been/is*

**State the substance of the offence or the description as mentioned in section 26.*

You are therefore hereby commanded to bring the said AB before the Juvenile Court aforesaid sitting at.....forthwith to answer the said complaint.

DATED this.....day of....., 19.....

.....
Magistrate

FIRST SCHEDULE—continued

FORM 5

(r. 10)

NOTICE TO PARENT OR GUARDIAN: CARE OR PROTECTION
(General Title—Form 1)

To CD of.....the parent/guardian of AB, a child/young person.

Take notice that AB, a child/young person is to be brought before the aforesaid Juvenile Court sitting at.....on..... day, the.....day of....., 19....., at the hour of.....in the.....noon, by virtue of the provisions of section.....of the Children and Young Persons Law on the ground that*.....

*State the ground of application.

and that you are warned to attend the said court during all the stages of the proceedings.

DATED this.....day of....., 19.....

Police Officer/Authorized Official

Note.—A copy of this notice is to be sent to the Registrar of the Juvenile Court.

FORM 6

(r. 26)

SUMMONS TO PARENT TO CONTRIBUTE
(General Title—Form 1)

To.....of.....

Complaint has been made this day by..... that you are the father/step-father/step-mother (or a person co-habiting with the mother) of AB, a child/young person (or a person in whose care and custody AB, a child/young person, has been residing for two years immediately prior to the.....day of....., 19.....), and that by your neglect need arose for a committal order in respect of the said AB, and that on the (said).....day of....., 19..... a committal order was accordingly made whereby the said AB was committed to.....an Approved Institution (or to the care of CD).

You are therefore summoned to appear before the Juvenile Court sitting at.....on.....the.....day of..... 19....., at the hour of.....in the.....noon, to show cause why an order should not be made requiring you to contribute such monthly sum as the court, having regard to your means, thinks fit.

DATED this.....day of....., 19.....

Magistrate

Juvenile Courts Rules

FIRST SCHEDULE—continued

FORM 7

DISPOSAL PENDING OPERATION OF COMMITTAL ORDER

(Section 20, Cap. 19)

(General Title—Form 1)

To.....and to the person/officer in charge of the Remand Home (or Approved Institution) (or Prison) at..... (or to CD of.....)

AB a child/young person having been ordered by..... sitting at..... on the..... day of....., 19....., to be sent to an Approved Institution, and the operation of such committal order being postponed:

It is ordered that AB be taken to the Remand Home (or Approved Institution) (or Prison) (or to the custody of the said CD) at..... and be there (or by him/her) detained until he/she is sent to an Approved Institution in pursuance of the committal order:

You the said Police Officer are therefore commanded to convey the said AB to the said Remand Home (or Approved Institution) (or Prison) or (address of CD) and there to deliver him/her to the person in charge thereof (or to the said CD) together with this warrant and you, the person/officer in charge of the said Remand Home (or Approved Institution) (or Prison) (or the said CD) to receive him/her into custody and detain him/her as aforesaid.

DATED this.....day of....., 19.....

Magistrate

FORM 8

RECOGNIZANCE UNDER PROBATION ORDER OR SUPERVISION ORDER

(Section 17, Cap. 19 and r. 22)

(General Title—Form 1)

The undersigned Principal Party to this recognizance hereby binds himself to perform the following obligations at all times during a period of..... from the date hereof:—

(To be of good behaviour:)

To be and remain under the supervision of AB (or the Probation Officer from time to time for the..... area).

To appear before the Juvenile Court at..... to be further dealt with at any time when called upon by the court (or when so directed by the said AB (or Probation Officer)): (and such further conditions as the case may require).

FIRST SCHEDULE—*continued*

And the said Principal Party (together with the undersigned surety (or sureties)) hereby acknowledges himself (acknowledge themselves) bound to forfeit to the Governor the sum(s) following:—the said Principal Party the sum of £ : : (and the said surety (or sureties)) the sum of £ : : (each) in case the said Principal Party fails to perform the above obligations or any part thereof.

Principal Party

Surety

TAKEN before me at this day of 19.....

.....
Magistrate

.....
Sworn Interpreter

FORM 9

NOTICE OF CHANGE OF PROBATION OFFICER

(*General Title—Form 1*)

Take notice that.....has been substituted by (or with the approval of) the aforesaid court to perform the duties of Probation Officer in your case in place of.....and that the name of the said.....is substituted for that of the said.....as from this date wherever the name of the said.....occurs in the order made by the aforesaid court in your case on the day of....., 19..... and in the recognizance entered into by you thereupon.

DATED the.....day of....., 19.....

.....
Magistrate

To.....

SECOND SCHEDULE

Fees

| | £ | s | d |
|--|------|---|---|
| On every summons | 0 | 2 | 0 |
| On every warrant of arrest (unless issued by direction of the Court) | 0 | 5 | 0 |
| On every application (to include filing fee) | 0 | 1 | 0 |
| On every <i>subpoena</i> | 0 | 1 | 0 |
| On filing every bond | Nil. | | |

In respect of other matters or services the same fees shall be paid as are payable in respect of such matters or services in magistrates' courts.

*Approved Institutions Regulations***Approved Institutions Regulations**E.N.L.N.
122 of 1961.
11 of 1962.*made under section 34*

1. These regulations may be cited as the Children and Young Persons (Approved Institutions) Regulations. Citation.

2. In these regulations— Interpre-

“head of the institution” means in respect of a remand home, the warden, and in respect of an approved school, the principal; tation.

“inmate” means a juvenile in an approved institution;

“official visitor” includes an Administrative Officer, a Medical Officer, a Magistrate or Justice of the Peace, the Commissioner of Police or other superior Police Officer duly authorized by him in writing and any other person authorized in writing by the Minister;

“visiting committee” means a committee appointed by the Minister under regulation 3.

3. (1) The Minister shall appoint a visiting committee in respect of each approved institution and in the case of a remand home he shall appoint a sufficient number of women members to the committee to ensure continual supervision by women members. Visiting
committee.

(2) The visiting committee shall visit the approved institution at least once in every three months and at least two visits in a year shall be made without notice to the head of the institution or any member of the staff thereof.

(3) The head of the institution shall keep a book in which shall be recorded the signed comments of the members of the visiting committee and that book shall be open to inspection by an official visitor.

4. (1) An inmate shall have the right of access to the visiting committee. Access to
visiting
committee.

(2) The visiting committee shall record and investigate a complaint made by an inmate and may direct that its interview with that inmate shall be in the absence of the head of the institution and members of his staff.

5. The visiting committee may make a report directly to the Minister if it considers it expedient so to do. Report to
Minister.

Premises
used for
remand
home.

6. (1) A local government authority shall not establish an approved institution unless and until the buildings and premises have been approved by the Minister after consultation with a medical officer of health.

(2) An approved institution shall not be established in premises part of which is used as a police station or police barracks save with the prior approval of the Minister.

Reports of
deaths and
dangerous
illnesses.

7. (1) Notwithstanding any law, the head of the institution shall in every case of dangerous illness or death send a written report to—

- (a) the parents or guardians of the inmate concerned;
- (b) the Minister; and
- (c) the magistrate.

(2) In addition all cases of death shall be immediately reported to the coroner.

Visits.

8. Reasonable facilities shall be provided for the inmates—

- (a) to receive visits from their relatives and friends; and
- (b) to send or receive letters.

Books.

9. The head of the institution shall keep the following books which shall be open to inspection by the Minister, an official visitor and the visiting committee—

- (a) A register of admissions and discharges;
- (b) A daily register in such form as may be required showing the presence or absence of an inmate;
- (c) A log book in which shall be entered events of importance connected with the approved institution, and punishments.

Absconding
inmates.

10. (1) Where an inmate absconds, the head of the institution shall immediately notify the police and the magistrate.

(2) If an absconding inmate be not apprehended before the expiration of the period for which he is detained or committed, as the case may be, the head of the institution shall inform the Minister and make the relevant entries in the log book.

Application
of rules to
inmates
detained for
safety.

11. Where under any law an inmate is detained in or committed to, as the case may be, an approved institution as a place of safety these regulations shall apply to him in the same way as if he had been committed to custody in the approved institution.

12. Where the Minister is satisfied with regard to a particular approved institution that owing to the small number of its inmates, the nature of its premises or other special circumstances, it is desirable so to do, he may from time to time by notice in writing to the head of the institution suspend the application of these rules to that approved institution for such time and subject to such conditions as he may specify in the notice.

Suspension
of rules.

Establishment of Remand Home

under section 15

The following remand home was established under section 15 of the former Children and Young Persons Ordinance, Chapter 31, Laws of Nigeria, 1948—

Government
Notice 777
of 1946.

Old Military Barracks, Calabar.

Rules 3
of 1946.
*

Remand Homes Rules

made under section 15

PART I.—PRELIMINARY

Short title. 1. These rules may be cited as the Children and Young Persons (Remand Homes) Rules.

Definitions. 2. In these rules—
 “inmate” means a child or young person in a remand home;
 “official visitor” means any administrative officer, any medical officer, the Commissioner of Police and any superior police officer duly authorized in writing by him, any magistrate or justice of the peace and any other person authorized in writing by a Provincial Secretary;
 “subordinate staff” means members of the staff and other employees of a remand home engaged as such;
 “the warden” means the person in charge of a remand home.

PART II.—STAFF

Minister to approve the person in charge of a remand home. 3. The person in charge of a remand home, hereinafter in these regulations referred to as the warden, shall be approved by the Minister as a fit and proper person to be the principal of a remand home.

Staff to include persons with educational qualification. 4. The staff of a remand home shall include such number of persons possessing adequate educational qualifications and experience in social work as the Minister may require in respect of any particular remand home.

Offences by subordinate officers. 5. Any subordinate officer who—
 (a) strikes or uses or offers any violence against or uses threatening or insubordinate language towards his superior officer; or
 (b) wilfully disobeys any lawful command of his superior officer; or
 (c) commits the offence of being drunk on duty; or

*The footnote on page 223 applies also to these Rules.

Remand Homes

- (d) without leave from his superior officer, absents himself from duty; or
- (e) being on duty is found asleep; or
- (f) pawns, sells, loses by neglect, makes away with, or wilfully or negligently injures any tools, clothing, material, equipment or necessaries, issued for the use of an approved institution; or
- (g) is guilty of any other act, conduct, disorder or neglect, to the prejudice of good order and discipline,
- shall be guilty of an offence against discipline and shall be liable to punishment in accordance with the provisions of rule 6.

6. (1) The warden or any person so authorized in writing by a Provincial Secretary may examine into the truth of any such charge and if his decision is against the accused, may impose any one or more of the following punishments—

Inquiries into charges against subordinate officers.

- (a) extra duty;
- (b) a fine, the maximum for which shall not exceed one-quarter of a month's pay;
- (c) stoppage of pay where there has been neglect of, or injury to, Government property or absence without leave:

Provided that the total of such stoppages shall not exceed three months' pay of the offender and that no total sum in excess of one-third of the pay of the offender shall be deducted in any one month;

- (d) reduction in rank in cases when that punishment is approved by a Provincial Secretary;
- (e) in cases of continued neglect of duty or offences against discipline, the stoppage or withholding of any increment;
- (f) dismissal or termination of appointment subject to the approval of a Provincial Secretary.

(2) When the offender is the holder of a pensionable office the punishment set out in paragraphs (d), (e) and (f) of sub-rule (1) shall be subject to confirmation by the Governor.

Punishments
to be
recorded.

7. All punishments awarded under this Part shall be entered in a register kept for that purpose and will be duly recorded upon the record of service sheet of the offender.

Returns.

8. A monthly return of all such punishments shall be rendered to the Provincial Secretary concerned.

PART III.—INSPECTION

Inspection.

9. Remand homes shall be open to inspection at all times by any official visitor.

Separate
accommoda-
tion for boys
and girls.

10. Where accommodation is provided in a remand home for boys and girls, arrangements shall be made, so far as practicable, for the separation of boys from girls except while under supervision and, in any case, the sleeping accommodation for boys shall be separate from that for girls.

Beds.

11. Each inmate shall sleep in a separate bed.

Food and
clothing.

12. The inmate shall be supplied with sufficient and varied food and suitable clothing.

Medical
examina-
tions.

13. (1) Each inmate shall be thoroughly cleansed on admission and shall be medically examined by a doctor as soon as possible after his admission to the remand home, and in the case of a boy known to be awaiting removal to an approved institution, immediately before such removal, and at any other time that may be considered necessary by a medical officer or the warden.

(2) Such examinations shall include any steps necessary to ascertain whether venereal disease is present in cases where reason exists to suspect its presence, and may take place either at the remand home or, if so desired by a medical officer, at a suitable clinic.

Health pre-
cautions.

14. (a) Arrangements shall be made for a medical officer to attend the remand home, and such medical officer shall conform to the instructions of the Chief Medical Officer of the Ministry of Health.

(b) Any inmate known or suspected to be suffering from an infectious disease in a remand home shall, so far as is practicable, be isolated from the other inmates and where

such infectious disease occurs in a remand home, inmates subsequently admitted shall, so far as is practicable, be kept separate for the necessary period from those who have been in contact with the disease.

15. Reasonable occupation and recreation for the inmates shall be provided. Recreation.

16. (1) Arrangements may be made for the attendance of the inmates at a religious service in the remand home or at a place of public worship. Religious exercises.

(2) Inmates may be visited at convenient times by a minister of the religious persuasion to which they belong.

PART IV.—DISCIPLINE

17. The warden shall be responsible for discipline which shall be maintained by his personal influence. Warden responsible for discipline.

18. When punishment is necessary for the maintenance of discipline, one of the following methods shall be adopted— Methods of punishment.

- (a) temporary loss of recreation or privileges;
- (b) reduction in quality or quantity of food, provided that no inmate shall be deprived of two meals in succession or suffer reduction in quality or quantity on more than one day without the approval of a medical officer;
- (c) separation from other inmates, subject to the following conditions—
 - (i) no inmate under the age of twelve shall be kept in separation; and
 - (ii) some form of occupation shall be given; and
 - (iii) means of communication with a member of the staff shall be provided;
- (d) corporal punishment—every effort shall be made to enforce discipline without resort to corporal punishment but where it is found necessary its application shall be in strict accordance with rules 19, 20 and 21.

19. Corporal punishment shall be subject to the following conditions— Corporal punishment.

- (a) it shall be inflicted only with a cane or similar instrument to be approved by the Minister;

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- (b) it shall be applied either on the hands or on the buttocks over the normal clothing;
- (c) it shall be limited to not more than six strokes on each hand, or to not more than six strokes on the buttocks.
20. Corporal punishment shall not be administered to girls.
21. No member of the staff other than the warden shall inflict corporal punishment.
22. No form of striking, cuffing, shaking or other corporal punishment not authorized by these rules shall be inflicted by any person.
23. All punishments shall be immediately recorded in the punishment book kept for that purpose and that book shall be open for inspection at any time by an official visitor.

Corporal punishment for girls prohibited.

Infliction of corporal punishment.

Other punishments prohibited.

Punishment book to be kept.

PART V.—VISITING COMMITTEE

Visiting committee.

24. (1) A Provincial Secretary shall appoint a visiting committee for each remand home in his province and shall appoint a sufficient number of women members to such committee to ensure continual supervision by women members.

(2) The visiting committee shall visit at least once in every three months and at least two visits in a year shall be made without notice to the warden or any member of the staff of the remand home.

(3) The warden shall keep a book in which shall be recorded the signed comments of the members of the visiting committee and that book shall be open to inspection by any official visitor.

Inmates to have access to visiting committee.

25. (1) Every inmate shall have the right of access to the visiting committee which shall record and investigate any complaint made by an inmate.

(2) The visiting committee may direct that its interview with an inmate shall be in the absence of the warden and members of the staff.

PART VI.—MISCELLANEOUS

26. The visiting committee may make a report directly to the Provincial Secretary if it considers it expedient so to do.

Report to Provincial Secretary.

27. A local government council shall not establish a remand home unless and until the buildings and premises to be used for such home have been approved by a Provincial Secretary after consultation with a medical officer of health and a remand home shall not be established in premises any part of which is used as a police station or police barracks save with the prior approval of the Minister.

Premises to be inspected in certain cases before remand home is established.

28. In addition to the provisions of any other written law the death or dangerous illness of any inmate shall be reported by the warden to the parents or guardians of the inmate, to the magistrate and to the Provincial Secretary, and in case of sudden death, to the coroner.

Deaths and dangerous illness to be reported.

29. Reasonable facilities shall be given for boys to receive visits from their relatives and friends and to send or receive letters.

Visits.

30. (1) The warden shall keep a register of admissions and discharges, a daily register in such form as may be required showing presence or absence of each boy remanded, and a log book in which shall be entered every event of importance connected with the remand home and all punishments.

Books to be kept.

(2) These books shall be open to inspection by the Provincial Secretary, any official visitor, and the visiting committee and shall be inspected by or on behalf of the Provincial Secretary at regular intervals not exceeding three months.

31. The warden shall keep accounts to the satisfaction of the Provincial Secretary and such accounts shall, once in each financial year, be audited by a person approved by the Provincial Secretary for that purpose.

Accounts and audit.

32. If an inmate absconds the police and the magistrate shall be notified immediately and if such inmate be not apprehended before the end of the period for which he is liable to be detained, the Provincial Secretary shall be informed and the relevant entries recorded in the log book.

Inmates absconding.

Application
of rules to
inmates
detained for
safety.

33. An inmate detained in a remand home as a place of safety under the provisions of any other written law shall be subject to these rules in the same way as if he had been committed to custody in the remand home.

Suspension
of rules.

34. Where the Provincial Secretary is satisfied with regard to any particular remand home within his province that owing to the small number of inmates, the nature of the premises or other special circumstances it is desirable so to do, he may from time to time by notice in writing to the warden suspend the application of any of these rules to the remand home specified in the notice for such time and subject to such conditions as may be specified in the notice.

Street Trading Regulations

Regulations
28 of 1946.

made under section 34

1. These regulations may be cited as the Children and Young Persons (Street Trading) Regulations and shall apply to any area in which the Children and Young Persons Law or any part or provision thereof from time to time applies.

Short title
and
application.

2. For the purposes of these regulations—
“child” means any person under the age of fourteen years;
“street trading” includes the hawking of newspapers, matches, flowers, food and goods or articles of whatever description, playing, singing or performing for profit, shoe-making and other like occupations carried on in a street or in any public place;
“young female” means any girl between the age of fourteen and sixteen.

Definitions.

3. (1) No child shall engage or be employed in street trading.

Prohibition
of street
trading by
children
and young
females.

(2) No young female shall engage or be employed in street trading except she is so engaged or employed by her parent or person appointed to be a guardian by the courts:

Provided that no young female shall engage or be employed in street trading except between the hours of 6 a.m. and 6.30 p.m.

4. No child and no young female shall engage or be employed in street trading at or in the vicinity of any barrack, dock or wharf or in, at or near any place or premises selling wines, spirits, beer or native liquors.

Prohibition
against
trading in
certain
places.

5. (1) Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction thereof, to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

Offences.

*The footnote on page 223 applies also to these Regulations.

(2) Where any proceedings for an offence against these regulations the court is satisfied that the commission of the offence by a child or young female was occasioned or contributed to by the wilful default or neglect of a parent or guardian of such child or young female the court may, in addition to any punishment which may be imposed upon the child or young female, order such parent or guardian to pay a fine not exceeding fifty pounds, or in default of payment of such fine to imprisonment for a term not exceeding three months.

Supervision of Individual Regulations

Supervision of Individual Regulations

Regulations
27 of 1946.
47 of 1947.
*

made under section 34

1. (1) These regulations may be cited as the Children and Young Persons (Supervision of Individual) Regulations. Short title and application.

(2) The Executive Council may by order direct that these regulations shall apply to the Region or to any area therein to which the provisions of the Children and Young Persons Law or any part or provision thereof have been applied.

2. In these regulations— Definitions.
 "foster-child" means a child or young person committed to the care of an individual under a committal order;
 "foster-parent" means a person with whom a child or young person is boarded out under a committal order.

3. Before receiving a foster-child to be boarded out with him under a committal order a foster-parent shall sign in the form in the Schedule to these regulations an undertaking in duplicate, one copy of which shall be retained by the foster-parent and the other by the registrar of the court making the committal order. Form of undertaking to be given by foster-parent. (Schedule)

4. On the delivery of the foster-child the foster-parent shall give a written acknowledgment of having received into his custody the foster-child and any articles of clothing accompanying him. Acknowledgment of custody of foster-child.

5. A foster-parent shall not become or continue to be a party to any contract for the purpose of insuring the payment to him for his own benefit of a sum of money upon the illness or death of a foster-child boarded out with him and where an authorized officer has reason to believe that this prohibition has been contravened the foster-child shall be immediately withdrawn from the foster-parent and a report of the same made to the court which issued the committal order. Certain contracts of insurance prohibited.

*The footnote on page 223 applies also to these Regulations.

Visits to foster-children.

6. The probation officer shall arrange for every foster-child to be visited within a month of his being boarded out and thereafter as often as may be necessary but at least once in every three months.

Visits by special committees.

7. Where a number of foster-children are boarded out in the same locality the probation officer shall, if practicable, appoint a committee of not less than three persons, one at least of whom shall be a woman, who shall visit by one or more of their number each foster-child in accordance with the provisions of regulation 6, and may give such other directions and powers to the committee as may be expedient for the care and supervision of foster-children.

Number of foster-children restricted.

8. Not more than two foster-children shall be boarded out in the same home at the same time unless they are members of one family whom it is desirable to keep together.

SCHEDULE

UNDERTAKING OF FOSTER-PARENT

Probation Officer of the.....district.....

Name of child or young person.....

Name of Foster-Parent.....

I,.....of.....do hereby engage with the Probation Officer in consideration of my receiving the sum of.....per month to bring up aged.....years on the.....day of.....last, as one of my own children, and to provide him (her) with proper food, lodging and clothing, and to endeavour to train him (her) in habits of honesty, obedience, personal cleanliness and industry; to take care that he (she) shall receive appropriate religious instruction and attend school; and in case of his (her) illness, forthwith to report the illness to the above-named Probation Officer; and at all times to permit him (her) to be examined and the home and the clothing to be inspected by a Probation Officer or by any person authorized for that purpose by the Probation Officer, and I do also hereby engage, upon the demand of the Probation Officer, to give up possession of the child.

*Any other matter which may be agreed upon may here be added.

DATED this.....day of....., 19.....

.....Signature (in full) of Foster-Parent.

.....Address of Foster-Parent.

.....Witness to the signature of the Foster-Parent.

.....Address of Witness.

N.B.—Communications to the Probation Officer to be addressed:—

.....

*Disposal of Contributions***Disposal of Contributions Regulations***made under section 34*Regulations
29 of 1946.
*

1. These regulations may be cited as the Children and Young Persons (Disposal of Contributions) Regulations and shall apply to any area where approved institutions are established or declared in consequence of the application of the Children and Young Persons Law.

Short title
and
application.

2. In these regulations—
“the Law” means the Children and Young Persons Law.

Definition.

3. Where a court makes an order under section 29 (1) of the Law ordering any person to make contributions in respect of any child or young person committed to an approved institution or to the care of an individual under a committal order such contributions shall be paid to the registrar of the court concerned.

Payment of
contribution.

4. The court may upon the application of a probation officer—

Allocation of
contribution.

- (a) upon proof that the child or young person is being maintained in an approved institution authorize the payment of all such contributions to such institution, or
- (b) upon the production of an undertaking signed by the individual with whom such child or young person has been boarded out, authorize the payment of all such contributions to such individual.

*The footnote on page 223 applies also to these Regulations.

Rules 4
of 1946.
*

Restriction on Removal of Females Rules

made under section 31

Short title
and
application.

1. These rules may be cited as the Children and Young Persons (Restriction on Removal of Females) Rules and shall apply to any area in respect of which an Order has been made under the provisions of section 31 (2) of the Children and Young Persons Law.

Definition.

2. In these rules the expression "female" means any female who has not attained the age of seventeen years.

Restriction
on move-
ment of
females.

3. No person other than—

- (a) the lawful parent of such female, or
- (b) the mother of such female, if she be illegitimate, or
- (c) where both parents are dead, the member of the family who by local law or custom is the guardian of such female, or
- (d) the guardian or custodian of such female appointed by the court,

shall remove any female from an area to which these rules apply unless such person has first obtained both the consent of those relatives or persons referred to in paragraph (a), (b) or (c) as the case may be, and the written approval of the district officer, or a social welfare officer.

Duty to
report.

4. (1) Where any female is removed in accordance with the provisions of rule 3 then the persons being persons not within the scope of paragraphs (a), (b), (c) and (d) of rule 3 so removing the said female shall on arrival within the area to which removal has taken place forthwith report to the district officer or social welfare officer for that area and shall on that occasion and on such other occasions as the district officer or social welfare officer may direct furnish particulars as may be required.

(2) A district officer may, in his discretion, direct that such reports be made to the appropriate local government council.

*The footnote on page 223 applies to these Rules also.

Order under section 31

Order under section 31 of the Children and Young Persons Law

Order in Council 21 of 1946.
*

1. This order may be cited as the Restriction on Removal of Young Persons and Children (Application to Areas) Order and shall apply to any area in which the Children and Young Persons Law or Part VIII thereof comes into operation or is applied to that area.

Citation and application.

2. In this order—
“female” means any female who has not attained the age of seventeen years.

Definition.

3. No person shall remove any female from any of the areas set out in the Schedule save in accordance with the Children and Young Persons (Restriction on Removal of Females) Rules.

Prohibition on the removal of females.

SCHEDULE

The Provinces of Eastern Nigeria.

*The Rules and Regulations printed on pages 210-222 and the Order printed on this page were made under the former Children and Young Persons Ordinance (L. of N. 1948, Cap. 31) and were in force in this Region, now Eastern Nigeria. They have not been replaced or revoked, although the Ordinance has been replaced by this Law (Cap. 19). They are shown as made under the sections of the Law which replaced the equivalent sections of the Ordinance.

The Order on this page, when made, was an Order in Council. It may be effective now as an Order made under section 31, and so it is shown as such.

CHAPTER 20

CINEMATOGRAPH LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Exhibition of inflammable film.
4. Provisions as to licences.
5. Supervision at exhibitions to ensure safety from fire.
6. Power to appoint Board of Censors.
7. Appointment of censorship committees.
8. Films and posters not to be exhibited unless approved.
9. Duties and powers of censorship committee.
10. Right of appeal.
11. Offences.
12. Power of entry.
13. Penalties.
14. Power to make regulations.

CHAPTER 20

A Law for the better Regulation and Control of Cinematograph and similar Exhibitions and Posters advertising such Exhibitions, and for purposes connected therewith.

L. of N.
1948,
Cap. 32.
N. 5 of 1950.
N. 11 of
1953.
N.L.N. 131
of 1954.
N.L.N. 120
of 1957.

[1st April, 1934]

1. This Law may be cited as the Cinematograph Law. Short title.
2. In this Law— Interpreta-
tion.
“Board” means the Board of Censors appointed under section 6 of this Law;

“celluloid” includes substances containing nitrated cellulose or other nitrated products;

“censorship committee” means a committee appointed under section 7 of this Law;

“exhibition” means any exhibition of pictures or other optical effects produced by means of a cinematograph or other similar apparatus;

“film” means a film designed for use with a cinematograph or other similar apparatus;

“inflammable film” means any film containing celluloid and any other description of film which the Minister may by order, declare to be inflammable for the purposes of this Law;

“poster” means any picture, photograph, poster or figure advertising any exhibition and any advertisement, notice, picture or writing whatsoever intended to be projected on a cinematograph screen by means of a slide or otherwise;

“premises” include buildings and lands;

“prescribed authority” means the person or persons appointed as such by the Minister either in regulations made under this Law or by notice in the *Eastern Nigeria Gazette*;

“president” means president of the Board.

Exhibition of inflammable film.

3. No exhibition for the purposes of which inflammable film is used shall be given except in compliance with the provisions of this Law and except on premises, or in vehicles or vessels, licensed in accordance with the provisions of this Law.

Provisions as to licences.

4. (1) No licence shall be granted in respect of any premises or vehicle or vessel unless the prescribed authority is satisfied that such premises are or such vehicle or vessel is safe and otherwise suitable for the proposed exhibition.

(2) The prescribed authority may grant licences to such persons as it thinks fit to use the premises or vehicle or vessel specified in the licence for the purposes aforesaid on such terms and conditions and under such restrictions as, subject to regulations made hereunder, the prescribed authority may by the respective licences determine:

Provided always that the prescribed authority may—

(a) refuse to grant any such licence; or

Cinematograph

(b) at any time modify or vary the terms, conditions and restrictions of, or revoke, any such licence.

(3) A licence shall be in force for one year or for such shorter period as the prescribed authority on the grant of the licence may determine, unless the licence is previously revoked.

5. (1) Where the prescribed authority has granted a licence upon the condition that the exhibition shall be conducted under the superintendence of a Government officer, it shall in such case be lawful for such Government officer at any time to order such exhibition to cease, or to give any other direction which he may think necessary for the purpose of ensuring the safety from fire of the premises in which the exhibition takes place or of the people attending the exhibition.

Supervision at exhibitions to ensure safety from fire.

(2) Any person who in any way hinders or obstructs any such Government officer shall be guilty of an offence and shall be liable to a fine of fifty pounds.

6. (1) The Minister shall appoint such persons as he shall think fit to constitute a Board of Censors and shall appoint a president thereof.

Power to appoint Board of Censors.

(2) In the absence of the president from any meeting of the Board such person as the members present may appoint shall be the chairman of such meeting.

(3) The determination of any question before the Board shall be according to the opinion of the majority of the members present.

(4) The president, or in his absence the chairman of a meeting, shall have a casting vote.

(5) Five members of the Board shall form a quorum.

7. (1) The Board shall appoint one or more committees, each consisting of not less than three and not more than five of its members, to be censorship committees for the purposes of this Law.

Appointment of censorship committees.

(2) Whenever for any reason a member of the Board appointed to be a member of a censorship committee is unable to act as a member of the committee, the Board or the president may appoint another member of the Board as a member of the committee to take the place of such member.

(3) Where the president is a member of a censorship committee he shall be the chairman of any meeting of the committee. If he is not a member of the committee, or, although a member, is absent from any meeting, the committee shall appoint one of its members to be chairman of such meeting.

(4) A censorship committee shall not exercise any powers conferred upon it by this Law unless all of its members are present.

(5) The question whether a film shall be approved or not by a committee shall be determined by a majority of the votes of the members and the chairman of the meeting of the committee or the person acting as such shall have and exercise a casting vote in the case of equality of votes.

Films and posters not to be exhibited unless approved.

8. No person shall—

(a) exhibit, or cause or allow to be exhibited, any film; or

(b) exhibit or cause or allow to be exhibited or display, or cause or allow to be displayed, any poster,

unless the same has been approved and such exhibition or display is in an area or place specified by a censorship committee or, on appeal under section 10, by the Board:

Provided that the Board of Censors may, in its entire discretion, exempt from the provisions of this section any film or poster or class of films or posters produced or issued by or under the direction of the Government of the Federation or of any Region thereof, or of the Government of any part of the Commonwealth or of any Ministry or department of the Government or of such Governments:

And provided further that the provisions of this section shall not apply to an exhibition given in private premises to which the public are not admitted (whether on payment or otherwise).

Duties and powers of censorship committee.

9. (1) It shall be the duty of a censorship committee to view, examine and censor every film and poster intended for use in connexion with an exhibition submitted to it for approval in accordance with regulations made under this Law.

(2) Whenever the censorship committee shall approve any film or poster it shall signify its decision in the prescribed form, and shall also affix an identification mark recording its

decision. The censorship committee may approve part of a film whilst disapproving another part thereof, and may give such directions in the matter and may so act as it shall think proper for the purpose of giving effect to its decision.

(3) A film to which any matter has been added after it has been approved shall be again submitted for approval, and until it has been again approved shall be deemed not to have been approved.

(4) Any approval given under the provisions of subsection (2) or subsection (3) may be general, in which case it shall apply to the whole of Eastern Nigeria, or may specify the area or place in which such film or part thereof or such poster may or may not be exhibited or displayed, as the case may be. Any decision so made shall form part of the decision to be recorded in accordance with the provisions of subsection (2) and shall be the subject of appeal in accordance with the provisions of section 10 as if it were a refusal to approve.

(5) When a censorship committee has refused to approve any film or part thereof, and an appeal against such refusal has not been instituted under section 10, the committee may retain such film or excise and retain such part until its exportation from Nigeria or until it is otherwise disposed of in accordance with the directions of the committee, and the committee shall have the like powers where an appeal against such refusal has been dismissed.

10. (1) There shall be a right of appeal in the manner prescribed by regulations made hereunder to the Board by—

Right of
appeal.

- (a) any person aggrieved by the refusal of a censorship committee to approve any film or part thereof or poster, provided such appeal is instituted within twenty-one days of the notification in the manner prescribed of such refusal; and
- (b) the Minister if in his opinion any film, picture or part thereof or poster approved by a censorship committee depicts any matter that is against public order and decency, or the exhibition of which for any other reason is in the opinion of the Minister undesirable.

(2) On any such appeal the Board may give any such directions as it thinks proper and the order of the Board shall be final and conclusive.

(3) No member of the censorship committee from whose decision an appeal is made shall be competent to sit or act as a member of the Board for the purpose of determining such appeal.

(4) Subject to the provisions of subsection (3) the Board may, in determining an appeal under this section, review the film the subject of the appeal by itself or by appointing members of the Board for that purpose but so that the number of such appointed members exceeds by two the number of members of the committee from whose decision the appeal is made. The question of approval or not in such review shall be determined by a majority of the votes of the members of the Board or of the appointed members of the Board as the case may be.

Offences.

11. If—

- (a) the owner of a cinematograph or other similar apparatus uses or allows the same to be used, or
 - (b) the occupier of any premises (which expression in this section includes the person managing or receiving the rent thereof) allows such premises to be used,
- in contravention of the provisions of this Law or of the terms, conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Law, he shall be guilty of an offence.

Power of entry.

12. (1) Any police officer of or above the rank of an assistant superintendent of police, and any administrative officer, and any person authorized by either of such officers, may at any time enter any premises in which he has reason to believe that an exhibition is being or is about to be given, with a view to seeing whether the provisions of this Law or any regulations made hereunder or the terms, conditions or restrictions upon or subject to which any licence relating to the premises has been granted under this Law, have been complied with, and generally also for the purpose of inspection and control.

(2) Any person who prevents or obstructs the entry of any police or administrative officer or person authorized as aforesaid shall be liable to a fine of twenty pounds.

13. (1) Any person who—

Penalties.

- (a) contravenes any of the provisions of section 3; or
- (b) is guilty of an offence under section 11,

shall on conviction be liable to a fine not exceeding two hundred pounds or to imprisonment for two years or to both such fine and imprisonment, and, in addition, where the offence is a continuing one, shall be liable to a fine of five pounds for each day during which the offence continues.

(2) Any person who contravenes any of the provisions of section 8 shall be guilty of an offence and shall be liable to a fine of fifty pounds.

14. The Minister may make regulations for all or any of the purposes following—

Power to
make
regulations.

- (a) for the appointment of persons to be prescribed authorities for the purposes of this Law and for defining the jurisdiction, powers and duties and for prescribing the remuneration (if any) of such prescribed authorities;
- (b) for prescribing the fees to be paid for any matter or thing to be done under this Law or under any regulations made hereunder and for exempting any person or class of persons from payment thereof;
- (c) for prescribing the forms to be used for any matter or thing to be done under this Law or under any regulations made hereunder;
- (d) for prescribing the procedure with respect to the application for, and to the grant of, licences under section 4 and the terms, conditions and restrictions thereof or relating thereto;
- (e) for controlling and regulating the production of films in order to prevent the performance during such production of undesirable or dangerous acts or acts against public order and decency;
- (f) for prescribing conditions to be observed with reference to the safety from fire or otherwise of any cinematograph theatre or other premises or vehicles or vessels on or in which exhibitions are given and for the safety and control of person attending the same;

CHAPTER 20

CINEMATOGRAPH LAW

Arrangement of Sections

Section

1. Short title.
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5. Supervision at exhibitions to ensure safety from fire.
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10. Right of appeal.
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CHAPTER 20

A Law for the better Regulation and Control of Cinematograph and similar Exhibitions and Posters advertising such Exhibitions, and for purposes connected therewith.

L. of N.
1948,
Cap. 32.
N. 5 of 1950.
N. 11 of
1953.
N.L.N. 131
of 1954.
N.L.N. 120
of 1957.

[1st April, 1934]

1. This Law may be cited as the Cinematograph Law.
2. In this Law—
“Board” means the Board of Censors appointed under section 6 of this Law;

Short title.

Interpretation.

“celluloid” includes substances containing nitrated cellulose or other nitrated products;

“censorship committee” means a committee appointed under section 7 of this Law;

“exhibition” means any exhibition of pictures or other optical effects produced by means of a cinematograph or other similar apparatus;

“film” means a film designed for use with a cinematograph or other similar apparatus;

“flammable film” means any film containing celluloid and any other description of film which the Minister may by order, declare to be inflammable for the purposes of this Law;

“poster” means any picture, photograph, poster or figure advertising any exhibition and any advertisement, notice, picture or writing whatsoever intended to be projected on a cinematograph screen by means of a slide or otherwise;

“premises” include buildings and lands;

“prescribed authority” means the person or persons appointed as such by the Minister either in regulations made under this Law or by notice in the *Eastern Nigeria Gazette*;

“president” means president of the Board.

Exhibition of inflammable film.

3. No exhibition for the purposes of which inflammable film is used shall be given except in compliance with the provisions of this Law and except on premises, or in vehicles or vessels, licensed in accordance with the provisions of this Law.

Provisions as to licences.

4. (1) No licence shall be granted in respect of any premises or vehicle or vessel unless the prescribed authority is satisfied that such premises are or such vehicle or vessel is safe and otherwise suitable for the proposed exhibition.

(2) The prescribed authority may grant licences to such persons as it thinks fit to use the premises or vehicle or vessel specified in the licence for the purposes aforesaid on such terms and conditions and under such restrictions as, subject to regulations made hereunder, the prescribed authority may by the respective licences determine:

Provided always that the prescribed authority may—

(a) refuse to grant any such licence; or

(b) at any time modify or vary the terms, conditions and restrictions of, or revoke, any such licence.

(3) A licence shall be in force for one year or for such shorter period as the prescribed authority on the grant of the licence may determine, unless the licence is previously revoked.

5. (1) Where the prescribed authority has granted a licence upon the condition that the exhibition shall be conducted under the superintendence of a Government officer, it shall in such case be lawful for such Government officer at any time to order such exhibition to cease, or to give any other direction which he may think necessary for the purpose of ensuring the safety from fire of the premises in which the exhibition takes place or of the people attending the exhibition.

Supervision at exhibitions to ensure safety from fire.

(2) Any person who in any way hinders or obstructs any such Government officer shall be guilty of an offence and shall be liable to a fine of fifty pounds.

6. (1) The Minister shall appoint such persons as he shall think fit to constitute a Board of Censors and shall appoint a president thereof.

Power to appoint Board of Censors.

(2) In the absence of the president from any meeting of the Board such person as the members present may appoint shall be the chairman of such meeting.

(3) The determination of any question before the Board shall be according to the opinion of the majority of the members present.

(4) The president, or in his absence the chairman of a meeting, shall have a casting vote.

(5) Five members of the Board shall form a quorum.

7. (1) The Board shall appoint one or more committees, each consisting of not less than three and not more than five of its members, to be censorship committees for the purposes of this Law.

Appointment of censorship committees.

(2) Whenever for any reason a member of the Board appointed to be a member of a censorship committee is unable to act as a member of the committee, the Board or the president may appoint another member of the Board as a member of the committee to take the place of such member.

the auditorium or in any of the gangways intersecting the rows of seats, or in the space between the front row of seats and the screen while the theatre is open to the public.

Seating.

6. (1) The seating in the building shall be so arranged as not to interfere with free access to the exits and no seat shall be further from an exit than seventy-five feet.

(2) There shall be a clear distance of at least fifteen inches between the back of one row of seats and the front of the next row.

(3) No more than eighteen adjoining seats may be placed in any one row.

(4) Every row of seats shall have access to a gangway at each end.

(5) When a projection room is in the auditorium no person shall sit within six feet of any wall of the projection room where any opening on that wall is less than five feet from the ground. Where an opening is more than five feet from the ground no person shall sit less than four feet from that wall.

(6) The seating accommodation shall be divided by gangways between the several price-classes of seats.

Stairs.

7. (1) Every stairway shall be made of incombustible materials and shall be not less than five feet wide between strings.

(2) No stairway shall have a tread less than ten inches in width measured from riser to riser or any rise more than seven and a half inches in height measured from the surface of one tread to that of the next and the width of tread and height of rise shall be constant throughout any flight.

(3) Every stairway shall be provided with closed risers.

(4) The number of stairs in any one flight shall not exceed fifteen and the landing in any stairway shall be not less in its going than its width. At least three steps shall separate any two landings.

(5) There shall be no winders in any stairway.

(6) Balusters shall be at least three feet six inches high and the space between these shall not exceed six inches.

Use of materials.

8. In any theatre every floor and every wall and ceiling shall be made of incombustible materials and every roof shall be made of incombustible materials provided that members of roof trusses may consist of fire-resisting materials.

Regulations

9. (1) In order to secure the safety of the audience the licensee of a cinematograph theatre or of an occasional theatre or some responsible person nominated by him in writing as manager shall be present and in charge during the whole time of each exhibition and shall be assisted by a sufficient staff of attendants who shall include a chief attendant and not less than one attendant for each exit. The licensee or such responsible person shall instruct the chief attendant and the attendants as to their respective duties, with particular reference to carrying out the requirements of these regulations. A suitable uniform shall be worn by all attendants when the public are admitted to the theatre.

(2) The licensee shall, on nominating a manager in accordance with sub-regulation (1) of this regulation, immediately inform the prescribed authority in writing of the name and address of such manager.

(3) Where at any exhibition the majority of the audience are under fourteen years of age, the number of attendants required by sub-regulation (1) of this regulation shall be such as to enable them effectively to control the movements of the children whilst entering and leaving the premises and during the exhibition and to ensure the orderly and safe clearance of the hall in case of emergency and shall be in the proportion of not less than one attendant to every fifty children.

(4) All the attendants shall remain on duty during the whole time while the premises are open to the public.

(5) All persons responsible for or employed in or in connection with the exhibition shall take all due precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition.

(6) The operators and every other person who may be called upon to handle inflammable film within the building for any purpose shall be fully instructed as to the dangers arising from the use of inflammable film, the precautions to be observed to prevent risk of ignition and the steps to be taken in the event of a film smouldering or catching fire.

(7) At every exhibition there shall be present at least one member of the staff who holds a certificate dated within the preceding three years and signed by the Chief Officer, Fire

Brigade, Lagos, that he has been trained in fire fighting by the Fire Brigade, Lagos, and has reached a satisfactory standard of training:

Provided that the prescribed authority may exempt from this requirement the licensee of a theatre other than an enclosed theatre in respect of such theatre.

Fire
appliances.

10. (1) There shall be provided and maintained in good working order fire appliances suitable to the character of the building and adequate to deal with an outbreak of fire. Such appliances shall, in addition to any other appliances required by the prescribed authority, include a foam-type extinguisher, an axe or crowbar and not less than two buckets of water and two buckets of sand for every twenty yards of wall space on every floor, and shall be kept in an easily accessible position close to the walls of the auditorium and at intervals of not more than twenty yards. The licensee shall nominate a responsible person to be in charge of such appliances and to ensure that they are kept constantly ready for use.

(2) There shall at all times be within the projection room sufficient means of dealing with fire readily available for use, and these shall include the following, namely, two thick woollen blankets which shall be kept soaked in water, two buckets of water and a bucket of dry sand and two carbon tetrachloride fire extinguishers. Before the commencement of each exhibition the operator shall satisfy himself that the fire appliances within the projection room are ready for use.

Smoking.

11. No smoking shall at any time be permitted in the projection room or in any part of the premises in which film is stored, wound or repaired. Notices stating that smoking is prohibited shall be kept posted in the projection room and film room and any such part of the premises as aforesaid.

Inflammable
articles.

12. No inflammable article or naked light shall unnecessarily be taken into, or be kept in, the projection room or any part of the premises in which film is stored, wound or repaired.

Projection
rooms.

13. (1) The projection apparatus shall be placed in a projection room of substantial construction made of incombustible material and of sufficient dimensions to allow the operator to work freely.

Regulations

(2) All fittings and fixtures within the projection room shall be constructed of fire-resisting material. The entrance to the projection room shall be situated at the rear thereof and fitted with a self-closing, close fitting door of fire-resisting materials which shall be kept closed during the exhibition.

(3) The opening through which the necessary pipes and cables pass into the projection room shall be efficiently sealed or bushed, as the case may be.

(4) The openings in the front face of the projection room shall be covered with glass and shall not be larger than is necessary for effective projection and observation.

Each such opening shall be fitted with a sheet metal screen not less than one-eighth of an inch thick which can be released from both the inside and the outside of the projection room so that it automatically closes with a close-fitting joint. The screens shall be so constructed and arranged that they can all be released simultaneously from the operating position near any of the projectors.

The openings shall not exceed two for each projecting apparatus; and not more than two of the openings shall be left unscreened at any one time notwithstanding that there be two or more lanterns in the projection room unless a control is provided by which all the screens can be released simultaneously from both the inside and the outside of the projection room.

(5) The door of the projection room and all openings, bushes and joints shall be so constructed and maintained as to prevent, so far as possible, the escape of any smoke into the auditorium or any part of the building to which the public is admitted.

(6) Adequate means of ventilation shall be provided with sufficient inlets and outlets so as to ensure a constant supply of fresh air. The inlets and outlets shall communicate directly with the outer air and shall be so arranged as not to expose the operator to a direct draught.

(7) The projection room shall be in the charge of a competent operator over eighteen years of age who shall be present in the projection room during the whole time that the apparatus is in use. This shall not prevent the operator leaving the projection room for a short period in case of need

provided that a competent assistant, over eighteen years of age, is left in charge and the operator remains within immediate call.

(8) No unauthorized person shall enter or be allowed to have access to the projection room.

Projecting
apparatus.

14. (1) The projection apparatus shall be placed on firm supports constructed of incombustible material.

(2) Every lantern shall be fitted with a metal shutter which can readily be inserted by hand between the source of light and the film gate, and every projector shall be fitted with a metal shutter so arranged as automatically to cut off the film gate from the source of light when the projector stops.

(3) The construction of the film gate shall be substantial and such as to afford ample heat-radiating surface. The passage for the film shall be sufficiently narrow to prevent flames travelling upwards or downwards from the light opening.

Spool
boxes.

15. (1) Projectors shall be fitted with two metal spool boxes of substantial construction to and from which the film shall be made to travel, unless both the film spools are contained in a metal chamber of substantial construction below the projector. There shall not be more than two thousand feet of film in either of the two metal spool boxes.

(2) The spool boxes or chamber shall be made to close in such a manner, and shall be fitted with film slots so constructed, as to prevent the passage of flame to the interior of the box or chamber, and they shall remain so closed during the whole time that projection is taking place.

Take-up
spools.

16. Take-up spools shall be mechanically driven and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

Maximum
film in
projection
room.

17. Not more than two spools or four thousand feet of film, whichever shall be the greater, shall be in the projection room at the same time. Any film which is not in use shall be kept in a metal box.

Re-winding
room.

18. (1) A separate room constructed throughout of fire-resisting material shall be provided for re-winding and repairing films.

Regulations

(2) All fittings and fixtures within the re-winding room shall be constructed of fire-resisting material, and the entrance shall be provided with a self-closing, close-fitting door of fire-resisting material. If there is any communicating doorway or other opening between the projection room and the re-winding room it shall also be provided with a self-closing, close-fitting door or shutter of fire-resisting material.

(3) Means of egress from the re-winding room shall be provided in addition to any egress through the projection room.

(4) The re-winding room shall be provided with adequate means of ventilation, with sufficient inlets and outlets so as to ensure a constant supply of fresh air. The inlets and outlets shall communicate directly with the outer air.

(5) No films shall be re-wound or repaired or inspected in any place other than the re-winding room.

(6) Not more than twenty spools or twenty thousand feet of film, whichever shall be the greater, shall be kept in the re-winding room at any time.

(7) All film in the re-winding room shall be kept in closed metal boxes except when being re-wound, inspected or repaired.

19. The licensee shall ensure that a copy of these regulations is at all times exhibited in the projection room and that another copy is during any exhibition exhibited in the auditorium and that such copies are easily accessible to the operators and attendants. Exhibition of regulations.

20. (1) All film, except when required to be exposed for the purpose of examination, checking, cleaning, packing, re-winding, repairing or projecting, shall be kept in properly closed metal boxes. Film to be kept in boxes.

(2) No box shall contain more than one thousand feet or one spool of film whichever is the greater.

21. (1) All boxes containing film other than film lawfully in the projection room or the re-winding room shall be kept in a separate store-room. Film store-rooms.

(2) Every store-room where film is kept—

(a) shall not be situated within twenty feet of any theatre or of any other store where film is kept;

- (b) shall not communicate with any theatre;
 - (c) shall be constructed of fire-resisting materials;
 - (d) shall have walls at least nine inches thick;
 - (e) shall be properly ventilated so as to communicate in a safe manner directly with the outer air;
 - (f) shall be equipped with an efficient system of forced draught ventilation, in which all motors shall be entirely enclosed;
 - (g) shall not be used for any purpose other than for storing film;
 - (h) shall not contain more than one thousand spools of film;
 - (i) shall be kept securely locked when not in use.
- (3) Every store-room shall be provided with not more than one door which shall be made of steel.
- (4) Except with the approval of the prescribed authority, no electric or other appliance likely to produce an exposed spark and no fire or flame or other agency likely to ignite film shall be allowed in a store-room.
- (5) No unauthorized person shall enter or be allowed to have access to any store-room.
- (6) All waste film shall be collected at frequent intervals and placed in a strong metal box with a hinged lid, whence it shall be removed and burnt at regular intervals.
- (7) An adequate supply of blankets and buckets of water and sand having regard to the amount of film in the store-room at any time shall be kept constantly provided in the store-room for the purpose of extinguishing any fire which may occur.
- (8) The following premises shall not be used for the keeping or storing of films—
- (a) premises situated underneath premises used for residential purposes;
 - (b) premises so situated that a fire occurring therein might interfere with the means of escape from the cinema or any adjoining building.

PART III.—LIGHTING AND ELECTRICAL INSTALLATION

Application
of Part III.

22. Subject as hereinafter provided in these regulations the provisions of this Part shall apply to every cinematograph theatre, projection room, re-winding room and film store-room.

Regulations

23. Where the general lighting of the premises can be controlled from within the projection or re-winding room, there shall also be separate and independent means of control outside of and away from the projection or re-winding room.

Control of lighting.

24. Where electrical energy is used for lighting or other purposes within the building the following provisions shall be observed—

Electrical installation.

- (a) Except as otherwise provided in these regulations, the installation generally shall be in accordance with the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers.
- (b) The main supply fuses and switches shall not be accessible to the public. They shall be located where there is ample space and head room and where there is no risk of fire resulting therefrom.
- (c) A separate circuit shall be taken from the source of supply for the projector circuit so that no accident to this circuit can affect the general lighting.
- (d) Each of the main circuits shall be separately protected by an efficient linked switch and by a fuse on each phase.
- (e) The general wiring of the building shall be in accordance with the First Schedule to these regulations, except as regards any necessary flexible conductors such as may be required for pendant lamps or movable fittings.
- (f) All fuses and distribution boards shall be of a completely protected type so constructed that the fuse holders can be handled for renewal of the fuse wires without risk of touching live metal.
- (g) Portable lamps for the orchestra or similar lighting shall be connected to a separate circuit or circuits from the distribution fuse boards.
- (h) The electrical installation shall be in the charge of a competent person, whether the operator or another, who shall be conversant with such installation and be on duty at all times when the public is present.
- (i) The competent person shall satisfy himself before the commencement of each performance that the electrical apparatus, including the projector circuits, is in proper working order.

First Schedule.

Projection
and
re-winding
room and
film store.

25. The following provisions shall apply to projection and re-winding rooms and film stores—

- (a) All wiring contained in the projection and re-winding rooms and film store shall be carried out in a mineral insulated metal sheathed fire-resisting system approved by the Chief Engineer of the Electricity Corporation of Nigeria. All slack cables shall be heavily covered with asbestos.
- (b) An efficient double-pole main switch shall be fixed within the projection room whereby all current may be cut off from the projector circuit or circuits within the projection room, and an additional double-pole switch shall be fixed for each arc lamp so that the current may be cut off whilst recarboning is taking place.
- (c) Where two or more projectors are installed and a change-over switch is required, it shall, unless it be a double-pole switch having a secure "off" position, be in addition to and not in substitution for the main switch.
- (d) All live parts of apparatus within five feet of the projector shall be shielded so that they cannot be accidentally touched. The covers of enclosed switches shall be of metal and, with the exception of change-over switches, shall be so constructed that the switch handle does not work through an open slot.
- (e) Within the projection and re-winding room the pressure of the supply between any two conductors or between any conductor and the earth shall not at any time exceed 250 volts direct or 125 volts alternating for the projector arc circuit. Where the supply of alternating current is at a higher pressure, the pressure shall be reduced by means of a double-wound transformer.
- (f) The projector motor circuit shall be controlled by a double-pole switch. The motor starter and its resistance may be within the projection room.
- (g) Fuses shall be enclosed in covers or cabinets to prevent scattering of hot metal and shall be mounted in carriers or holders, so constructed that the hand is protected from the flash should a fuse blow on the insertion of the carrier in the contacts.

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- (h) The lamp or lamps for lighting the projection and re-winding room and film store shall not be connected to the safety lighting and shall be of the bulkhead type.
- (i) All metal work liable to become accidentally charged, including the projecting apparatus shall be efficiently earthed. The size of the earth wires shall be in accordance with the requirements of the Wiring Regulations of the Institution of Electrical Engineers.
- (j) The arc lamp adjusting handles shall be made of insulating material and shall be so constructed and arranged that the hand cannot inadvertently touch live metal.
- (k) An ammeter shall be provided in the projector circuit within the projection room.
- (l) (i) Resistance shall be so constructed and maintained that no coil or other part shall at any time become so heated that a piece of newspaper placed in contact with any part of the resistance would readily ignite.
- (ii) The framework, supports and enclosures of resistances shall be made entirely of fire-resisting material.
- (iii) Resistances shall not be attached to wood work and shall, as far as possible, be kept away from any wood work. All wood work shall, where necessary, be effectively protected against overheating.
- (iv) The terminals of the resistances and the connecting cables shall not be placed above the resistance elements.
- (v) Resistances placed where they are liable to be accidentally touched shall be efficiently guarded.
- (m) Resistances, in which more than two kilowatts are dissipated, shall be placed in a room or place other than the projection or re-winding room and accessible only to the technical staff. If such room or place is within the theatre, the room or place shall not communicate directly with the auditorium. It shall be well ventilated by ample inlets and outlets connecting directly with the outer air. Switches suitably placed shall be provided whereby the pressure may be cut off from the resistance.

(n) Motor generators or electrical generating plant and the main switch-gear shall be in a room or rooms constructed of fire-resisting materials. Such room or rooms may also contain the main resistances and the main supply fuses and switches and shall be well ventilated and shall not communicate directly with the auditorium or any part of the building to which the public is admitted.

Safety lighting.

26. (1) Means of illumination, hereafter in these regulations called the safety lighting, shall be provided in every cinematograph theatre—

- (a) in the auditorium, and
- (b) unless they are adequately lighted by daylight, in all exits leading therefrom to the outside of the theatre, including all courts, passages, stairways or ramps, and in all other parts of the premises to which for the time being the public has access, and
- (c) for all notices indicating exits from any part of the premises.

(2) The safety lighting of every part of a cinematograph theatre not adequately lighted by daylight shall at all times when members of the public are upon the premises be maintained in working order, and so kept in use that it is adequate to enable the public to see their way out of the premises.

(3) In addition to their illumination by the safety lighting, all notices indicating exits from any part of a cinematograph theatre shall at all times when members of the public are upon the premises be illuminated by the general lighting.

(4) Electrical conductors forming part of the safety lighting system shall not be contained in the same conduit or incorporated in the same cable as electrical conductors used for any other purpose.

(5) The safety lighting system shall not be controllable from the projection room or re-winding room, or a room where film is stored or from any place accessible to the public.

Batteries for safety lighting.

27. Where the safety lighting is derived from a battery of accumulators the battery shall be fully charged before the public is first admitted on any day, and, except in the cases

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Regulations

for which regulations 28 and 29 provide, shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load which will be connected thereto while the public is upon the premises.

28. A floating battery of accumulators for the purpose of supplying the safety lighting may be connected with or without converting or rectifying apparatus to the same source of supply as the general lighting, if—

Floating
batteries.

- (a) the capacity of the battery is sufficient to supply at normal voltage the load which will be connected thereto for not less than three hours;
- (b) the rate of charging the battery is so regulated and adjusted that the battery does not discharge under normal conditions;
- (c) any converting or rectifying apparatus for the charging supply to the battery is reserved for that purpose only;
- (d) where the charging arrangements permit a reversal of current, controlling switchgear capable automatically of disconnecting the battery from the source of supply, is provided and on each day before the public is admitted to the premises is tested by a competent person, the test including disconnection of the source of supply and observation of the consequent automatic operation of the controlling switchgear. If the controlling switchgear becomes inoperative, sub-regulation (e) of this regulation shall apply as if a failure of the source of supply had occurred, and
- (e) a suitable visual or audible signal operating at a place where an authorized person is normally present shall be arranged to indicate a failure of the source from which the battery is charged.

29. The safety lighting may, notwithstanding any provision of these regulations, be derived from the same source as the general lighting of the premises, and be so derived otherwise than by connecting a floating battery of accumulators to that source as provided by regulation 28 of these regulations:

Trickle
charged
batteries.

Provided that the provisions of paragraphs (a) to (e) of regulation 28 of these regulations shall be satisfied, and provided further that an automatic quick acting change-over switch or switches shall be installed capable of connecting the

safety lighting to a battery or batteries of accumulators and such change-over switch or switches shall have been approved by an electrical engineer to be nominated by the Chief Engineer of the Electricity Corporation of Nigeria.

PART IV.—ENCLOSED THEATRES

Application
of Part IV.

30. The provisions of Part IV shall apply to enclosed theatres only but nothing herein shall be construed as an exemption from the provisions of any other Part of these regulations except to the extent permitted by these regulations.

Projection
room.

31. In the case of an enclosed theatre, the projection room shall be outside the auditorium:

Provided that if the prescribed authority is of opinion that, in the case of an enclosed theatre licensed at the date of publication of these regulations in the *Eastern Nigeria Gazette*, compliance with the requirement that the projection room shall be outside the auditorium is impracticable and in the circumstances unnecessary for securing safety, this requirement shall not apply.

Seats.

32. All seats shall be securely fastened to the floor.

Fire
appliances.

33. The licensee of an enclosed theatre shall provide and maintain in good working order in such theatre in addition to the appliances required by regulation 10 of these regulations not less than two chemical fire extinguishers for every twenty yards of wall space on every floor and shall ensure that they are kept in an easily accessible position.

Re-winding
room.

34. The re-winding room shall be outside the auditorium and shall not communicate directly therewith or with any part of the theatre to which the public is admitted.

PART V.—OCCASIONAL THEATRES

Seating and
exits.

35. No building shall be used as an occasional theatre unless the auditorium is provided with at least two exit doors giving direct access to a public street or large open space.

Projectors.

36. (1) No projector other than a portable self-contained projector shall be used in an occasional theatre.

(2) The projector shall be placed on a firm support constructed of fire-resisting material and shall be kept clear of the access to any exit.

37. (1) If the projector is erected in any part of the auditorium or any place to which the public has access, effectual means shall be taken by the erection of a suitable barrier to maintain round the projector a clear space of at least three feet, hereinafter referred to as the "reserved space." Reserved space.

(2) No unauthorized person shall be allowed within the reserved space.

(3) No smoking shall at any time be permitted within the reserved space.

(4) No inflammable article shall unnecessarily be taken into or allowed to remain in the reserved space.

(5) The licensee shall provide and maintain within the reserved space at all times when the theatre is open to the public sufficient means of dealing with fire readily available for use, and these shall include the following, namely, two thick woollen blankets which shall be kept soaked with water, two buckets of water and one bucket of dry sand and a carbon tetrachloride fire extinguisher. Before the commencement of each exhibition the operator shall satisfy himself that the fire appliances in the reserved space are ready for use.

(6) A competent operator over eighteen years of age shall be in charge of the reserved space and shall be present in the reserved space during the whole time that the apparatus is in use. This shall not prevent the operator from leaving the reserved space for a short period provided that a competent assistant, over eighteen years of age, is left in charge and the operator remains within immediate call.

38. During an exhibition not more than two spools or two thousand feet of film shall be in the auditorium at any one time. All other spools and film shall be kept in closed metal boxes outside the auditorium. Film.

39. No film shall be re-wound in an occasional theatre while it is open to the public. Re-winding.

40. The provisions of the following regulations shall not apply to occasional theatres unless specifically imposed and notified as conditions by the prescribed authority— Exemptions.

(a) paragraphs (a), (b), (c) and (d) of regulation 5 (2);

- (b) regulations 7, 8, 9 (7), 10 (2), 18, and 21;
(c) regulations 22 to 29 both inclusive.

PART VI.—PORTABLE PROJECTORS

Application
of Part VI.

41. This Part shall apply only where a portable self-contained projector is used but nothing herein shall be construed as an exemption from the provisions of any other part of these regulations except to the extent permitted by these regulations.

Fire
precautions.

42. (1) The projector and the illuminant shall be entirely enclosed in a casing of fire-resisting material except for such openings as are necessary for effective manipulation and ventilation.

(2) Any electric wiring or terminals fitted within the casing shall be so placed that it shall be impossible for films in use in the projector to come in contact therewith.

(3) Each electric circuit on the projector shall be fitted with a separate switch controlled from outside the casing, and so placed as to be within reach of the operator when standing at the projector.

(4) No illuminant other than electric light in hermetically sealed lamps shall be used within the projector, and the illuminant shall be separately encased in such a way as to prevent contact with the film.

(5) The heat of the illuminant, and its position in relation to the optical system, shall be such that it is impossible for the rays of light to ignite a stationary film.

Spool boxes.

43. (1) The projector shall be fitted with spool boxes of incombustible material which shall be made to close in such a manner, and shall be fitted with film-slots so constructed, as to prevent the passage of flame to the interior of the box.

(2) The spool boxes shall not be capable of carrying a roll of film of more than ten inches in diameter, and shall be so constructed as to be easily detachable from the apparatus.

(3) All film shall be contained in spool boxes which shall be attached to the projector. The doors of spool boxes shall be securely closed at all times except when loading or unloading film. After loading a spool box no film shall be exposed except the portion necessary for threading-up.

Regulations

44. (1) All electric conductors shall be of adequate size for the current which they have to carry and shall be efficiently covered with insulating material and shall be either placed out of reach of persons in the auditorium and where they are not liable to damage, or protected against injury by suitable casings.

Electric
circuits for
portable
projectors.

(2) Resistances shall be made entirely of fire-resisting material and shall be so constructed and maintained that no coil or other part at any time shall become so heated that a piece of newspaper placed in contact with any part of the resistance would readily ignite. If inside the auditorium, they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact, and shall not be placed within reach of persons in the audience.

(3) The operator shall satisfy himself before the commencement of each performance that all cables, leads, connections, resistances and fuses are in proper working order. The resistances, if not under constant observation, shall be inspected at least once during each performance. If any fault is detected, current shall be immediately switched off, and shall remain switched off until the fault has been remedied.

(4) The projector circuit shall be independently protected by a double-pole switch and by fuses properly enclosed and placed near the source of supply or the point of connection with the general lighting supply:

Provided that, where the current does not exceed five amperes and the connection of the projector circuit to the general lighting supply is made by means of a connector as described in sub-regulation (5) of this regulation, such connector may be used in substitution for a double-pole switch.

(5) Where the projector circuit is connected to the general lighting supply, it shall be connected only at a point where the wires of the general lighting supply are of ample size for the current they may have to carry, and the connection shall be either by securely made joints or connections or by a properly constructed wall type connector of hand shield type. It shall not be connected to any lighting fitting by means of an adaptor to a lampholder.

Exemptions. 45. Where a portable self-contained projector is used regulations 14, 15 and 24 (1)-(13) shall not apply.

PART VII.—LICENSING

Applications for licences. Form A. 46. An application for a licence or for the renewal of a licence in respect of a cinematograph theatre other than an occasional theatre shall be in accordance with Form A in the Second Schedule to these regulations.

Second Schedule.

Applications for licences for occasional theatres. Form B. Second Schedule. 47. (1) An application for a licence in respect of an occasional theatre shall be in accordance with Form B in the Second Schedule.

(2) Every application for a licence in respect of an occasional theatre shall reach the prescribed authority not less than three days before the earliest date in respect of which the application is made:

Provided that a prescribed authority may in his discretion consider an application which reaches him less than three days before the earliest day in respect of which application is made.

(3) Every applicant for a licence in respect of an occasional theatre shall give to the officer in charge of police in whose area such theatre is situated at least three days notice in writing of the time, place and date of every exhibition which he intends to give therein. The notice shall state clearly the time and place at and the date on which such exhibition is to be given.

Plan to be submitted.

48. (1) There shall be submitted in quadruplicate with every application for a licence in respect of a theatre other than an occasional theatre, and, should the prescribed authority so require, with any application for the renewal of such a licence, complete drawings of the theatre consisting of plans, elevations and sections of every part of the theatre and projection room. One copy of the drawings shall show in diagram the electric wiring of such theatre and projection room.

(2) The drawings shall show—

- (a) the position of all exits;
- (b) the proposed seating arrangements, including the number of seats, the distance between rows of seats and the width of gangways;
- (c) the proposed position and nature of all fire extinguishing appliances and equipment.

(3) The drawings shall be drawn in ink or printed to a scale of not less than one inch to eight feet. Three copies shall be drawn or printed on tracing or printing linen or linen backed paper. The fourth copy may be drawn or printed on cartridge paper or other suitable material and shall, after approval, be returned to the applicant for the licence who shall keep such copy available in the theatre to which the licence relates.

(4) In addition to the drawings required by sub-regulation (2) there shall also be submitted in quadruplicate a fully dimensioned site plan drawn to a scale of not less than one inch to forty feet and showing the position of the theatre in relation to all adjacent premises and roads.

(5) The applicant shall submit in triplicate with his application an inventory of the furniture, furnishings and equipment of the auditorium of the theatre in respect of which application is made.

49. (1) The prescribed authority shall cause copies of every application, drawing, site plan and inventory to be sent to the Provincial Engineer, and to the officer in charge of police, and the copy of the drawings containing the wiring diagram to an electrical engineer to be nominated by the Chief Engineer of the Electricity Corporation of Nigeria.

Certificates.

(2) The Provincial Engineer, officer in charge of police and electrical engineer shall respectively render to the prescribed authority certificates in accordance with Forms C, D and E in the Second Schedule.

Forms C, D and E.
Second Schedule.
Grant of licences for theatres and occasional theatres.

50. (1) The prescribed authority shall not grant an application for a licence in respect of a cinematograph theatre other than an occasional theatre unless he shall have first received favourable certificates from the Provincial Engineer, the officer in charge of police, and the Electrical Engineer.

(2) Before granting an application for a licence in respect of an occasional theatre, the prescribed authority shall satisfy

himself that the premises comply with the provisions of Part V of these regulations.

Forms F
and G.
Second
Schedule.

51. (1) Licences in respect of theatres other than occasional theatres shall be in accordance with Form F in the Second Schedule and shall be for one year or for such shorter period as the prescribed authority on the grant of the licence may determine.

(2) Licences in respect of occasional theatres shall be in accordance with Form G in the Second Schedule.

Conditions
of licence.

52. (1) The following conditions shall be inserted in every licence granted under these regulations in respect of a theatre other than an occasional theatre—

- (a) the number of persons admitted to use the seating accommodation shall not exceed the number stated in the licence;
- (b) the licensee shall display over the main entrance of the theatre a notice to the effect that the building has been licensed as a cinematograph theatre;
- (c) all exits and fire-escapes shall, during the presence of the public in the theatre, be kept clear of obstructions;
- (d) the licensee shall take all reasonable precautions for the prevention of accidents and shall comply strictly with the Cinematograph Regulations;
- (e) the licensee shall not make any structural alterations or, except in case of emergency, alter the position of the seating or fire appliances shown on the drawings approved by the prescribed authority or introduce any furniture, furnishings or other equipment other than that described in the inventory or alter or extend the approved electrical installation without the prior approval of the prescribed authority;
- (f) no film may be removed from one part of the premises to another unless it is contained in a closed metal box;
- (g) the licensee shall ensure that all persons employed in the theatre are conversant with their duties in the event of an outbreak of fire and that fire practices are held not less than once in every month;
- (h) the prescribed authority may revoke any licence in the event of failure on the part of the licensee to observe the conditions of the licence or the provisions of the

Regulations

Cinematograph Law or any regulations made thereunder, or of the building becoming unsafe, or of any material alteration being made in the theatre or projection room without the consent of the prescribed authority;

(i) such additional conditions relating to fire precautions as may be required by the prescribed authority under regulation 10 (1).

(2) The following conditions shall be inserted in every licence granted under these regulations in respect of an occasional theatre—

- (a) the number of persons admitted to use the seating accommodation shall not exceed the number stated in the licence;
- (b) the licensee shall display over the main entrance of the theatre a notice to the effect that the building has been licensed as a cinematograph theatre;
- (c) all exits and fire-escapes shall, during the presence of the public in the theatre, be kept clear of obstructions;
- (d) the licensee shall take all reasonable precautions for the prevention of accidents and shall comply strictly with the Cinematograph Regulations;
- (e) no film may be removed from one part of the premises to another unless it is contained in a closed metal box;
- (f) the prescribed authority may revoke any licence in the event of failure on the part of the licensee to observe the conditions of this licence or the provisions of the Cinematograph Law or any regulations made thereunder;
- (g) such additional conditions relating to fire precautions as may be required by the prescribed authority under regulation 10 (1).

53. The prescribed authority shall cause all duly authorized alterations to the structure of a cinematograph theatre, or to the seating, or fire appliances or electrical installation, or any addition to the furniture, furnishings or equipment to be recorded on the drawings, wiring diagram or inventory as the case may be.

Authorized alterations to be recorded.

54. (1) Before granting an application for the renewal of a licence in respect of a cinematograph theatre other than an occasional theatre the prescribed authority shall request an

Renewal of licences.

electrical engineer to be nominated by the Chief Engineer of the Electricity Corporation of Nigeria to inspect the electrical installation and wiring of such theatre.

Form E.

(2) Such electrical engineer shall examine the electrical installation and wiring and render to the prescribed authority a certificate in accordance with Form E in the Second Schedule.

(3) The prescribed authority shall not grant an application for the renewal of a licence in respect of a cinematograph theatre other than an occasional theatre unless he shall have first received a favourable certificate from the electrical engineer referred to in sub-regulation (2) of this regulation.

Fee for licence.

55. (1) The fee for a licence shall be either—

- (a) two pounds for each month or part of a month for which the licence is granted, or
- (b) ten shillings for each week or part of a week for which the licence is granted, whichever shall be the lesser amount.

(2) Such fee shall be paid by the applicant to the prescribed authority by whom the licence is granted.

(3) The prescribed authority shall—

- (a) in the case of any Municipality or Urban Council referred to in regulation 3 (a) of the regulations, pay the said fee into the revenues of the Municipality or Urban County Council; and
- (b) in any other case, pay the said fee into the Treasury.

Register to be kept.

56. Every prescribed authority shall keep a register of licences granted by him in respect of cinematograph theatres and occasional theatres. Such register shall show the nature and duration of the licence, the name and address of the person to whom it is granted, the premises to which it relates, and the name and address of any person nominated as manager in accordance with regulation 9 (1) of these regulations.

PART VIII.—CENSORSHIP

Fees.

57. (1) For every reel of film or part of a reel which is submitted to a censorship committee for censoring there shall be paid into the Treasury a fee of two shillings and sixpence.

(2) No fee shall be payable for any poster submitted to a censorship committee for censoring if it relates to any reel which is so submitted. In other cases a fee of two shillings and sixpence shall be paid for each poster so submitted.

(3) Any reel or part of a reel or any poster (where a fee is payable for the poster under this regulation) submitted to a censorship committee for censoring shall be accompanied by the Treasury receipt in respect of the fee or fees payable under this regulation.

(4) The Minister may from time to time waive or suspend in whole or in part the payment of any fee or fees which may be, or may hereafter become, due and owing under this regulation.

58. The decision of a censorship committee on an application for the approval of a film or poster shall be given in accordance with Form H in the Second Schedule.

Form H.
Second
Schedule.

59. (1) Any person who desires to appeal to the Board of Censors against the refusal of a censorship committee to approve any film or part thereof or poster shall forward to the president of the Board of Censors a notice in accordance with Form K in the Second Schedule and shall pay into the Treasury a fee of one pound; provided that in the event of the Board differing from the censorship committee the Board may, if it thinks fit, direct the Accountant-General to refund to such person the fee or such part thereof as the Board may specify.

Appeals.

Form K.
Second
Schedule.

(2) Where the Minister desires to appeal to the Board of Censors against the approval by a censorship committee of any film or part thereof or poster he shall forward to the president of the Board of Censors a notice in accordance with Form L in the Second Schedule.

Form L.

PART IX.—GENERAL

60. (1) Where any of the requirements of Parts II, III, IV, V or VI of these regulations are not complied with, the licensee and the person having charge or management of the premises shall be guilty of an offence and liable on summary

Offences and
penalties.

conviction to a fine not exceeding two hundred pounds or to imprisonment for two years or to both such fine and imprisonment and, in addition, where the offence is a continuing one, be liable to a fine of five pounds in respect of each day the offence continues.

(2) Where under the provisions of these regulations a duty is placed upon any person the onus of proving that all reasonable steps have been taken to fulfil that duty shall lie upon the person charged with the breach thereof.

Forms.

61. Where these regulations require that any application, licence, decision or notice shall be in accordance with a form in the Second Schedule hereto, it shall be sufficient if the same is as nearly in accordance with such forms as circumstances permit.

FIRST SCHEDULE

ELECTRICAL WIRING

Regulation 24. The general wiring shall be carried out in accordance with one of the following systems—

1. *Vulcanized—Rubber—Insulated Cables in screwed Conduit:*

Provided that:

- (a) The cables shall be insulated with a layer of pure rubber next to the conductor, an intermediate layer of vulcanized rubber and an outer jacket of vulcanized rubber. These three layers shall together constitute the dielectric and its radial thickness shall be in accordance with British Standard Specification No. 7. The cables shall have an exterior braiding of hemp, cotton or jute thoroughly impregnated with a protective compound that will not have any deleterious action on the rubber. The finish of the braiding shall be smooth and uniform.
- (b) The conduits shall be made in accordance with British Standard Specification No. 31 and shall be heavy gauge.
- (c) The conduit fittings shall be of British Standard Specification No. 31 but terminal fittings may be used in which the length of thread for conduit is less than that specified in such specification in which case either a taper male thread or locknuts shall be used.
- (d) The conduits shall be mechanically and electrically continuous across all joints therein, and shall be earthed in accordance with regulation 10 of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers.
- (e) The electrical resistance of the conduit in a complete installation measured between the conduit at a point near the main switch and any other point of the installation shall not exceed 1 ohm.

FIRST SCHEDULE — *continued*

- (f) Where condensation is likely to occur, drip-outlets not exceeding a quarter of an inch in diameter and not less than one-eighth of an inch in diameter shall be provided at the lowest point of each circuit to permit the exit of moisture.
- (g) The conduits of each circuit shall be erected complete before the cables are drawn in and conduits of less than one inch in diameter shall be secured at least every four feet. Conduits of one inch in diameter or over shall be secured at least every six feet (except where they are used between supports placed more than six feet apart, in which case they shall be secured to the satisfaction of an electrical engineer to be nominated by the Chief Engineer of the Electricity Corporation of Nigeria), and all conduits shall be secured by means of approved saddles which in the case of surface work must be fixed with screws.
- (h) Bell mouths or other approved metal outlets shall be fitted to the ends of all conduits to prevent abrasion of the covering of cables emerging therefrom, and galvanized conduits at all external outlet points shall be set down to not less than 45 degrees, and terminated with a non-corroding bell mouth.
- (i) The ends of conduits terminating at accessories and fittings shall be screwed thereto, or secured with locknuts if screwing is impracticable, and provided that the ends of all conduits where terminating at tees, elbows, junction boxes or other outlet points shall be reamed out and shall not project into the box beyond the thread of the box or the locknut.
- (j) All elbows and tees shall be of the inspection type and all bends shall have a radius of not less than two and a half times the outside diameter of the conduit save that—
- (i) at the ends of conduit immediately behind fittings or accessories plain conduit fittings may be used;
 - (ii) in surface wiring where the conduit turns to pass through a wall a plain elbow may be used if the conditions are such that the use of an inspection or normal bend would be impracticable;
 - (iii) in an inaccessible position such as in hollow partition a plain elbow may be used if it is impracticable to use a normal bend.
- (k) Conduits together with their fittings shall be galvanized.
- (l) The threads where galvanizing has been removed shall be adequately protected by painting with white-lead, red-lead, or graphite pipe-jointing compound, before screwing into fittings.
- (m) Galvanized conduits shall not be buried in damp ground or in ground likely to contain acid.
- (n) Where it is necessary to enclose wires in metal pipes in damp ground, galvanized water-pipe (free from internal fins and burrs) or other metal pipe approved by an electrical engineer to be nominated by the Chief Engineer of the Electricity Corporation of Nigeria shall be used.

FIRST SCHEDULE — *continued*

(o) Where it is necessary to enclose wires in metal pipes in ground likely to contain acids, the wires shall be enclosed in lead pipes.

2. *Vulcanized—Rubber—Insulated Lead Sheathed Steel Wire Armoured Cable; or*

Vulcanized—Rubber—Insulated Hard Metal Sheathed Cable:

Provided that in either case:

- (a) the cables shall be in accordance with British Standard Specification No. 7 and shall be without serving or braiding over the armouring.
- (b) the metallic sheath or armouring or both shall, where practicable, be prevented by spacing, insulation or other means, from coming into contact with—
 - (i) the wires, cables or sheath of any wiring system operating at extra-low voltage or of any wiring system not installed in accordance with the requirements of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers;
 - (ii) metal water or gas pipes or the pipes of other services. Where such separation is not practicable, the metallic sheath or armouring or both shall be bonded to the metal sheath or pipework or both of other services in such a manner as to prevent the occurrence of a voltage difference at such points of contact.
- (c) Where the cables are liable to suffer mechanical damage, they shall be adequately protected in relation to the nature of their sheath or armouring or both.
- (d) The cables shall be secured by cleats, saddles, or clamps, but not by driven staples. In damp situations and wherever they are exposed to the weather, the cleats, saddles or clamps and their fixings shall be of material not likely to be a cause of electrolytic action with the sheath or armouring and the cables shall be painted with weather-resisting paint.
- (e) The spacings of cleats, saddles or clamps shall not exceed those set out in regulation 4 of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers.
- (f) In addition, the cables, where vertical, shall be gripped firmly at the supports; and where, owing to a change of direction there is likely to be excessive pressure on any part of the cable, the cable shall be brought over a rounded support of a radius not less than six times the overall diameter of the cable.
- (g) Where the cable passes through a floor, wall, partition or ceiling, or other part of a building, the hole shall be made good with cement or similar incombustible material to the full thickness of the material of the floor, wall, partition, ceiling or other part of the building, and space through which fire might spread shall not be left around the cable.
- (h) Every connection between the conductors of cables shall be made in a junction box of weather proof design of ample capacity and complying with British Standard Specification 816.

Regulations

FIRST SCHEDULE—continued

- (i) Where cables terminate at, or are looped into an accessory or lighting fitting, a weather proof box shall be provided into which the metallic sheath or armouring or both shall be brought in such a manner that those parts of the cable from which the metallic sheath or armouring or both have been removed are enclosed within the box, accessory or lighting fitting.
- (j) The sheaths, armouring and fittings, shall be earthed in accordance with regulation 10 of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers and clamps or soldered joints shall be provided at every break in the sheath or armouring or both to ensure electrical continuity throughout the installation. The electrical impedance of the sheath or armouring or both, together with the impedance of the earthing load, measured from the connection with the earth electrode to any position in the completed installation shall not exceed 1 ohm.

3. A suitable Fire-resisting Mineral Insulating Metal Sheathed system—

Provided that such system shall comply with the appropriate British Standards.

SECOND SCHEDULE

THE CINEMATOGRAPH REGULATIONS

FORM A

Reg. 46.

Application for a Cinematograph Theatre Licence.

To the Prescribed Authority for.....

I/We.....

of.....

hereby apply for a licence for the Cinematograph theatre situated at.....

Proposed accommodation—

Seats.....

Signature.....

Address.....

Date.....

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SECOND SCHEDULE—*continued*

THE CINEMATOGRAPH REGULATIONS

Reg. 47.

FORM B

Application for an Occasional Theatre Licence.

To the Prescribed Authority for.....

I/We.....

of.....

hereby apply for a licence to use the premises situated at.....

.....for the purpose of cinematograph
exhibitions on the following dates.....

Proposed accommodation—

Seats.....

Signature.....

Address.....

Date.....

THE CINEMATOGRAPH REGULATIONS

Reg. 49.

FORM C

PROVINCIAL ENGINEER'S SAFETY CERTIFICATE

I,, Provincial Engineer,
hereby certify—

(1) that on the.....day of....., 19.....

I examined the premises situated at.....

in respect of which an application dated the.....day of

....., 19....., for a theatre licence has been made by

.....and the drawings and site plan submitted

therewith;

(2) that the premises comply with regulations 5 (1)–(5), 6, 7, 8, 13 (1)–
(6), 18 (1)–(4);*(3) that the premises, being enclosed, also comply with regulations
30, 31, 32, 33 and 34;(4) that the premises do not comply with the following regulations
referred to in paragraph (2) above—*(5) that the premises, being enclosed, do not comply with the following
regulations referred to in paragraph 3 above—(6) that the theatre has been constructed in accordance with the
drawings and site plan submitted.

Date.....

Signed.....

*Strike out if inapplicable.

Regulations

SECOND SCHEDULE—continued

THE CINEMATOGRAPH REGULATIONS

FORM D

Reg. 49.

POLICE OFFICER'S SAFETY CERTIFICATE

I, _____, being the officer in charge of Police in _____ Province _____, hereby certify—

(1) that I have on the _____ day of _____, 19____ examined the premises situated at _____ in respect of which an application dated the _____ day of _____, 19____, for a theatre licence has been made by _____ and the drawings and site plan submitted therewith;

(2) that the fire precautions and the fire appliances on the said premises are in accordance with the Cinematograph Regulations;

(3) that the following additional precautions (as shown on the plan) have been taken;

(4) that the fire precautions and appliances are/are not in my opinion, adequate to deal with an outbreak of fire.

Date _____ Signed _____

THE CINEMATOGRAPH REGULATIONS

FORM E

Reg. 49.
Reg. 54 (2).

ELECTRICAL ENGINEER'S SAFETY CERTIFICATE

I, _____, hereby certify—

(1) that I have examined the premises situated at _____ in respect of which an application dated the _____ day of _____, 19____, for a theatre licence has been made by _____ and the wiring diagram submitted therewith;

(2) that the wiring of the said premises is/is not in accordance with Part III _____ of the Cinematograph Regulations;

(3) that the wiring diagram is accurate/inaccurate in the following respects:

Date _____ Signed _____

Electrical Engineer

*Cinematograph*SECOND SCHEDULE—*continued*

THE CINEMATOGRAPH REGULATIONS

Reg. 51.

FORM F

CINEMATOGRAPH THEATRE LICENCE

Licence is hereby granted to.....
of.....
to exhibit films on the premises known as.....
.....and situated at.....

This licence is issued subject to the observance by the licensee of the provisions of the Cinematograph Law and of the regulations made thereunder and of the conditions set out in this licence.

This licence terminates on the.....
....., 19.....

Signature.....

Prescribed Authority for (specify area)

Fee paid:

Date.....

CONDITIONS

(a) The number of persons who may be admitted to use the seating accommodation shall not exceed.....

(b) the licensee shall display over the main entrance of the theatre a notice to the effect that the building has been licensed as a cinematograph theatre;

(c) all exits and fire-escapes shall, during the presence of the public in the theatre, be kept clear of obstructions;

(d) the licensee shall take all reasonable precautions for the prevention of accidents and shall comply strictly with the Cinematograph Regulations.

(e) the licensee shall not make any structural alterations or, except in a case of emergency, alter the position of the seating or fire appliances shown on the drawings approved by the prescribed authority or introduce any furniture, furnishings or other equipment other than that described in the inventory or alter or extend the approved electrical installation without the prior approval of the prescribed authority;

(f) no film may be removed from one part of the premises to another unless it is contained in a closed metal box;

(g) the licensee shall ensure that all persons employed in the theatre are conversant with their duties in the event of an outbreak of fire and that fire practices are held not less than once in every month;

SECOND SCHEDULE—continued

(h) the prescribed authority may revoke this licence in the event of failure on the part of the licensee to observe the conditions hereof or the provisions of the Cinematograph Law or any regulations made thereunder, or of the building becoming unsafe, or of any material alteration being made in the theatre or projection room without the consent of the prescribed authority;

(i) (insert here such additional conditions relating to fire precautions as may be required by the prescribed authority under regulation 10 (1) of the Cinematograph Regulations).

THE CINEMATOGRAPH REGULATIONS

FORM G

Reg. 51.

OCCASIONAL THEATRE LICENCE

Licence is hereby granted to.....
of.....to exhibit
films on the premises known as.....and
situated at.....on the following dates—
.....
.....

This licence is issued subject to the observance by the licensee of the provisions of the Cinematograph Law and of the regulations made thereunder and of the conditions set out in this licence.

Signature.....
Prescribed Authority for (specify area)

Fee paid: Date.....

CONDITIONS

(a) The number of persons who may be admitted to use the seating accommodation shall not exceed.....

(b) The licensee shall display over the main entrance of the theatre a notice to the effect that the building has been licensed as a cinematograph theatre;

(c) All exits and fire-escapes shall, during the presence of the public in the theatre, be kept clear of obstructions;

(d) The licensee shall take all reasonable precautions for the prevention of accidents and shall comply strictly with the Cinematograph Regulations.

(e) no film may be removed from one part of the premises to another unless it is contained in a closed metal box;

(f) the prescribed authority may revoke this licence in the event of failure on the part of the licensee to observe the conditions hereof or the provisions of the Cinematograph Law or any regulations made thereunder;

(g) (insert here such additional conditions relating to fire precautions as may be required by the prescribed authority under regulation 10 (1) of the Cinematograph Regulations).

SECOND SCHEDULE—*continued*

THE CINEMATOGRAPH REGULATIONS

Reg. 58.

FORM H

Decision of Censorship Committee on an application for the approval of a film or poster.

On the application of.....the Censorship Committee has examined the film entitled/poster marked and permission to exhibit the said film/poster is hereby granted (subject to the excision of (specify part of film)) refused.

Members of the
Censorship
Committee

(Signatures)

(Date)

THE CINEMATOGRAPH REGULATIONS

Reg. 59 (1).

FORM K

To the President of the Board of Censors.

Whereas I am aggrieved by the refusal of a Censorship Committee consisting of (names of members of the Committee) to approve (identify film or part thereof or poster) I hereby notify you that I desire to appeal against such refusal and have paid into the Treasury the fee of one pound in respect of my appeal (Treasury Receipt

No.....,
dated....., 19....)

(Date)

(Signature)

THE CINEMATOGRAPH REGULATIONS

Reg. 59 (2).

FORM L

To the President of the Board of Censors.

Whereas I am of the opinion that the exhibition of (identify film or part thereof or poster) which has been approved by a Censorship Committee consisting of (names of members of Committee) is undesirable inasmuch as it depicts certain matter or contains certain words or expressions contrary to public order or decency (state either additionally or alternatively to the foregoing reasons any other reason why the exhibition of the film or part thereof or poster is considered undesirable) I hereby notify you that I desire to appeal to the Board of Censors against such approval.

(Signature).....

Minister.....

(Date)

CHAPTER 21

CLASSIFICATION OF CHIEFS LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Classification.
4. First-class Chiefs.
5. Second-class Chiefs, etc.

FIRST SCHEDULE — FIRST-CLASS CHIEFS

SECOND SCHEDULE — DISTRIBUTION OF SEATS
FOR SECOND-CLASS CHIEFS

CHAPTER 21

A Law to provide for the Classification of Chiefs in Eastern Nigeria for purposes of the Eastern House of Chiefs. E.R.N. 14 of 1959.
E.N.L.N. 79 of 1961.

[1st June, 1959]

1. This Law may be cited as the Classification of Chiefs Law. Short title.
2. In this Law—
“Chief” means a person who is for the time being recognized as a Chief under a law in force within the Region;
“Region” means Eastern Nigeria. Interpretation.
3. Chiefs in the Region shall, for purposes of the Eastern House of Chiefs, be classified into First, Second, Third and Fourth-class Chiefs. Classification.
4. First-class Chiefs (as set out in the First Schedule to this Law) shall consist of eight traditional Paramount Rulers of Arochuku, Bonny, Calabar, Kalabari, Nembe, Oguta, Onitsha, First-class Chiefs.

Opobo, and Chiefs appointed by the Governor from each of the Provinces in the Region.

Second-class
Chiefs, etc.

5. (1) Second, Third and Fourth-class Chiefs shall consist of the Clan Heads, Village Group Heads and Village Heads respectively.

(2) Second-class Chiefs (as set out in the Second Schedule to this Law) shall consist of not less than fifty-five Chiefs selected by and from among Clan Heads on the basis of one Chief for each Division, an additional Chief for a Division with a population of 250,000 or over and another additional Chief for a Division with a population of 400,000 or over.

(3) The Governor may by regulation make provision for the selection of persons as Second-class Chiefs to the House of Chiefs.

(Section 4)

FIRST SCHEDULE

THE FIRST-CLASS CHIEFS OF EASTERN NIGERIA

1. Amanyanabo of Bonny.
2. Amanyanabo of Kalabari.
3. Amanyanabo of Nembe.
4. Amanyanabo of Opobo.
5. Eze Aro of Arochuku.
6. Obi of Oguta.
7. Obi of Onitsha.
8. Obong of Calabar.
9. Representative of Abakaliki Province.
10. Representative of Annang Province.
11. Representative of Calabar Province.
12. Representative of Degema Province.
13. Representative of Enugu Province.
14. Representative of Ogoja Province.
15. Representative of Onitsha Province.
16. Representative of Owerri Province.
17. Representative of Port Harcourt Province.
18. Representative of Umuahia Province.
19. Representative of Uyo Province.
20. Representative of Yenagoa Province.

CHAPTER 21

CLASSIFICATION OF CHIEFS LAW

SUBSIDIARY LEGISLATION

Selection of Second-class Chiefs Regulations

E.R.L.N.
386 of 1959.
E.N.L.N.
51 of 1961.
52 of 1961.
124 of 1961.
125 of 1961.

made by the Governor, after consultation with the Executive Council, under section 31B of the Nigeria (Constitution) Orders in Council, 1954 to 1959; and amended by the Executive Council pursuant to subsection (3) of section 5 of the Classification of Chiefs Law

Citation and
commence-
ment.

1. These regulations may be cited as the Selection of Second-class Chiefs Regulations, 1959, and shall come into operation on the 24th day of December, 1959.

Definitions.

2. In these regulations—
“Administrative Officer” means the Administrative Officer in charge of a division and includes an Assistant District Officer or a Senior Government Officer acting on his behalf;

*The Classification of Chiefs Law commenced on the 1st June, 1959. Its section 5 (3) then read: “The Governor in Council may by regulation make provision” and so on as printed above. Under that provision the Governor in Council made the Election of Second-class Chiefs Regulations, 1959 (E.R.L.N. 186 of 1959), which came into operation on the 8th June, 1959.

On the 20th June, 1959, there came into operation an amendment (No. 2. of 1959) to the 1954 Constitutions which inserted in the Constitution section 31B, empowering the Governor to make regulations for the selection of Second-class Chiefs to be members of the House of Chiefs. These regulations here printed were made under that power and came into operation on the 24th December, 1959, and revoked the 1959 regulations of E.R.L.N. 186 of 1959.

On the 1st October, 1960, the 1960 Constitution came into operation. Section 5 of its 5th Schedule (the Constitution of Eastern Nigeria) provides in its subsection (1) (c) that the fifty-five Chiefs (i.e. the Second-class Chiefs) shall have such qualifications, and be selected in such manner, as may be prescribed by the Legislature.

The Interpretation Ordinance was amended on the 19th May, 1960, as far as the Eastern Region was concerned by the Interpretation Ordinance (Amendment) Law, 1960 (11 of 1960) which provided that “Governor in Council” should mean “Executive Council”.

The 1959 Regulations made under the former section 31B of the former Constitution have been amended from time to time in 1961 by regulations made by the Executive Council “pursuant to subsection (3) of section 5 of the Classification of Chiefs Law”.

Selection of Second-class Chiefs Regulations

"clan", for the purposes of these regulations, means a clan as shown in column 2 of the First Schedule to these regulations;

"House" means the Eastern House of Chiefs;

"Minister" means the Minister for the time being charged with responsibility for appointment and recognition of Chiefs;

"Second-class Chief" means the head of a clan, other than a First-class Chief, shown in column 2 of the First Schedule.

3. To qualify for selection as a Second-class Chief, the person to be selected must be a member of the clan for which he is selected as Second-class Chief:

Qualifications for selection of Second-class Chiefs.

Provided that the Second-class Chief to represent Port Harcourt Division in the House shall be appointed by the Governor on the recommendation of the Premier.

4. For the purpose of selecting Second-class Chiefs, the following rules shall apply—

Method of selection of Second-class Chiefs.

(a) on a date, place and time to be notified by the Administrative Officer in writing, the clan shall meet to identify or select the Second-class Chief:

Provided that where there are Village Heads or other generally accepted Chiefs, the Administrative Officer may, at his discretion, invite them to identify or select the Second-class Chief;

(b) if there is no dispute, the Administrative Officer shall declare the Second-class Chief as selected;

(c) in the case of a dispute or where it appears to the Administrative Officer that the person selected is not so entitled, he shall enquire into the case and make recommendations to the Minister who may refer the matter to the Executive Council;

(d) the date, place and time of selection shall also be announced by a bell or other means by which notice of important meetings is announced in the clan;

(e) provided the notice of the date, place and time of the selection is announced as in paragraphs (a) and (d) of this regulation no quorum is necessary.

Selection of
Second-
class Chiefs
for the
House of
Chiefs.

5. At a meeting to be known as the Divisional Meeting of Chiefs, all First and Second-class Chiefs who are heads of clans within a Division shall meet on a date, place and time to be notified in writing by the Administrative Officer to select from among the Second-class Chiefs such number, as is specified in the Second Schedule to these regulations, of Second-class Chiefs, who are to represent the Division in the House.

Method of
selection of
Second-
class Chiefs
for the
Eastern
House of
Chiefs.

6. For the purpose of selecting a Second-class Chief to the House the following provisions relating to notice, date, time and place of meeting, quorum, nomination, secret ballot, announcement of result of voting and appeal will apply—

- (a) the Administrative Officer shall summon by a notice in writing under his hand a meeting of all First and Second-class Chiefs who are heads of clans within a Division for the purpose of selecting their representatives in the House;
- (b) the said notice shall state the date, time and place of the said meeting and shall be served on each First and Second-class Chief who is a head of a clan at least three days before the date of the said meeting;
- (c) no selection of a Second-class Chief shall take place unless at least half of the number of the First and Second-class Chiefs entitled to be present are present at the said meeting;
- (d) if no quorum is formed the Administrative Officer shall postpone the selection and the provisions of paragraphs (a) and (b) of this regulation shall apply;
- (e) if a quorum is formed, the Administrative Officer shall proceed to call for nominations which must be proposed by one Second-class Chief and seconded by another Second-class Chief present at the meeting;
- (f) if the number of nominations does not exceed the number of seats, the Administrative Officer shall declare the Second-class Chief or Chiefs selected;
- (g) if the number of nominations exceeds the number of seats, the Administrative Officer shall proceed to conduct at the same time a secret ballot by the First and Second-class Chiefs present at the meeting, and shall there and then count the votes and announce the person or persons elected;

Selection of Second-class Chiefs Regulations

(h) any Second-class Chief dissatisfied with the decision of the Administrative Officer as to the validity of selection or election may within seven days from the date of the selection or election as the case may be appeal in writing stating the grounds of his objections to the Minister whose decision shall be final.

7. The selection or election of a person as a Member of the Eastern House under these regulations shall not be invalid by reason only that a person entitled to be present is absent from the meeting at which the selection or election is held. General.

8. No Second-class Chief shall be capable of being selected or elected to the House if he— Disqualification.

- (a) is under any acknowledgment of allegiance, obedience or adherence to any foreign Power or State; or
- (b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;
- (c) is under twenty-one years of age; or
- (d) is of unsound mind; or
- (e) holds any office of emolument under the State; or
- (f) has in the preceding five years been sentenced by a court in any part of the Commonwealth to death or to imprisonment by whatever name called for a term exceeding six months and has not received a free pardon.

9. No Second-class Chief shall take his seat in the House until he has been recognized by the Executive Council. Recognition.

10. The seat of a Second-class Chief in the House shall become vacant— Vacancies.

- (a) upon dissolution of the House; or
- (b) if he becomes a First-class Chief for the purposes of section 5 (1) (b) of the Constitution of Eastern Nigeria; or
- (c) if he becomes a Member of the House of Representatives; or
- (d) if Government withdraws recognition from him; or
- (e) if he resigns his seat in the House by writing under his hand addressed to the President; or
- (f) upon his death.

Classification of Chiefs

11. When the seat of a Second-class Chief falls vacant in the House, it shall remain vacant until the vacancy is filled by selection or election as the case may be in accordance with these regulations.

(Regulation 2)

FIRST SCHEDULE

| <i>Division</i> | <i>Clans</i> |
|------------------|---|
| Abakaliki | Ngbo Effium. Orri. Ezzagu. Ishieke. Igbeagu. Amagu. Mbalukwu-Inyimagu. Amaelu. Izzikworo. Kpakpaji. Umuaka. Ezzamgbo. Ishielu. Agba. Nkaliki/Achara. Agaja. Edda. Ezza Inyimagu. Ndieze-Inyimagu. Imoha. Izo Imoha. Mgbabo. Alike. |
| Afikpo | Erei. Ekoli Edda. Nguzu Edda. Owutu Edda. Afikpo. Okpoha. Okposi. Ukawu. Onicha. Oshiri. Akaeze. Unwana. Amaseri. Agbo. |

*Selection of Second-class Chiefs Regulations*FIRST SCHEDULE — *continued*

| <i>Division</i> | <i>Clans</i> |
|------------------------------|---|
| Afikpo— <i>continued</i> ... | Ugulangu. Uburu. Isu. Ishago. |
| Obubra ... | Nselle. Iyalla. Osopong. Adum. Yakurr. Igbo. Atam. Ofunbongha. Okum. Bahumunu. Ayiga. Agoi. |
| Abak ... | Abak. Edeinc. Otoro. Afaha Obong. Midim. Utu. Ito Ika. Achan Ika. Uruk. Ikon. Obong. Ika Na Annang. Ibesit. Ekparakwa. Ndot. Inen. Nung Ikot. Nung Ita. Abia Akpa. Northern Afaha. Southern Afaha. Northern Ukanafun. Southern Ukanafun. Adat Ifang. |
| Ikot Ekpene ... | Amanyani. Ikot Abia. Obot Akara. Nto Edino. Ikot Ekpene. |

*Classification of Chiefs*FIRST SCHEDULE—*continued*

| <i>Division</i> | <i>Clans</i> |
|-----------------------------------|--|
| Ikot Ekpene— <i>continued</i> ... | Adiasim. Ekpenyong Atai. Ikpe Annang. Ukana. Afaha. Oodoro Ikot. Okon. Urban District Council Area (Ikot Ekpene). |
| Calabar | Efik. Qua. Efut. Okonyong. Odot. Ejagham. Dusanga Iyong Iyong. |
| Degema | Kalabari. Oduai. Okrika. Bonny. |
| Awgu | Inyi. Awgu. Mgbowo. Aboh. Anike. Maku. Lengwo. Achi. Awlaw. Oduma. Agbaogugu. Ituku. Amaowell. Ugbo. Owelli. Ogugu. Ogbaku. Ihe. Okpanku. Mpu. Ugwueme. Enwen-Mgbidi. Obeagu. Isu-Agbudu. |

*Selection of Second-class Chiefs Regulations*FIRST SCHEDULE — *continued*

| <i>Division</i> | <i>Clans</i> |
|-----------------|--|
| Nsukka | Nkpologu. Lejja. Ekwegbe. Obimo. Obollo-Afor. Obollo-Ekc. Eha-Amufu-Uno. Eha-Amufu-Agu-Isu. Ovoko. Opi. Ohodo. Aku. Ukehe. Nsukka. Eteh. Itchi. Umuozzi. Umu-Itodo. Essodo/Ezzedo. Eketekelu. Udunedem. Imilike. Orba. Eha-Alumona. Uzoagu. Eha-Amufu. Ogrugu. Anyamelum. Ifite-Ogwari. Umulokpa. |
| Udi | Umuneke. Ugwuye. Ngwo. Oghe. Ugwuanaba. Ugbawka. Akpugo. Nike. Umuoshie. Ojebe-Ogenc. Olo-Oha. Owa. Mburubu. Amagunze. Awkunanaw. Idodo. |

*Classification of Chiefs*FIRST SCHEDULE—*continued*

| <i>Division</i> | | | <i>Clans</i> |
|-----------------|-----|-----|---|
| Ikom | ... | ... | Ofutop. Southern Etung. Nde. Abanyum. Olulumo. Ikom. Northern Etung. Akarabong. Nkum. Nnam. Abo. Boje. |
| Obudu | ... | ... | Bette. Obanliku. Utanga. Utugwang. Bendi. Eastern Boki. Bechevc. Ukpe-Alege. |
| Ogoja | ... | ... | Aferike. Bekworra. Nkim. Osokom. South Ukelle. Eastern Yalla. Yache-Gabu. Akajuk. Mbube. Nkum. Irruan. North Ukelle. Western Yalla. |
| Awka | ... | ... | Agulu. Agudo. Mbamesi. Achalla. Abagana. Mbailinofu. Orumba. |
| Onitsha | ... | ... | Ihiala. Nnewi. Orifite-Ichi. Okija-Irembosi. Edomani. |

*Selection of Second-class Chiefs Regulations*FIRST SCHEDULE—*continued*

| <i>Division</i> | ... | <i>Clans</i> |
|---------------------------|--------|---|
| Onitsha— <i>continued</i> | ... | Ugwuochi. Mbanesi. Ozubulu. Orsu. Atani. Osomari. Aguleri. Anam. Nzam. Mbanano. Nnobi. Idemili. Ogidi. Awkuzu. Nando-Umleri. Onitsha Urban. |
| Owerri | | Ezinihitte. Nguru. Okwuato. Enyiogugu. Ekwereazu. Oke-Ovoro. Ahiara. Ikeduru. Orodo. Ogbujiezenkwu. Igwewuike. Ogwa. Mbieri. Obike. Oyeagala-Nwanneya. Umuaro-Emerienwe. Okpala. Okwe. Awa Izombe. Oru. Egbema. Ohoba. Awara. Umuakpo. Uratta. Agbala. Alaenyi. Ara Umunwoha. Nekede Ihiagwa. Obudi Agwa. Owerri. Oguta. |

*Classification of Chiefs*FIRST SCHEDULE — *continued*

| <i>Division</i> | <i>Clans</i> |
|-----------------|---|
| Okigwi | Ihitte. Obowo. Ugboma. Ehime. Mbama. Nsu. Ugiri. Umukabia-Agbaja. Osu. Nneato Ogumezie. Otanchara-Otanzu. Isuochi. Nneato. Umuchezie. Uturu. Imenyi. Isuamawa. Oguduasa. Okigwi Town. |
| Orlu | Isu. Oru. Orsu. Mbanasa. Nwabosi. Ndizuogu. |
| Ahoda | Ikwerre. Ekpeye. Ogba. Etche. Engenni. Egbema. Abua. |
| Ogoni | Gokana. Bangh (Northern Khana). Tai. Baen. Babbe. Eleme. |
| Aba | Asa. Ndoki. Amaise. Mbutu. Nvosi. Ngwaobi. Ngwaukwu. |

*Selection of Second-class Chiefs Regulations*FIRST SCHEDULE—*continued*

| <i>Division</i> | <i>Clans</i> |
|------------------------------|--|
| Aba— <i>continued</i> | Nsulu. Ntigha. Okporoahaba. Omoba. Ovungwu. Ovuokwu. Umuoha. Ayaba Nabayi. Akuna-Imo. Ibeme. Mgboko Amiri. Mboko Itungwa. Mboko Umuanunu. Ndiakata. Ohanze. Abana Ohazu. Amasa. Amavo. Arongwa. Amairinano. Osokwa. Ugwunagbo. Uratia. |
| Bende | Ariam. Oboro. Aro. Isu. Ukwa. Alayi. Igbere. Itu. Umuhu. Ibeku. Olokoro. Umuhu-Ezechi. Abam. Nkporo. Ibere. Oloko. Ihe. Iwerri. Ututu. Bende. Item. Ozuitem. Umuimenyi. Okaiuga. |

*Classification of Chiefs*FIRST SCHEDULE—*continued*

| <i>Division</i> | <i>Clans</i> |
|-----------------------------|--|
| Bende— <i>continued</i> ... | Ubakala. Umuopara. Abiriba. Ohafia. |
| Eket | Afaha. Eket Offiong. Okon. Ibiakpan. Obotim. Ibeno. Okpo. Uboduo. Ukwong. Ibighi. Ebukhu. Okiose. Idua. Effiat. Odu Okobo. Eta Okobo. Afaha. Ise. Oniong Atek. Nung Ndem. Oniong Edor. Southern Imam (Awa). |
| Enyong | Ibiono. Enyong. Itu. Ikpanya. Eki. Oku. Ikono. Itak. Itu-Mbauzo. Umon. Ugwuakuma. Idere. Itam. Mbiabo. Ayadehe. Ediene. Ikpe. Mkalu. Egup-Ipa. Ubagbara. |

*Selection of Second-class Chiefs Regulations*FIRST SCHEDULE—*continued*

| <i>Division</i> | <i>Clans</i> |
|-----------------|---|
| Opobo | Abak-Midim. Ukpum Minya. Ikpa Ibom. Ikpa Ibekwe. Edemaya. Ukpum Okon. Opobo Town. Unyeda. Ibesit-Nung Ikot. Ikpa Ikono. Ibiaku. Ikpa Nung Asang. Ukpum Ete. Ngo. Eastern Obolo. |
| Uyo | Eastern Nsit. Ibesikpo. Uruan. Ikono. Oku. Asutan Ekpe. Iman. Etoi. Offot. Western Nsit. |
| Brass | Nembe. Ogbia. Epie. Atissa. Ekpetiama. Gbaran. Okordia. Buseni. Opokuma. Ogboin. Trakiri. Oporoma. Bomo. Olodiama. Apoi. Bassan. Akassa. Kolokuma. Zarama. |

(Regulation 5)

SECOND SCHEDULE

DISTRIBUTION OF SEATS FOR SECOND-CLASS CHIEFS

| | |
|------------------------------|---|
| Aba Division | 3 |
| Abak Division | 1 |
| Abakaliki Division | 4 |
| Afikpo Division | 2 |
| Ahoada Division | 2 |
| Awgu Division | 1 |
| Awka Division | 2 |
| Bende Division | 3 |
| Brass Division | 1 |
| Calabar Division | 1 |
| Degema Division | 1 |
| Eket Division | 1 |
| Enyong Division | 1 |
| Ikot Ekpene Division | 1 |
| Ikom Division | 1 |
| Nsukka Division | 4 |
| Obubra Division | 1 |
| Obudu Division... .. | 1 |
| Ogoja Division | 1 |
| Ogoni Division | 1 |
| Okigwi Division... .. | 3 |
| Onitsha Division | 4 |
| Opobo Division | 1 |
| Orlu Division | 3 |
| Owerri Division... .. | 5 |
| Port Harcourt Division... .. | 1 |
| Udi Division | 3 |
| Uyo Division | 2 |

CHAPTER 22

COLLECTIVE PUNISHMENT LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Fine on villages, etc., accessory to crime.
4. Fine on villages where homicide is committed or attempted.
5. Power to return whole or part of fine after period of good behaviour.
6. Power to order delivery up of arms.
7. Governor may determine limits of village or district, or define tribe or community.
8. Proceedings to enforce payment of fine.
9. Inquiry under this Law.
10. Finality of orders.

CHAPTER 22

A Law to provide for the imposition of Fines on Villages and Communities in certain cases.

L. of N.
1948,
Cap. 34.
N.L.N.
131 of 1954,
N. 16 of
1950 (sec.
244 and
Sixth
Schedule).

[24th November, 1915]

1. This Law may be cited as the Collective Punishment Law. Short title.

2. In this Law— Interpreta-
tion.
“arms” includes arms of precision and any weapon discharging a projectile by explosion, and any part of such weapon, and also swords, cutlasses, spears, daggers, bows and arrows;
“arms of precision” includes magazine guns, rifles, breach loaders, cap-guns, flint-locks with rifled barrels, revolvers, pistols, air guns and air pistols, or any part or parts thereof.

Fine on
villages, etc.,
accessory to
crime.

3. The Governor may impose fines on all or any inhabitants of any village or district or members of any tribe or community if, after inquiry, he finds—

- (a) that they have colluded with any criminal, or harboured, or rescued, or attempted to rescue, or failed to take all reasonable means to prevent the escape of, any criminal or any person accused of having committed a crime concerning whom a public announcement had previously been made within the limits of their village or district by an authorized emissary of an administrative officer or of a local government council;
- (b) that they have suppressed, or combined to suppress, evidence in any criminal case, investigation, or inquiry, or in any inquest;
- (c) that stolen property, or property which might reasonably be suspected of being the proceeds, or part of the proceeds, of a theft concerning which a public announcement had previously been made in the manner specified in paragraph (a), having been traced to within the limits of their village or district, they have failed or neglected to restore the property or to take on the track beyond the limits of such village or district;
- (d) that they have wilfully disobeyed, or neglected or refused to carry out, any lawful order given to them by an administrative officer or a local government council;
- (e) that their conduct has been such as to require the bringing of soldiers or police to the village or district or the employment of soldiers or police against them for the purposes of preventing or suppressing disturbances, or enforcing lawful orders or the payment of taxes leviable under any law;

and may order the whole or any part of the fines recovered under the provisions of paragraphs (a), (b) and (c) to be applied in compensation for the injury caused by the offence of which the criminal is accused or to which the criminal case, investigation, inquiry, or inquest relates, or in compensation to the owner of the stolen property.

4. (1) Where within any village or district a person is unlawfully killed, or dangerously wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the Governor may impose a fine on all or any of the inhabitants of such village or district or the members of any tribe or community resident therein unless they can show that they did not take part in the commission of the offence and either—

Fine on villages where homicide is committed or attempted.

- (a) had not an opportunity of preventing the offence or arresting the offender; or
- (b) have used all reasonable means to bring the offender to justice.

(2) The Governor may order the whole or any part of a fine recovered under the provisions of this section to be paid as compensation to the person wounded or to the members of the family of the person killed.

5. The Governor may, either by the order imposing the fine or by a subsequent order, direct that the whole or any part of the fine recovered under the provisions of this Law shall be repaid to the persons paying such fine provided that they shall have kept the peace and been of good behaviour for such period as the Governor may determine; and any such order may be subsequently varied by a further order of the Governor curtailing or extending such period.

Power to return whole or part of fine after period of good behaviour.

6. In addition to or in lieu of a fine the Governor may order all or any inhabitants of any village or district or members of any tribe or community who have been guilty of an offence against any of the provisions of any of the foregoing sections to deliver up such number of arms as may be ordered to such officer as may be specified.

Power to order delivery up of arms.

7. The Governor may determine the limits of a village or district or define a tribe or community for the purposes of any order under this Law.

Governor may determine limits of village or district, or define tribe or community.

8. If the fines or any part of them are not paid within twenty-one days next after the date fixed for payment thereof, it shall be lawful for the Governor to direct that a distress be

Proceedings to enforce payment of fines.

levied upon the movable and immovable property of all or any of the persons upon whom the fines have been imposed in respect of the amount then remaining unpaid.

Inquiry
under this
Law.
(Cap. 31)

9. (1) An inquiry under this Law shall be conducted in the same manner, as far as may be, as an inquiry under Part XLIX of the Criminal Procedure Law.

(2) The Governor may in any case direct that an inquiry under this Law shall be conducted by two or more officers sitting together.

Finality of
orders.

10. An appeal shall not lie from any order made under this Law, which shall be final and shall not be liable to be contested by suit or otherwise.

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 23
COMEY SUBSIDIES LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Comey subsidies extinguished.
4. Annual grants to be made in lieu of comey subsidies.
5. Certificates in respect of comey subsidies paid before the appointed day.
6. Scheduled authorities to make annual payments.
7. Payment of arrears to authorities.
8. Minister may amend or vary the Third Schedule.
9. Previous certificates cancelled.

FIRST SCHEDULE—LIST OF TREATIES

SECOND SCHEDULE—TREATY TOWNS

THIRD SCHEDULE—GRANTS IN LIEU OF COMEY SUBSIDIES
AND APPLICATION THEREOF

CHAPTER 23

A Law to make provision for the Payment of annual grants in substitution for Comey Subsidies and for matters connected therewith.

E.R.N.
22 of 1955,
9 of 1957.
E.N. 26
of 1960.
E.N.L.N.
79 of 1961.

[1st July, 1955]

WHEREAS between the years 1837 and 1892 certain instruments particulars whereof are specified in the First Schedule hereto made on behalf of Her Britannic Majesty Queen Victoria of the one part and the Chiefs and people therein respectively mentioned of the other part provided for the regulation of trade carried on by the subjects of Her Majesty in the districts of Brass, Bonny, Old Calabar, New

Calabar and Opobo and for the payment of certain duties therein referred to as comey by the supercargoes of vessels trading in the waters adjacent thereto:

AND WHEREAS in the year 1885 the districts aforesaid were brought under the protection and the jurisdiction of Her Majesty under the name of the Oil Rivers Protectorate:

AND WHEREAS between the years 1888 and 1891 the comey duty provided for in the said treaties was abolished and in the year 1891 an import duty was with the consent of the Chiefs and people of the said districts imposed payable to the Government of the said Protectorate:

AND WHEREAS since the year 1892 sums of money have from time to time been paid by the Government of the said Protectorate and the Governments established in succession thereto to certain Chiefs and other inhabitants of the said towns called comey subsidies or expressed to be subsidies in lieu of comey duty:

AND WHEREAS it is expedient that the said subsidies should cease to be payable and that all rights and obligations in respect thereof should be extinguished and that in substitution therefor there should be paid to the authorities having jurisdiction over the area in which the said towns are situate an annual grant to be applied for the benefit of the inhabitants thereof.

- | | |
|-------------------------------|---|
| Short title. | 1. This Law may be cited as the <i>Comey Subsidies Law</i> . |
| Interpretation. | 2. In this Law— “comey subsidy” means a sum of money payable or expressed to be payable as a comey subsidy or as a subsidy in lieu of the comey duty payable in accordance with the instruments specified in the First Schedule; |
| First Schedule. | “the Minister” means the Minister for the time being charged with responsibility for Internal Affairs; |
| Third Schedule. | “scheduled authority” means an authority specified in the first column of the Third Schedule; |
| Second Schedule. | “treaty town” means a town specified in the Second Schedule. |
| Comey subsidies extinguished. | 3. All obligations of the Government to pay, and all rights of any person, whether in a representative capacity or otherwise, to receive, any comey subsidy shall cease and be |

Comey Subsidies

extinguished with effect from a day to be appointed by the Governor by notice in the *Eastern Nigeria Gazette* hereinafter referred to as "the appointed day").

4. Commencing from the appointed day, there shall be paid out of the Consolidated Revenue Fund of Eastern Nigeria to the authorities named in the first column of the Third Schedule the respective annual grants specified in the second column of the Third Schedule which shall, subject to the provisions of section 6, be held and administered by the said authorities for the respective purposes set out in the third column of the Third Schedule.

Annual grants to be made in lieu of comey subsidies. Third Schedule.

5. (1) Where the Accountant-General is satisfied that a person was, during the period of one year immediately preceding the appointed day, entitled to the payment of a sum of money out of general revenue by way of comey subsidy, he shall issue to such person a certificate certifying the amount of the comey subsidy to which he was entitled for that year and the treaty town in respect of which he was entitled to the payment of such comey subsidy.

Certificates in respect of comey subsidies paid before the appointed day.

(2) Subject to the provisions of subsection (1) a certificate issued under the provisions of this section shall be in such form as the Accountant-General shall think fit and such certificate shall be conclusive and shall not be questioned in any court.

6. (1) Upon production of a certificate issued under the provisions of section 5 to the scheduled authority having jurisdiction in the treaty town specified in such certificate, there shall be paid, out of the grant payable to that scheduled authority under the provisions of section 4, to the person named in the certificate an annual sum equivalent to the amount of the payment specified in the certificate.

Scheduled authorities to make annual payments.

(2) Such annual sum shall continue to be paid in equal instalments quarterly in arrear.

(3) Such annual sum shall continue to be paid during the lifetime of the person named in the certificate but not thereafter, and such sum shall be applied by him in the same manner as any sums received by him by way of comey subsidy prior to the commencement of this Law.

*The appointed day was 2nd August, 1955 (E.R.N. 508 of 1955).

Fine on
villages, etc.,
accessory to
crime.

3. The Governor may impose fines on all or any inhabitants of any village or district or members of any tribe or community if, after inquiry, he finds—

- (a) that they have colluded with any criminal, or harboured, or rescued, or attempted to rescue, or failed to take all reasonable means to prevent the escape of, any criminal or any person accused of having committed a crime concerning whom a public announcement had previously been made within the limits of their village or district by an authorized emissary of an administrative officer or of a local government council;
- (b) that they have suppressed, or combined to suppress, evidence in any criminal case, investigation, or inquiry, or in any inquest;
- (c) that stolen property, or property which might reasonably be suspected of being the proceeds, or part of the proceeds, of a theft concerning which a public announcement had previously been made in the manner specified in paragraph (a), having been traced to within the limits of their village or district, they have failed or neglected to restore the property or to take on the track beyond the limits of such village or district;
- (d) that they have wilfully disobeyed, or neglected or refused to carry out, any lawful order given to them by an administrative officer or a local government council;
- (e) that their conduct has been such as to require the bringing of soldiers or police to the village or district or the employment of soldiers or police against them for the purposes of preventing or suppressing disturbances, or enforcing lawful orders or the payment of taxes leviable under any law;

and may order the whole or any part of the fines recovered under the provisions of paragraphs (a), (b) and (c) to be applied in compensation for the injury caused by the offence of which the criminal is accused or to which the criminal case, investigation, inquiry, or inquest relates, or in compensation to the owner of the stolen property.

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Fine on villages where homicide is committed or attempted.

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(2) The Governor may order the whole or any part of a fine recovered under the provisions of this section to be paid as compensation to the person wounded or to the members of the family of the person killed.

5. The Governor may, either by the order imposing the fine or by a subsequent order, direct that the whole or any part of the fine recovered under the provisions of this Law shall be repaid to the persons paying such fine provided that they shall have kept the peace and been of good behaviour for such period as the Governor may determine; and any such order may be subsequently varied by a further order of the Governor curtailing or extending such period.

Power to return whole or part of fine after period of good behaviour.

6. In addition to or in lieu of a fine the Governor may order all or any inhabitants of any village or district or members of any tribe or community who have been guilty of an offence against any of the provisions of any of the foregoing sections to deliver up such number of arms as may be ordered to such officer as may be specified.

Power to order delivery up of arms.

7. The Governor may determine the limits of a village or district or define a tribe or community for the purposes of any order under this Law.

Governor may determine limits of village or district, or define tribe or community.

8. If the fines or any part of them are not paid within twenty-one days next after the date fixed for payment thereof, it shall be lawful for the Governor to direct that a distress be

Proceedings to enforce payment of fines.

levied upon the movable and immovable property of all or any of the persons upon whom the fines have been imposed in respect of the amount then remaining unpaid.

Inquiry
under this
Law.
(Cap. 31)

9. (1) An inquiry under this Law shall be conducted in the same manner, as far as may be, as an inquiry under Part XLIX of the Criminal Procedure Law.

(2) The Governor may in any case direct that an inquiry under this Law shall be conducted by two or more officers sitting together.

Finality of
orders.

10. An appeal shall not lie from any order made under this Law, which shall be final and shall not be liable to be contested by suit or otherwise.

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[1st July, 1955]

WHEREAS between the years 1837 and 1892 certain instruments particulars whereof are specified in the First Schedule hereto made on behalf of Her Britannic Majesty Queen Victoria of the one part and the Chiefs and people therein respectively mentioned of the other part provided for the regulation of trade carried on by the subjects of Her Majesty in the districts of Brass, Bonny, Old Calabar, New

Calabar and Opobo and for the payment of certain duties therein referred to as comey by the supercargoes of vessels trading in the waters adjacent thereto:

AND WHEREAS in the year 1885 the districts aforesaid were brought under the protection and the jurisdiction of Her Majesty under the name of the Oil Rivers Protectorate:

AND WHEREAS between the years 1888 and 1891 the comey duty provided for in the said treaties was abolished and in the year 1891 an import duty was with the consent of the Chiefs and people of the said districts imposed payable to the Government of the said Protectorate:

AND WHEREAS since the year 1892 sums of money have from time to time been paid by the Government of the said Protectorate and the Governments established in succession thereto to certain Chiefs and other inhabitants of the said towns called comey subsidies or expressed to be subsidies in lieu of comey duty:

AND WHEREAS it is expedient that the said subsidies should cease to be payable and that all rights and obligations in respect thereof should be extinguished and that in substitution therefor there should be paid to the authorities having jurisdiction over the area in which the said towns are situate an annual grant to be applied for the benefit of the inhabitants thereof.

- | | |
|-------------------------------|---|
| Short title. | 1. This Law may be cited as the <i>Comey Subsidies Law</i> . |
| Interpretation. | 2. In this Law— “comey subsidy” means a sum of money payable or expressed to be payable as a comey subsidy or as a subsidy in lieu of the comey duty payable in accordance with the instruments specified in the First Schedule; |
| First Schedule. | “the Minister” means the Minister for the time being charged with responsibility for Internal Affairs; |
| Third Schedule. | “scheduled authority” means an authority specified in the first column of the Third Schedule; |
| Second Schedule. | “treaty town” means a town specified in the Second Schedule. |
| Comey subsidies extinguished. | 3. All obligations of the Government to pay, and all rights of any person, whether in a representative capacity or otherwise, to receive, any comey subsidy shall cease and be |

Comey Subsidies

extinguished with effect from a day to be appointed by the Governor by notice in the *Eastern Nigeria Gazette* hereinafter referred to as "the appointed day").

4. Commencing from the appointed day, there shall be paid out of the Consolidated Revenue Fund of Eastern Nigeria to the authorities named in the first column of the Third Schedule the respective annual grants specified in the second column of the Third Schedule which shall, subject to the provisions of section 6, be held and administered by the said authorities for the respective purposes set out in the third column of the Third Schedule.

Annual grants to be made in lieu of comey subsidies. Third Schedule.

5. (1) Where the Accountant-General is satisfied that a person was, during the period of one year immediately preceding the appointed day, entitled to the payment of a sum of money out of general revenue by way of comey subsidy, he shall issue to such person a certificate certifying the amount of the comey subsidy to which he was entitled for that year and the treaty town in respect of which he was entitled to the payment of such comey subsidy.

Certificates in respect of comey subsidies paid before the appointed day.

(2) Subject to the provisions of subsection (1) a certificate issued under the provisions of this section shall be in such form as the Accountant-General shall think fit and such certificate shall be conclusive and shall not be questioned in any court.

6. (1) Upon production of a certificate issued under the provisions of section 5 to the scheduled authority having jurisdiction in the treaty town specified in such certificate, there shall be paid, out of the grant payable to that scheduled authority under the provisions of section 4, to the person named in the certificate an annual sum equivalent to the amount of the payment specified in the certificate.

Scheduled authorities to make annual payments.

(2) Such annual sum shall continue to be paid in equal instalments quarterly in arrear.

(3) Such annual sum shall continue to be paid during the lifetime of the person named in the certificate but not thereafter, and such sum shall be applied by him in the same manner as any sums received by him by way of comey subsidy prior to the commencement of this Law.

*The appointed day was 2nd August, 1955 (E.R.N. 508 of 1955).

Payment of
arrears to
authorities.

7. (1) The Minister may direct that there shall be paid out of the Consolidated Revenue Fund of Eastern Nigeria to a scheduled authority any arrears of comey subsidy payable in respect of the treaty town in which the authority has jurisdiction, and any sums so paid shall be held and applied by the authority in the same manner as a grant to such authority made in accordance with the provisions of section 4.

(2) The payment to an authority as aforesaid shall operate as a complete discharge of the Government from all liability to the extent of the arrears so paid.

Minister
may amend
or vary the
Third
Schedule.

8. The Minister may by order, from time to time, amend or vary the provisions contained in the Third Schedule, but so that none of the grants specified in the second column of that Schedule shall be diminished and none of the purposes specified in the third column of that Schedule shall be varied.

Cancellation
of certificates
issued before
26th April,
1957.*

9. Notwithstanding any provision of this Law any certificate issued under its provision before the 26th day of April, 1957, is hereby cancelled and declared to be null and void.

FIRST SCHEDULE

LIST OF TREATIES

Section 2.

| <i>Date of Treaty</i> | <i>Parties</i> |
|--------------------------|---|
| 2nd October, 1850 ... | Chiefs of New Calabar, Her Britannic Majesty's Consul for the Bights of Benin and Biafra and the masters of certain British ships. |
| 3rd October, 1850 ... | King and Chiefs of the River Bonny, Her Britannic Majesty's Consul for the Bights of Benin and Biafra and the masters of certain British ships. |
| 4th April, 1851 ... | Her Britannic Majesty's Consul for the Bights of Benin and Biafra and others and the Chiefs and Principals of the River Benin. |
| 19th September, 1856 ... | Chiefs of Old Calabar, Her Britannic Majesty's Consul for the Bights of Benin and Biafra, and the masters of certain British ships. |
| 17th November, 1856 ... | Chiefs and people of Brass and Her Britannic Majesty's Consul for the Bight of Biafra. |
| 5th May, 1862 ... | Chiefs of Old Calabar, Her Britannic Majesty's Consul for the Bights of Benin and Biafra, and the masters of certain British ships. |

*The provisions of this section were added by No. 9 of 1957, which came into operation on the 26th day of April, 1957.

*Comey Subsidies*FIRST SCHEDULE—*continued*

| <i>Date of Treaty</i> | <i>Parties</i> |
|-----------------------|--|
| 2nd April, 1863 ... | ... The Governor and Commander-in-Chief over the Settlement of Lagos and its Dependencies, Her Britannic Majesty's Consul for the Bight of Benin and the Chiefs of the Benin River. |
| 4th January, 1873 ... | ... King of Opobo, Her Britannic Majesty's Consul for the Bights of Benin and Biafra, and the Commander-in-Chief of Her Britannic Majesty's Naval Force on the West Coast of Africa Station. |

SECOND SCHEDULE

TREATY TOWNS

Section 2.

Abonnema, Bakana, Buguma, Bonny, Calabar, Nembe, Opobo and Twon.

THIRD SCHEDULE—GRANTS IN LIEU OF COMEY
SUBSIDIES AND APPLICATION THEREOF

Section 4.

| Authority | Amount of Grant | Purposes to which grant shall be applied |
|---------------------------------|-----------------|---|
| Nembe County Council | £ 90 | For the benefit of the inhabitants of Nembe and Twon. |
| Kalabari County Council | 420 | For the benefit of the inhabitants of Buguma, Abonnema and Bakana. |
| Bonny County Council | 450 | For the benefit of the inhabitants of Bonny. |
| Opobo Town Urban County Council | 500 | For the benefit of the inhabitants of Opobo. |
| Calabar Urban County Council | 400 | For the benefit of the members of the following communities— Duke Town, Henshaw Town, Archibong Town, Cobham Town. |
| Western Calabar County Council | 140 | For the benefit of the inhabitants of Creek Town. |

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 24

COMMISSIONS OF INQUIRY LAW

Arrangement of Sections

Section

1. Short title.
 2. Matters in respect of which Governor may exercise powers.
 3. (1) Power to issue commissions of inquiry.
(2) Particulars of commission.
(3) Inquiry normally.
 4. New commissioners and alterations.
 5. Commissions not affected by change of Governor.
 6. Oath of members.
 7. (1) Procedure.
(2) Chairman's casting vote.
 8. Powers of commissioners with regard to the obtaining of evidence and conduct of proceedings.
 9. (1) Form of summons.
(2) Form of warrant.
 10. Interpreters.
 11. Use of evidence taken under this Law in judicial proceedings.
 12. Penalty for threats to witnesses.
 13. False evidence and false interpretation.
 14. Penalty for failing to give evidence.
 15. Penalty for refusing to take oath or give evidence by persons in attendance as a witness.
 16. Appearance of counsel.
 17. Definition of contempt.
 18. Proceedings in respect of contempt generally.
 19. Procedure in respect of contempt not in presence of commissioners.
 20. Witnesses' fees and interpreters' remuneration.
 21. Report.
 22. Protection of commissioners.
 23. Governor may restrict powers of commissioners.
-

CHAPTER 24

A Law to provide for the holding of Commissions of Inquiry.

L. of N.
1948,
Cap. 37.
N. 16 of
1950, sec.
224.
N.L.N. 131
of 1954.
N.L.N. 47
of 1955.
E.R.N. 14
of 1958.

[22nd February, 1940]

Short title.

1. This Law may be cited as the Commissions of Inquiry Law.

Matters in respect of which Governor may exercise powers.

2. The powers conferred by this Law upon the Governor may be exercised by him in respect of any matter within the competence of the Legislature of Eastern Nigeria.

Power to issue commissions of inquiry.

3. (1) The Governor may, whenever he shall deem it desirable, issue a commission appointing one or more commissioners, and authorizing such commissioners, or any quorum of them therein mentioned, to hold a commission of inquiry into the conduct of any officer in the public service of Eastern Nigeria, or of any chief, or the management of any department of the public service, or of any local institution, or into any matter in respect of which, in his opinion, an inquiry would be for the public welfare. The Governor may appoint a secretary to the commission, who shall perform such duties as the commissioners shall prescribe.

Particulars of commission.

(2) Each commission shall specify the subjects of inquiry, and may, in the discretion of the Governor, if there is more than one commissioner, direct which commissioner shall be chairman, and direct where and when such inquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed.

Inquiry normally.

(3) Such inquiry shall, subject to the powers of the commissioners under section 8, be held in public, unless the Governor shall give a direction to the contrary, but the commissioners shall nevertheless be entitled to exclude any particular person for the preservation of order, for the due conduct of the inquiry, or for any other reason.

4. In case any person appointed to act on a commission shall be or become unable to act, the Governor may appoint another person in his place, and any such commission may be altered or revoked, as the Governor may see fit.

New commissioners and alterations.

5. No commission issued under this Law shall lapse by reason of, or be otherwise affected by, the death, absence or removal of the Governor issuing the same.

Commissions not affected by change of Governor. Oath of members.

6. (1) Every commissioner appointed under this Law shall make and subscribe an oath that he will faithfully and impartially and to the best of his ability discharge the duties devolving upon him by virtue of such commission, and, if the inquiry should not be held in public, that he will not divulge the proceedings or the vote or opinion of any commissioner.

(2) Such oath may be taken before the Governor, or before such person as the Governor may appoint, and shall be attached to the proceedings in the inquiry.

7. (1) The commissioners may make such rules for the conduct of the proceedings, the time and place of meeting and of adjournment as they may think fit, subject to the terms of their commission.

Procedure.

(2) If the commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the commission, the chairman of the commission shall have a second or casting vote.

Chairman's casting vote.

8. The commissioners shall have the following powers—

- (a) to procure all such evidence, written or oral, and to examine all such persons as witnesses as the commissioners may think it necessary or desirable to procure or examine;
- (b) to require the evidence (whether written or oral) of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in a magistrate's court;
- (c) to summon any person in Nigeria to attend any meeting of the commissioners to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

Powers of commissioners with regard to the obtaining of evidence and conduct of proceedings.



- (d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the commissioners, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such person a sum not exceeding five pounds, such fine to be recoverable in the same manner as a fine imposed by a magistrate's court;
- (e) to admit any evidence, whether written or oral, which might be admissible in civil or criminal proceedings;
- (f) to admit or exclude the public or any member of the public from any meeting of the commissioners;
- (g) to admit or exclude the press from any meeting of the commissioners;
- (h) to award any person who has attended any meeting of the commissioners, including any interpreter appointed under section 10 of this Law, such sum or sums as in the opinion of the commissioners may have been reasonably expended by him by reason of such attendance;
- (i) to enter upon any land, whether State land, communal lands, lands at the disposal of any local government council, land occupied by any person or community or unoccupied lands for the purpose of obtaining evidence or information required by, or which may be required by, or which may be of assistance to, the commissioners:

Provided that the commissioners shall withhold the exercise of any power under this section if the President or the Governor shall certify to them that the exercise of such a power would in his opinion encroach unduly upon the territorial or other jurisdiction of the Government of the Federation or of Eastern Nigeria.

Form of
summons.
Form A.

9. (1) Summonses to witnesses may be as in Form A in the Schedule and shall be served by the police, or by such person as the commissioners may direct.

Form of
warrant.
Form B.

(2) A warrant to arrest a person who has failed to obey a summons to attend as a witness may be as in Form B in the

Schedule and may be executed by any member of the police force. Where the person to be arrested is subject to the jurisdiction of a local government council such warrant may also be executed by any person authorized by a local government council to effect arrests.

10. (1) The commissioners shall have the power to appoint any person, whether in the Government service or not, to act as interpreter in any matter brought before them and to translate any books, papers or writings produced to them. Interpreters.

(2) Any interpreter under this section shall take and subscribe the following oath, or, as the case may be, make and subscribe before the commissioners the following affirmation or declaration—

“I,, do swear (or solemnly affirm or declare) that I will faithfully perform the duties of interpreter, and will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and that I will not except as authorized by the commissioners directly or indirectly reveal the contents of such documents as may be entrusted to me, nor the evidence given by witnesses which may have been interpreted by me.”

11. No evidence taken under this Law shall be admissible against any person in any civil or criminal proceedings whatever, except in the case of a person charged under section 13 of this Law with giving false evidence before the commissioners. Use of evidence taken under this Law in judicial proceedings.

12. (1) Any person who threatens, insults or injures any person for having given evidence, or on account of the evidence which he has given before the commissioners, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years. Penalty for threats to witnesses.

(2) Any person who hinders or attempts to hinder any person from giving evidence before the commissioners or by threats deters or attempts to deter any person from giving such evidence, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

False evidence and false interpretation.

13. (1) Any person who shall give false evidence before the commissioners, upon oath or declaration as provided for in section 8 (b) of this Law, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

(2) Any person who, being appointed by the commissioners to act as interpreter in any matter brought before them or to translate any documents produced to them, and having taken the oath or made the affirmation or declaration prescribed in section 10 of this Law, shall wilfully give a false interpretation of any evidence or make an untrue translation of any such document, shall be guilty of an offence and shall be liable upon summary conviction to imprisonment for two years.

Penalty for failing to give evidence.

14. Any person who being summoned to attend as a witness or produce a book, document or any other thing refuses or neglects to do so or to answer any question put to him by or with the concurrence of the commissioners shall be liable—

- (a) to a fine of five pounds to be imposed by the commissioners and recoverable in the same manner as a fine imposed by a magistrate's court; or
- (b) on summary conviction to a fine of fifty pounds:

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence written by him for or given by him before the commissioners, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice and no person shall be punished under both paragraph (a) and paragraph (b) of this section in respect of the same offence.

Penalty for refusing to take oath or give evidence by person in attendance as a witness.

15. Any person who, being in attendance as a witness, refuses to take an oath legally required by the commissioners to be taken or to produce any document in his power or control legally required by the commissioners to be produced by him, or to answer any question to which the commissioners may legally require an answer shall be liable—

- (a) on summary conviction before a court of competent jurisdiction to a fine of fifty pounds; or
- (b) on the order of the commissioners to a fine of five pounds.

16. Any person whose conduct is the subject of inquiry under this Law or who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may by leave of the commissioners be represented in manner aforesaid.

Appearance of counsel.

17. The following shall be deemed to be an act of contempt within the meaning of this Law—

Definition of contempt.

(a) any act of disrespect and any insult or threat offered to the commissioners or any of them while sitting in commission;

(b) any act of disrespect and any insult or threat offered to a commissioner at any other time and place on account of his proceedings in his capacity as a commissioner.

18. (1) Any person who commits an act of contempt, whether the act is or is not committed in the presence of the commissioners sitting in commission, shall be liable—

Proceedings in respect of contempt generally.

(a) on summary conviction before a court of competent jurisdiction to a fine of one hundred pounds; or

(b) on the order of the commissioners to a fine of ten pounds:

Provided that no fine shall be imposed by the commissioners under this subsection until the commissioners shall have heard the offender in his defence.

(2) Any fine imposed by the commissioners under subsection (1) shall be recoverable in the same manner as a fine imposed by a magistrate's court.

(3) An appeal shall lie to the High Court on a point of law and also on fact against an order of the commissioners under subsection (1) as if such order were a decision of a magistrate against which an appeal lay.

19. (1) Where an act of contempt is alleged to have been committed but not in the presence of the commissioners sitting in commission the commissioners may summon the offender to appear before them at a time and place to be specified in such summons, there to show cause why he should not be judged to have committed an act of contempt and be dealt with accordingly.

Procedure in respect of contempt not in presence of commissioners.

(2) If any person who has been summoned in accordance with subsection (1) hereof fails to attend at the time and place specified in the summons, the commissioners may issue a warrant to compel the attendance of such person and order such person to pay all costs which may have been occasioned in compelling his attendance and may also fine such person a sum of five pounds, such fine to be recoverable in the same manner as a fine imposed by a magistrate's court.

(3) The summons under subsection (1) and the warrant issued under subsection (2) may respectively be as in Forms C and D in the Schedule.

(4) The summons shall be served by the police or by such person as the commissioners may direct.

Form C.
Form D.

Witnesses' fees and interpreters' remuneration.

20. (1) Witnesses and other persons, other than interpreters, attending at the request of or upon summons by the commissioners shall, subject to any order made by the commissioners, be entitled to like expenses as if summoned to attend the High Court in a criminal trial.

(2) Interpreters shall receive such remuneration as the commissioners may direct.

(3) The payment to witnesses, other persons and to interpreters shall be made out of the public revenue.

Report.

21. The commissioners shall make and furnish to the Governor a full report in writing of their proceedings, and shall record an opinion and reasons leading to their conclusions. Any commissioner dissenting from the conclusions, or any part thereof, shall note the reason for such dissent.

Protection of commissioners.

22. No commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner.

Governor may restrict powers of commissioners.

23. (1) When issuing any commission the Governor, if he considers it advisable to do so, may direct that the commissioners shall not exercise all the powers conferred on them by this Law.

(2) Any such directions shall be in writing and shall specify which powers the commissioners are not to exercise.

(3) On receipt of such directions the commissioners shall perform their duty as if the powers specified in such directions had not been conferred by this Law upon commissioners appointed under this Law.

Commissions of Inquiry

SCHEDULE

FORM A

COMMISSIONS OF INQUIRY LAW
(Eastern Nigeria)

SUMMONS TO WITNESS UNDER SECTION 9 OF THE COMMISSIONS OF INQUIRY LAW Section 9.

To A. B. (*name of person summoned, and his calling and residence, if known*).

You are hereby summoned to appear before (*here name the commissioners*) appointed by the Governor to inquire (*state briefly the subject of the inquiry*) at (*place*) upon the _____ day of _____, 19____, at _____ o'clock, and to give evidence respecting such inquiry (*if the person summoned is to produce any documents, add*) and you are required to bring with you (*specify the books and documents required*). Therefore fail not at your peril.

Given under my hand this _____ day of _____, 19____.

Commissioner

FORM B

COMMISSIONS OF INQUIRY LAW
(Eastern Nigeria)

WARRANT OF ARREST Section 9.

To P. C. _____ and any member of the Nigeria Police Force.

Whereas a summons under section 9 of the Commissions of Inquiry Law has been served upon one (*name of witness*) of (*address*) to attend and give evidence before the (*here name the Commissioners*) appointed by the Governor to inquire (*state briefly the subject of the inquiry*) at (*place*) upon the _____ day of _____, 19____;

And whereas the said (*name of witness*) has neglected to be or appear at the time and place as aforesaid and it has been proved to me upon oath that the said summons has been duly served upon the said (*name of witness*) and who has not excused such failure to my satisfaction [or that of one of the other commissioners (*if there be more than one commissioner*) appointed as aforesaid]:

I have to command you forthwith to apprehend the said (*name of witness*) and to bring him before me [or one of the other of the said commissioners (*if there be more than one commissioner*) appointed as aforesaid].

Given under my hand at this _____ day of _____, 19____.

Commissions of Inquiry

FORM C

COMMISSIONS OF INQUIRY LAW
(*Eastern Nigeria*)Section 19. SUMMONS UNDER SECTION 19 OF THE COMMISSIONS OF INQUIRY
LAW TO PERSON CHARGED WITH COMMITTING A CONTEMPTTo A. B. (*name of person summoned*) of (*address*).

You are hereby summoned to appear before the commissioners appointed by the Governor to inquire into (*state briefly the subject of the inquiry*) at (*place*) upon the _____ day of _____, 19____, at _____ o'clock to show cause why you should not be judged to have committed an act of contempt and dealt with accordingly in that you on the day of _____, 19____ (*date of act of contempt*), committed an act of contempt against the said commissioners or one of them, namely by (*state briefly the act of contempt complained of*).

Given under my hand this _____ day of _____, 19____.

Commissioner

FORM D

COMMISSIONS OF INQUIRY LAW
(*Eastern Nigeria*)Section 19. WARRANT TO ARREST PERSON FAILING TO OBEY SUMMONS OF A
COMMISSIONER ISSUED UNDER SECTION 19 OF THE COMMISSIONS
OF INQUIRY LAW

To any member of the police force:

Whereas A. B. (*name of person to be arrested*) of (*address*) has failed to obey a summons dated (*date of summons*) issued under section 19 of the Commissions of Inquiry Law:

You are commanded forthwith to apprehend the said A. B. (*name of person to be arrested*) and produce him before me, or some other commissioner appointed by the Governor with me, at (*place where person arrested is to be produced*).

Dated this _____ day of _____, 19____.

Commissioner

SUBSIDIARY LEGISLATION

(No subsidiary legislation)

CHAPTER 25

CONSTITUTION OF EASTERN NIGERIA LAW

Arrangement of Sections

Section

1. Short title and commencement.
2. Constitution of Eastern Nigeria.

SCHEDULE

CHAPTER I

THE GOVERNOR

1. Establishment of office of Governor.
2. Oath to be taken by Governor.
3. Discharge of Governor's functions during vacancy, etc.

CHAPTER II

THE LEGISLATURE

PART I.—Composition of Legislature

4. Establishment of Legislature.
5. Composition of House of Chiefs.
6. Composition of House of Assembly.
7. Qualifications for membership of House of Assembly.
8. Disqualifications for membership of House of Assembly.
9. President of House of Chiefs.
10. Speaker of House of Assembly.
11. Right of attendance of Ministers.
12. Tenure of seats of members of House of Assembly.
13. Establishment of Electoral Commission.
14. Constituencies.
15. Elections.
16. Determination of questions of membership of Houses of Legislature.
17. Clerks to Legislative Houses and their staffs.

PART II.—*Procedure in Legislative Houses**Section*

18. Oaths to be taken by members of Legislative Houses.
19. Presiding in House of Chiefs.
20. Presiding in House of Assembly.
21. Quorum in Legislative Houses.
22. Use of English in Legislative Houses.
23. Voting in Legislative Houses.
24. Unqualified persons sitting or voting.
25. Mode of exercising legislative power.
26. Restrictions with regard to certain financial measures.
27. Limitation of powers of House of Chiefs.
28. Regulation of procedure in Legislative Houses.
29. Interpretation.

PART III.—*Summoning, Prorogation and Dissolution*

30. Sessions of Legislative Houses.
31. Prorogation and dissolution of Legislative Houses.

CHAPTER III

EXECUTIVE POWERS

32. Exercise of executive authority of Region.
33. Ministers of Government of Region.
34. Attorney-General of the Region.
35. Provincial Commissioners.
36. Establishment of Executive Council.
37. Collective responsibility.
38. Allocation of portfolios to Ministers.
39. Performance of functions of Premier during absence, etc.
40. Exercise of Governor's powers.
41. Governor to be informed concerning matters of government.
42. Parliamentary Secretaries.
43. Oaths to be taken by Ministers, etc.
44. Permanent Secretaries.
45. Constitution of offices for Region, etc.
46. Prerogative of Mercy.
47. Establishment of Advisory Council on Prerogative of Mercy.
48. Functions of Advisory Council.
49. Public Prosecutions.

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COURTS

Section

50. Establishment of High Court.
51. Appointment of judges of High Court.
52. Tenure of office of judges of High Court.
53. Appeals to High Court from subordinate courts.
54. Power to establish Regional Court of Appeal.
55. Oaths to be taken by judges.

CHAPTER V
FINANCE

56. Establishment of Consolidated Revenue Fund.
57. Authorization of expenditure from Consolidated Revenue Fund.
58. Authorization of expenditure in advance of appropriation.
59. Contingencies Fund.
60. Remuneration of Governor and certain other officers.
61. Audit of public accounts.
62. Public debt.

CHAPTER VI

THE PUBLIC SERVICE OF THE REGION

63. Establishment of Public Service Commission.
64. Appointment, etc., of officers in public service.
65. Appointment, etc., of Deputy Governor.
66. Appointment, etc., of Agent-General in U.K.
67. Appointment, etc., of Permanent Secretaries.
68. Appointment, etc., of Justices of the Peace.
69. Appointment and tenure of office of Director of Audit.
70. Powers relating to Clerks of Legislative Houses.
71. Powers of Commission in relation to grant of pensions, etc.

CHAPTER VII

TRANSITIONAL PROVISIONS

72. Repeal of certain Constitutional instruments.
73. Savings for things done, etc., under repealed constitutional instruments.
74. Francis Akanu Ibiam to be Governor.
75. Miscellaneous transitional provisions.

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MISCELLANEOUS

Section

76. Powers and procedure of Commissions.
77. Establishment of Provincial Administrations.
78. Resignations.
79. Reappointments, etc.
80. Exclusion of chieftaincy questions from courts.
81. Interpretation, etc., General.

CHAPTER 25

E.N. 8
of 1963.

**A Law to alter the Constitution of Eastern Nigeria
as set out in the Fifth Schedule to the Nigeria
(Constitution) Order in Council, 1960.**

[1st October, 1963]

Short title
and
commence-
ment.

1. This Law may be cited as the Constitution of Eastern Nigeria Law, and shall come into operation on the first day of October, 1963.

Constitution
of Eastern
Nigeria.

2. The provisions in the Schedule to this Law shall be the Constitution of Eastern Nigeria.

SCHEDULE

THE CONSTITUTION OF EASTERN NIGERIA

WHEREAS—

(1) Eastern Nigeria is a self-governing Region of the Federal Republic of Nigeria:

(2) It is expedient to make provision subject to the provisions of the Constitution of the Federation, for a Constitution for Eastern Nigeria (hereinafter referred to as "the Region")

NOW, THEREFORE, the Constitution of the Region shall as follows—

CHAPTER I
THE GOVERNOR

Establish-
ment of
office of
Governor.

1. (1) There shall be a Governor of the Region who shall be appointed by the President on the advice of the Premier and who shall hold office for five years unless he earlier resigns or is removed by the President acting in accordance with the advice of the Premier.

(2) The Premier shall consult with the Prime Minister before tendering any advice to the President for the purposes of this section.

2. A person appointed to the office of Governor shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and such other oath for the due execution of the office as may be prescribed by the Legislature of the Region.

Oaths to be taken by Governor.

3. Whenever the office of Governor is vacant or the holder of the office is absent from Nigeria or is in the opinion of the Premier for any reason unable to perform the functions conferred on him by this Constitution, those functions shall be performed by such person as the President acting in accordance with the advice of the Premier may appoint.

Discharge of Governor's functions during vacancy, etc.

CHAPTER II

THE LEGISLATURE

PART I.—*Composition of Legislature*

4. There shall be a Legislature for the Region, which shall consist of the Governor, a House of Chiefs and a House of Assembly and which shall have power to make laws for the peace, order and good government of the Region.

Establishment of Legislature.

5. (1) Without prejudice to the provisions of sections 9 and 34 of this Constitution, the House of Chiefs shall consist of—

Composition of House of Chiefs.

- (a) all traditional Rulers, who shall be *ex officio* members of the House;
- (b) first-class Chiefs appointed to represent provinces in the Region;
- (c) fifty-five Chiefs having such qualifications and selected in such manner as may be prescribed by the Legislature of the Region; and
- (d) such special members (not exceeding five) having such qualifications as may be prescribed by the Legislature of the Region as may be selected by the Governor, acting in accordance with the advice of the Premier.

(2) The seat in the House of Chiefs of a member other than an *ex officio* member shall become vacant in such circumstances as may be prescribed by the Legislature of the Region.

(3) In this section—

“Chief” means any person who is for the time being recognized as a Chief under any law in force in the Region;

“first-class Chief” means—

(a) a person who, for the purpose of representing a province in the House of Chiefs, is appointed a first-class Chief under the provisions of a law in force in the Region; or

(b) any person who is for the time being recognized as a traditional Ruler under any law in force in the Region.

Composition of House of Assembly.

6. Without prejudice to the provisions of sections 10 and 34 of this Constitution, the House of Assembly shall consist of one hundred and forty-six members.

Qualifications for membership of House of Assembly.

7. (1) Subject to the provisions of section 8 of this Constitution, a person shall be qualified to be a member of the House of Assembly if he is a citizen of Nigeria who has attained the age of twenty-one years and—

(a) who was born in the Region; or

(b) whose father was born in the Region; or

(c) who has resided in the Region for a continuous period of at least one year immediately before the relevant date.

(2) In subsection (1) of this section “the relevant date” means—

(a) in relation to an elected member, the date of his nomination for election as a member; and

(b) in relation to a person nominated for election as Speaker from outside the House, the date of the nomination.

Disqualifications for membership of House of Assembly.

8. (1) No person shall be qualified for election to the House of Assembly—

(a) if he has voluntarily acquired citizenship of a country other than Nigeria or has, except in such cases as may be prescribed by the Legislature of the Region, made a declaration of allegiance to such a country;

- (b) if under any law in force in any part of Nigeria he is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- (c) if he is under a sentence of death imposed on him by any court of law in Nigeria or a sentence of imprisonment (by whatever name called) exceeding six months imposed upon him by such a court or substituted by competent authority for some other sentence imposed upon him by such a court;
- (d) if he is an undischarged bankrupt, having been adjudged or otherwise declared to be bankrupt under any law in force in any part of Nigeria;
- (e) save as otherwise provided by the Legislature of the Region, if he is a member of the public service of the Region, the public service of the Federation, or the public service of another Region, a member of the armed forces of the Federation or the holder of any other office of emolument under the State; or
- (f) if he is a member of the House of Chiefs, a member of the Senate or a member of the Legislative House of another Region.

(2) The Legislature of the Region may provide that a person shall not be qualified for membership of the House of Assembly for such period (not exceeding five years) as may be prescribed if he is convicted by any court of law in Nigeria of such offences connected with the selection or election of members of a Legislative House of the Region, a House of Parliament or Legislative House of another Region as may be prescribed.

(3) The Legislature of the Region may prescribe that a person disqualified under paragraph (c) of subsection (1) of this section by reason of his being under a sentence of imprisonment exceeding six months for any such offence (being an offence that appears to that Legislature to involve dishonesty) as may be prescribed or by reason of his being under sentences of imprisonment that include such a sentence for any such offence shall not be qualified for membership of the House of Assembly for such period from the date on which he ceases to be disqualified under that paragraph (not exceeding five years) as may be prescribed.

(4) The Legislature of the Region may provide that a person who is the holder of any office the functions of which involve responsibility for, or in connection with, the conduct of any election to the House of Assembly or the compilation of any register of voters for the purposes of such an election shall not be qualified for election to that House.

(5) The Legislature of the Region may, in order to permit any person who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with any law in force in Nigeria, provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purposes of subsection (1) of this section for such time as may be prescribed.

(6) For the purposes of paragraph (c) of subsection (1) of this section two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months but if any of those sentences exceeds that term they shall be regarded as one sentence.

(7) For the purposes of paragraph (e) of subsection (1) of this section the office of the President of the House of Chiefs or Deputy President of the House of Chiefs, a member of the House of Chiefs, the Speaker or Deputy Speaker of the House of Assembly, a member of the House of Assembly, a Minister of the Government of the Region, a Parliamentary Secretary to such a Minister, a member of the Executive Council, the Agent-General for Eastern Nigeria, the President, Speaker, Deputy President or Deputy Speaker of a House of Parliament or a Legislative House of another Region, a Minister of the Government of the Federation, a member of the Council of Ministers, a member of the Executive Council of another Region, a member of the Council of Chiefs of Northern Nigeria, or a member of such a body corporate as is referred to in the proviso to subsection (10) of this section shall not be regarded as an office of emolument under the State.

(8) Save as otherwise provided by the Legislature of the Region, a person shall not be regarded as disqualified for membership of the House of Assembly by reason only that he holds office as a member of a statutory corporation.

(9) If a person who holds the office of a member of any statutory corporation becomes a member of the House of Assembly, he shall, unless it is otherwise provided by the Legislature of the Region, thereupon cease to hold office as a member of that corporation.

(10) In this section "statutory corporation" means any body corporate established directly by any law in force in Nigeria:

Provided that it does not include any body corporate established by or under the Local Government Law, as amended, or any law replacing that law. (Cap. 79)

9. (1) There shall be a President of the House of Chiefs, who shall be elected by the members of that House. President
of House
of Chiefs.

(2) The President of the House of Chiefs shall vacate his office—

- (a) if he ceases to be a member of the House otherwise than by reason of a dissolution of the Legislative Houses of the Region;
- (b) when the House first sits after any dissolution;
- (c) if he becomes a Minister of the Government of the Region, a Parliamentary Secretary to such a Minister, a Minister of the Government of the Federation or a Minister of the Government of another Region; or
- (d) if he is removed from office by a resolution of the House supported by the votes of two-thirds of all the members of the House.

(3) No business shall be transacted in the House of Chiefs (other than an election to the office of President of the House of Chiefs) at any time when the office of President of the House of Chiefs is vacant.

(4) The President of the House of Chiefs shall be deemed to be a member of the House of Chiefs by virtue of this subsection if he is not such a member apart from this subsection.

10. (1) There shall be a Speaker of the House of Assembly, who shall be elected by the members of that House. Speaker of
House of
Assembly.

(2) No person shall be elected as Speaker of the House of Assembly unless he is a member of the House or a person qualified to be a member of the House.

(e) save as otherwise provided by the Legislature of the Region, if he becomes a member of a statutory corporation; or

(f) if he is absent from two consecutive meetings of the House and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

(2) The Legislature of the Region may, in order to permit any member of the House of Assembly who has been adjudged to be a lunatic, declared to be of unsound mind, sentenced to death or imprisonment or adjudged or declared bankrupt to appeal against the decision in accordance with any law in force in Nigeria, provide that, subject to such conditions as may be prescribed, the decision shall not have effect for the purposes of this section until such time as may be prescribed.

(3) In this section the expression "statutory corporation" has the meaning assigned to it for the purposes of section 8 of this Constitution.

13. (1) There shall be an Electoral Commission for the Region. Establishment of Electoral Commission.

(2) The members of the Electoral Commission of the Region shall be—

(a) the chairman of the Electoral Commission of the Federation, who shall be chairman;

(b) the member of the Electoral Commission of the Federation representing the Region; and

(c) two other members or such greater number of members as may be appointed by the Governor, acting in accordance with the advice of the Premier.

(3) A person shall not be qualified for appointment as a member of the Electoral Commission of the Region if he is a member of either Legislative House of the Region, a member of either House of Parliament or a member of a Legislative House of another Region, a Minister of the Government of the Region, a Minister of the Government of the Federation, a Minister of the Government of another Region or a member of the public service of the Region, the public service of the Federation or the public service of another Region.

(4) Subject to the provisions of this section, a member of the Electoral Commission of the Region appointed by the Governor shall vacate his office—

- (a) at the expiration of five years from the date of his appointment; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Electoral Commission of the Region appointed by the Governor may be removed from office by the Governor, acting in accordance with the advice of the Premier, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(6) A member of the Electoral Commission of the Region appointed by the Governor shall not be removed from office except in accordance with the provisions of this section.

(7) In the exercise of its functions under this Constitution the Electoral Commission of the Region shall not be subject to the direction or control of any other person or authority.

Constituencies.

14. (1) The Region shall be divided into as many constituencies as there are members of the House of Assembly by virtue of section 6 of this Constitution, and shall be so divided in such manner as the competent authority, acting with the approval of each Legislative House of the Region signified by resolution, may prescribe.

(2) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features and the distribution of different communities.

(3) The competent authority shall review the division of the Region into constituencies at intervals of not less than eight and not more than ten years and may alter the constituencies in accordance with section 15 of this Constitution.

carry out
in accordance with

the provisions of this section to such extent as it considers necessary in consequence of any alteration of the boundaries of the Region or by reason of the holding of a census of the population of the Region in pursuance of any law in force in the Region.

(4) Where the boundaries of any constituency established under this section are altered in accordance with the provisions of this section, that alteration shall come into effect upon the next dissolution of the Legislative Houses of the Region after the alteration has been approved by those Houses.

(5) In this section "population quota" means the number obtained by dividing the number of the inhabitants of the Region by the number of constituencies into which the Region is divided under this section.

(6) For the purposes of this section the number of inhabitants of the Region shall be ascertained by reference to the latest census of the population of the Region held in pursuance of any law in force in the Region.

(7) In this section "the competent authority" means the Electoral Commission of the Region or such other authority consisting of persons appointed by the Governor, acting in accordance with the advice of the Premier, as may be established in that behalf by the Legislature of the Region.

15. (1) Every constituency established under section 14 of this Constitution shall return to the House of Assembly one member who shall be directly elected in such manner as may be prescribed by the Legislature of the Region. Elections.

(2) The registration of voters at elections to the House of Assembly and the conduct of such elections shall be subject to the direction and supervision of the Electoral Commission of the Region.

16. (1) The High Court of the Region shall have original jurisdiction to hear and determine any question whether— Determination of questions of membership of Houses of Legislature.

- (a) any person has been validly selected or elected as a member of a Legislative House of the Region; or
- (b) the seat in the Legislative House of any member of that House has become vacant.

(2) The Legislature of the Region may make provision with respect to—

- (a) the persons who may apply to the High Court of the Region for the determination of any question under this section;

- (b) the circumstances and manner in which, and the conditions upon which, any such application may be made; and
- (c) the powers, practice and procedure of the High Court in relation to any such application.

Clerks to
Legislative
Houses and
their staffs.

17. (1) There shall be a Clerk to the House of Chiefs and a Clerk to the House of Assembly and both offices may be held by the same person.

(2) Subject to the provisions of any Regional law, the office of the Clerk of each Legislative House of the Region and the office of each member of his staff shall be offices in the public service of the Region.

PART II.—*Procedure in Legislative Houses*

Oaths to be
taken by
members of
Legislative
Houses.

18. Every member of either Legislative House of the Region shall, before taking his seat in that House, take and subscribe before the House the Oath of Allegiance but a member may before taking that oath take part in the election of a President of the House of Chiefs or a Speaker of the House of Assembly, as the case may be:

Provided that if a Legislative House is not sitting a member of that House may take and subscribe the Oath of Allegiance before a judge of the High Court of the Region.

Presiding
in House
of Chiefs.

19. (1) There shall preside at any sitting of the House of Chiefs—

- (a) the President of the House of Chiefs; or
- (b) in the absence of the President of the House of Chiefs, the Deputy President of the House of Chiefs; or
- (c) in the absence of the President of the House of Chiefs and the Deputy President of the House of Chiefs, such member of the House as the House may elect for that purpose.

(2) The House of Chiefs may from time to time elect a member of the House to be Deputy President of the House of Chiefs and any person so elected shall hold office as such until he ceases to be a member of the House or is removed from office by the House.

20. (1) There shall preside at any sitting of the House of Assembly—

Presiding
in House of
Assembly.

- (a) the Speaker; or
- (b) in the absence of Speaker, the Deputy Speaker; or
- (c) in the absence of the Speaker and the Deputy Speaker such member of the House as the House may elect for that purpose.

(2) The House of Assembly may from time to time elect a member of the House to be Deputy Speaker, and any person so elected shall hold office as such until he ceases to be a member of the House or is removed from office by the House.

21. If objection is taken by any member of a Legislative House of the Region present that there are present in that House (besides the person presiding) fewer than one-sixth of all the members of that House and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of members present is still less than one-sixth of all the members of the House he shall thereupon adjourn the House.

Quorum in
Legislative
Houses.

22. The business of the Legislative Houses of the Region shall be conducted in English.

Use of
English in
Legislative
Houses.

23. (1) Any question proposed for decision in a Legislative House of the Region shall be determined by the required majority of the members present and voting; and the person presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

Voting in
Legislative
Houses.

(2) Save as otherwise provided in this Constitution, the required majority for the purposes of determining any question shall be a simple majority.

(3) The rules of procedure of a Legislative House of the Region may provide that the vote of a member upon a question in which he has a direct pecuniary interest shall be disallowed.

24. Any person who sits or votes in either Legislative House of the Region knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds or such other sum as may be prescribed by the Legislature of the Region for

Unqualified
persons
sitting or
voting.

each day on which he sits or votes in that House, which shall be recoverable by action in the High Court of the Region at the suit of the Attorney-General of the Region.

Mode of exercising legislative power.

25. (1) The power of the Legislature of the Region to make laws shall be exercised by bills passed by both Legislative Houses of the Region (or in the cases mentioned in section 27 of this Constitution the House of Assembly) and assented to by the Governor.

(2) A bill other than a money bill may originate in either Legislative House of the Region, but a money bill may originate only in the House of Assembly.

(3) When a bill has been passed by the Legislative House of the Region in which it originated, it shall be sent to the other House; and it shall be presented to the Governor for assent—

(a) when it has been passed by the other House and agreement has been reached between the two Houses on any amendments made in it; or

(b) when it is required to be so presented under section 27 of this Constitution.

(4) When a bill is presented to the Governor for assent, he shall signify that he assents.

(5) A bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

Restrictions with regard to certain financial measures.

26. (1) The House of Chiefs shall not—

(a) proceed upon any bill, other than a bill sent from the House of Assembly, that in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition, repeal or alteration of taxation;

(ii) for the imposition of any charge upon the Consolidated Revenue Fund or any other public fund of the Region;

(iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Region of any moneys not charged thereon or any alteration in the amount of such a payment, issue or withdrawal; or

Constitution of Eastern Nigeria

- (iv) for the composition or remission of any debt to the Region;
- (b) proceed upon any amendment to any bill that in the opinion of the person presiding makes provision for any of those purposes;
- (c) proceed upon any motion (including any amendment to a motion), the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes; or
- (d) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.
- (2) Except upon the recommendation of the Governor signified by a Minister of the Government of the Region, the House of Assembly shall not—
- (a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—
- (i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;
- (ii) for the imposition of any charge upon the Consolidated Revenue Fund or any other public fund of the Region or the alteration of any such charge otherwise than by reduction;
- (iii) for the payment, issue or withdrawal from the Consolidated Revenue Fund or any other public fund of the Region of any moneys not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
- (iv) for the composition or remission of any debt due to the Region;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes; or
- (c) receive any petition that, in the opinion of the person presiding, requests that provision be made for any of those purposes.

27. (1) Where a money bill is passed by the House of Assembly and, having been sent to the House of Chiefs at least one month before the end of the session, is not passed by the House of Chiefs without amendment within one month

Limitation
of powers
of House
of Chiefs.

after it is so sent, the bill shall, unless the House of Assembly otherwise resolves, be presented to the Governor for his assent.

(2) Where—

(a) a bill that is not a money bill is passed by the House of Assembly and, having been sent to the House of Chiefs at least one month before the end of the session, is not passed by the House of Chiefs before the end of the session or is passed by the House of Chiefs with amendments to which the House of Assembly does not before the end of the session agree; and

(b) in the following session (whether of the same Legislative Houses or not) but not earlier than six months after it was first passed by the House of Assembly the same bill, with no other alterations than those mentioned in subsection (4) of this section, is passed again by the House of Assembly and sent to the House of Chiefs at least one month before the end of the session and is not passed by the House of Chiefs before the end of the session or is passed by the House of Chiefs with amendments to which the House of Assembly does not before the end of the session agree;

the bill shall, unless the House of Assembly otherwise resolves, be presented to the Governor for his assent with such amendments, if any, as may have been agreed to by both Houses.

(3) The House of Assembly may, on the passage of a bill for the purposes of paragraph (b) of subsection (2) of this section, suggest any amendments without inserting the amendments in the bill and any such suggested amendments shall be considered by the House of Chiefs and, if agreed to by the House of Chiefs, shall be treated as amendments agreed to by both Houses; but the exercise of this power by the House of Assembly shall not affect the operation of this section if the bill is not passed by the House of Chiefs or is passed by the House of Chiefs with amendments to which the House of Assembly does not agree.

(4) The alterations referred to in subsection (2) of this section are alterations certified by the Speaker of the House of Assembly to be necessary owing to the time that has elapsed since the bill was passed in the earlier session or to represent amendments made in that session by the House of Chiefs.

(5) When a money bill is sent to the House of Chiefs from the House of Assembly it shall bear a certificate of the Speaker of the House of Assembly that it is a money bill.

(6) When a bill is presented to the Governor in pursuance of this section it shall bear a certificate of the Speaker of the House of Assembly that this section has been complied with and that certificate shall be conclusive for all purposes and shall not be questioned in any court.

(7) This section does not apply to any bill for the purposes of section 5 of the Constitution of the Federation.

28. (1) Subject to the provisions of this Constitution, each Legislative House of the Region may regulate its own procedure. Regulation
of procedure
in
Legislative
Houses.

(2) Each Legislative House of the Region may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets after any dissolution) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

29. Without prejudice to the generality of section 81 of this Constitution, in this Part of this Chapter "money bill" means a bill that in the opinion of the Speaker of the House of Assembly contains only provisions dealing with— Interpreta-
tion.

- (a) the imposition, repeal, remission, alteration or regulation of taxation;
- (b) the imposition for the payment of debt or other financial purposes of charges on the Consolidated Revenue Fund or any other public fund of the Region or the variation or repeal of any such charges;
- (c) the grant of money to the state or to any other person or authority or the variation or revocation of any such grant;
- (d) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;
- (e) the raising or guarantee of any loan or the repayment thereof; or
- (f) subordinate matters incidental to any of those matters:

Provided that the expressions "taxation", "public money" and "loan" do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

PART III.—*Summoning, Prorogation and Dissolution*

Sessions of
Legislative
Houses.

30. Each session of the Legislative Houses of the Region shall be held at such place within the Region and shall begin at such time (not being later than twelve months from the end of the preceding session if those Houses have been prorogued or three months if those Houses have been dissolved) as the Governor shall appoint.

Prorogation
and
dissolution
of Legislative
Houses.

31. (1) The Governor may at any time prorogue or dissolve the Legislative Houses of the Region.

(2) Subject to the provisions of subsection (3) of this section, the Legislative Houses of the Region, unless sooner dissolved, shall continue for five years from the date of their first sitting after any dissolution and shall then stand dissolved.

(3) At any time when the Federation is at war, the Legislature of the Region may from time to time extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time:

Provided that the life of the Legislative Houses of the Region shall not be extended under this subsection for more than five years.

(4) In the exercise of his powers to dissolve the Legislative Houses of the Region the Governor shall act in accordance with the advice of the Premier.

(5) The Governor shall dissolve the Legislative Houses of the Region—

(a) if the following conditions are satisfied, that is to say—

(i) the House of Assembly passes a resolution that it has no confidence in the Government of the Region; and

(ii) within the period of three days beginning with the day on which the resolution is passed the Premier does not resign or recommend a dissolution;

(b) if the office of Premier is vacant and the Governor considers that there is no prospect of his being able, within a reasonable time, to appoint to that office a person who can command the support of the majority of the members of the House of Assembly.

CHAPTER III
EXECUTIVE POWERS

32. (1) The executive authority of the Region shall be vested in the Governor and, subject to the provisions of this Constitution, may be exercised by him either directly or through officers subordinate to him.

Exercise of executive authority of Region.

(2) Nothing in this section shall prevent the Legislature of the Region from conferring functions on persons or authorities other than the Governor.

33. (1) There shall be a Premier of the Region, who shall be appointed by the Governor.

Ministers of Government of Region.

(2) Whenever the Governor has occasion to appoint a Premier he shall appoint a member of the House of Assembly who appears to him likely to command the support of the majority of the members of the House.

(3) There shall be, in addition to the office of Premier, such other offices of Minister of the Government of the Region as may be established by this Constitution or by the Legislature of the Region or, subject to the provisions of any Regional law, by the Governor, acting in accordance with the advice of the Premier.

(4) Appointments to the office of Minister of the Government of the Region other than the office of Premier shall be made by the Governor, acting in accordance with the advice of the Premier:

Provided that at least two Ministers shall be appointed from among the members of the House of Chiefs.

(5) A person shall not hold office at the same time both as a Minister of the Government of the Region and as a Minister of the Government of the Federation or as a Minister of the Government of another Region.

(6) A person who holds office as a Minister of the Government of the Region for any period of four consecutive months without also being a member of a Legislative House of the Region shall cease to be a Minister at the expiration of that period or, if that period expires at a time when the Legislative Houses are dissolved and he does not in the meantime become a member of a Legislative House, at the date on which the Legislative Houses first meet after that dissolution.

(2) The provisions of this section shall not apply in relation to—

- (a) the appointment and removal from office of Ministers of the Government of the Region, members of the Executive Council and Parliamentary Secretaries to Ministers, the assignment of portfolios to Ministers or the authorization of another member of the Executive Council to perform the functions of the Premier in pursuance of section 39 of this Constitution;
- (b) the dissolution of the Legislative Houses of the Region;
- (c) the matters referred to in section 46 of this Constitution; or
- (d) the exercise of the powers conferred on the Attorney-General of the Region by section 49 of this Constitution.

Allocation of portfolios to Ministers.

38. The Governor, acting in accordance with the advice of the Premier, may assign to the Premier or any other Minister of the Government of the Region responsibility for any business of the Government of the Region, including the administration of any department of government.

Performance of functions of Premier during absence, etc.

39. (1) Whenever the Premier is absent from Nigeria or is by reason of illness unable to perform the functions conferred upon him by this Constitution the Governor may authorize some other member of the Executive Council to perform those functions (other than the functions conferred by this section) and that member may perform those functions until his authority is revoked by the Governor.

(2) The powers of the Governor under this section shall be exercised by him in accordance with the advice of the Premier:

Provided that if the Governor considers that it is impracticable to obtain the advice of the Premier owing to his absence or illness he may exercise those powers without that advice.

Exercise of Governor's powers.

40. (1) In the exercise of his functions under this Constitution, the Constitution of the Federation or any other law the Governor shall act in accordance with the advice of the Executive Council or a Minister of the Government of the Region acting under the general authority of the Executive

Council except in cases where by this Constitution he is required to act in accordance with the advice of any person or authority other than the Executive Council:

Provided that the Governor shall act in accordance with his own deliberate judgment in the performance of the following functions—

- (a) in considering whether there is no prospect of his being able within a reasonable time to fill the vacant office of Premier;
- (b) in the exercise of the powers to appoint the Premier conferred upon him by subsections (2) and (11) of section 33 and of the powers conferred upon him by subsection (8) of that section to inform the Premier of his reappointment or replacement.

(2) Nothing in subsection (1) of this section shall apply to functions conferred upon the Governor by any of the following provisions of this Constitution, that is to say, subsection (5) of section 31, section 41, subsection (2) of section 52 and subsection (3) of section 69.

(3) Where by this Constitution the Governor is required to act in accordance with the advice of any person or authority, the question whether he has in any case received, or acted in accordance with, such advice shall not be enquired into in any court of law.

41. The Premier shall keep the Governor fully informed concerning the general conduct of the Government of the Region and shall furnish the Governor with such information as he may request with respect to any particular matter relating to the Government of the Region.

Governor to be informed concerning matters of government.

42. (1) The Governor, acting in accordance with the advice of the Premier, may appoint Parliamentary Secretaries from among the members of the Legislative Houses of the Region to assist Ministers of the Government of the Region in the performance of their duties.

Parliamentary Secretaries.

(2) The office of a Parliamentary Secretary shall become vacant—

- (a) if he ceases to be a member of one or other of the Legislative Houses of the Region otherwise than by reason of a dissolution of those Houses;

- (b) if the office of Premier becomes vacant; or
- (c) if the Governor, acting in accordance with the advice of the Premier, so directs.

Oaths to be taken by Ministers, etc.

43. A member of the Executive Council, Minister of the Government of the Region or Parliamentary Secretary to such a Minister shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance and such oath for the due execution of his office as may be prescribed by the Legislature of the Region.

Permanent Secretaries.

44. Where any Minister of the Government of the Region has been charged with responsibility for any department of Government, he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary, whose office shall be an office in the public service of the Region:

Provided that two or more Government Departments may be placed under the supervision of one Permanent Secretary.

Constitution of offices for Region, etc.

45. Subject to the provisions of this Constitution and of any Regional law, the Governor acting on the advice of the Premier may constitute offices for the Region, make appointments to any such office and terminate any such appointment.

Prerogative of Mercy.

46. (1) The Governor may—

- (a) grant to any person concerned in or convicted of any offence created by or under a Regional law a pardon, either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;
- (c) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or
- (d) remit the whole or any part of any punishment imposed on that person for such an offence or of any penalty or forfeiture otherwise due to the State on account of such an offence.

(2) The powers of the Governor under subsection (1) of this section shall be exercised by him in accordance with the advice of such member of the Executive Council as may from

time to time be designated in that behalf by the Governor, acting in accordance with the advice of the Premier.

(3) The provisions of this section shall apply in relation to any offence created by or under any law in force in the Region relating to any matter not included in the Legislative Lists set out in the Schedule to the Constitution of the Federation (other than an offence created by or under an Act of Parliament or a Regional law) as they apply in relation to an offence created by or under a Regional law.

47. (1) There shall be for the Region an Advisory Council on the Prerogative of Mercy, which shall consist of—

Establishment of Advisory Council on Prerogative of Mercy.

- (a) such member of the Executive Council as may for the time being be designated under subsection (2) of section 46 of this Constitution, who shall be chairman;
- (b) where the chairman is a Minister other than the Attorney-General of the Region, the Attorney-General; and
- (c) not less than five and not more than seven other members, who shall be appointed by the Governor, acting in accordance with the advice of the Premier, of whom at least one shall be a person who is a qualified medical practitioner.

(2) A person shall not be qualified for appointment by the Governor as a member of the Advisory Council if he is a member of a Legislative House of the Region, a member of either House of Parliament, a member of a Legislative House of another Region, a Minister of the Government of the Region, a Minister of the Government of the Federation or a Minister of the Government of another Region.

(3) A member of the Advisory Council appointed by the Governor shall hold office for three years:

Provided that his seat in the Council shall become vacant—

- (a) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such; or
- (b) if he is removed from office by the Governor, acting in accordance with the advice of the Premier, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

Functions
of Advisory
Council.

48. (1) Where any person has been sentenced to death by any court of law in Nigeria for any offence created by or under a Regional law the member of the Executive Council of the Region designated under subsection (2) of section 46 of this Constitution shall cause a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere as the member may require, to be taken into consideration at a meeting of the Advisory Council; and after obtaining the advice of the Council the member shall decide in his own deliberate judgment whether to recommend to the Governor that he should exercise any of his powers under that section in relation to that person.

(2) The member of the Executive Council designated under subsection (2) of section 46 of this Constitution may consult with the Advisory Council before making any recommendation to the Governor under that subsection in any case not falling within subsection (1) of this section, but he shall not be obliged to act in accordance with the advice of the Council.

(3) The Advisory Council may regulate its own procedure.

Public
Prosecutions.

49. (1) There shall be a Director of Public Prosecutions for the Region, whose office shall be an office in the public service of the Region and, without prejudice to the provisions of this Constitution relating to the Public Service-Commission of the Region, an office in the department of government for which responsibility is assigned to the Attorney-General of the Region.

(2) The Attorney-General of the Region shall have power in any case in which he considers it desirable so to do—

- (a) to institute and undertake criminal proceedings against any person before any court of law in the Region in respect of any offences created by or under any Regional law;
- (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Attorney-General of the Region under subsection (2) of this section may be exercised either by him in person or through the Director of Public Prosecutions of the Region, acting under and in accordance with the general or special instructions of the Attorney-General of the Region or through any other officers of the department mentioned in subsection (1) of this section acting under the general or special instructions of the Attorney-General of the Region.

(4) The Attorney-General of the Region may confer a general or special authority upon the Attorney-General of the Federation to exercise subject to such conditions and exceptions as he may think fit any of the powers conferred upon him by subsection (2) of this section and may vary or revoke any such authority.

(5) The powers conferred upon the Attorney-General of the Region by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon the Attorney-General of the Region by this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.

(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court of law in the Region or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria shall be deemed to be part of those proceedings.

(8) The provisions of this section shall apply in relation to any offence created by or under any law in force in the Region relating to any matter not included in the Legislative Lists set out in the Schedule to the Constitution of the Federation (other than an offence created by or under an Act of Parliament or a Regional law) as they apply in relation to an offence created by or under a Regional law.

CHAPTER IV

COURTS

Establish-
ment of
High Court.

50. (1) There shall be a High Court for the Region.

(2) The judges of the High Court of the Region shall be—

(a) the Chief Justice of the Region; and

(b) such number of other judges (not being less than six) as may be prescribed by the Legislature of the Region.

(3) The High Court of the Region shall be a superior court of record and, save as otherwise provided by any law in force in the Region, shall have all the powers of such a court.

Appoint-
ment of
judges of
High Court.

51. (1) The Chief Justice of the Region and the other judges of the High Court of the Region shall be appointed by the Governor acting in accordance with the advice of the Premier.

(2) A person shall not be qualified to hold the office of judge of the High Court of the Region unless—

(a) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court; or

(b) he is qualified for admission as an advocate in Nigeria and he has been so qualified for not less than ten years.

Provided that in computing the period during which any person has been qualified for admission as an advocate any period during which he has held office as a judge or magistrate after becoming so qualified shall be included.

(3) If the office of Chief Justice of the Region is vacant or if the person holding the office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of the office or until the person holding the office has resumed the functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court of the Region as may from time to time be designated in writing on his behalf, by the Governor acting in accordance with the advice of the Premier.

(4) If the office of any judge of the High Court of the Region other than the Chief Justice is vacant or if the person holding the office is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, acting in accordance with the advice of the Premier, may appoint a person with such qualifications as may be prescribed by the Legislature of the Region to act in the office of a judge of the High Court; and any person so appointed shall continue to act for the period of the appointment or if no period is specified until his appointment is revoked by the Governor, acting in accordance with the advice of the Premier.

52. (1) Subject to the provisions of this section, a person holding or appointed to act in the office of Chief Justice of the Region or any other judge of the High Court of the Region shall vacate his office or appointment when he attains such age as may be prescribed by the Legislature of the Region:

Tenure of
office of
judges of
High Court.

Provided that the Governor, acting in accordance with the advice of the Premier, may permit a judge to continue in his office or appointment for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A person holding or appointed to act in the office of a judge of the High Court of the Region shall be removed from his office or appointment by the Governor if—

- (a) there are presented to the Governor addresses from both Houses of the Legislature of the Region praying that that person be so removed for inability to discharge the functions of the office in question (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; and
- (b) the address from each House bears a certificate which is signed by the person who presided at the meeting of that House at which the motion for the address was passed and which states that not less than two-thirds of all the members of that House voted in favour of the motion;

and, except on the revocation in pursuance of section 51 of this Constitution of an appointment to act as aforesaid, a

person holding or appointed to act in such an office shall not be removed from his office or appointment in any other circumstances.

Appeals to
High Court
from sub-
ordinate
courts.

53. (1) An appeal shall lie from decisions of a subordinate court to the High Court of the Region as of right or, if it is provided by any law in force in the Region that an appeal as of right shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court as of right in the following cases—

- (a) where the matter in dispute on the appeal to the High Court is of value of fifty pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of fifty pounds or upwards, final decisions in any civil proceedings;
- (b) where the ground of appeal to the High Court involves questions of law alone, decisions in any criminal proceedings in which any person has been sentenced to imprisonment for a term exceeding three months or corporal punishment exceeding six strokes or a fine or forfeiture exceeding twenty-five pounds by the subordinate court from which the appeal lies to the High Court or that subordinate court has affirmed or substituted such a sentence;
- (c) decisions in any civil or criminal proceedings on questions as to the interpretation of this Constitution, the Constitution of the Federation or the Constitution of another Region;
- (d) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of Chapter III of the Constitution of the Federation has been contravened in relation to any person;
- (e) decisions in any criminal proceedings in which any person has been sentenced to death by the subordinate court from which the appeal lies to the High Court or in which that subordinate court has affirmed a sentence of death;
- (f) decisions in any other criminal proceedings before a subordinate court sitting at first instance from which no appeal lies as of right to another subordinate court; and

Constitution of Eastern Nigeria

- (g) such other cases as may be prescribed by any law in force in the Region:

Provided that no appeal shall lie from decisions of a subordinate court established under section 126 of the Constitution of the Federation to the High Court in any case in which an appeal lies as of right to the Supreme Court by virtue of any Act of Parliament enacted in pursuance of section 118 of that Constitution.

(2) An appeal shall lie from decisions of a subordinate court to the High Court of the Region with the leave of the High Court or, if it is provided by any law in force in the Region that an appeal shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court with the leave of the High Court in the following cases—

- (a) decisions in any criminal proceedings from which no appeal lies as of right to the High Court; and
(b) such other cases in which no appeal lies as of right to the High Court as may be prescribed by any law in force in the Region:

Provided that no appeal shall lie under paragraph (a) of this subsection from decisions of a subordinate court established under section 126 of the Constitution of the Federation to the High Court in any case in which an appeal lies to the Supreme Court (whether as of right or with the leave of the Supreme Court) by virtue of an Act of Parliament enacted under section 118 of that Constitution.

(3) Any right of appeal from decisions of a subordinate court to the High Court of the Region conferred by this section—

- (a) shall be exercisable in the case of civil proceedings at the instance of a party thereto, or with the leave of the High Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or, subject to the provisions of section 49 of this Constitution, at the instance of such other person or authorities as may be prescribed by any law in force in the Region; and

(b) shall be exercised in accordance with any laws and rules of court for the time being in force regulating the powers, practice and procedure of the High Court.

(4) In this section—

“decision” means, in relation to a subordinate court, any determination of that court and includes (without prejudice to the generality of the foregoing) a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation;

“subordinate court” means any court of law in the Region other than the Supreme Court, the High Court of the Region or a court-martial.

Power to establish Regional Court of Appeal.

54. (1) The Legislature of the Region may establish a Regional Court of Appeal to which appeals may lie from the High Court of the Region in such circumstances as the Legislature may provide.

(2) The Legislature of the Region may make provision for the appointment, qualification and tenure of office of a judge of the Regional Court of Appeal; but the qualifications prescribed for a judge of the Regional Court of Appeal shall not be less than those prescribed by this Constitution for a judge of the High Court of the Region.

(3) If a Regional Court of Appeal is established, a person shall be appointed to the office of a judge of that Court or removed from such an office in the same way as is provided by this Constitution for the appointment to or removal from the office of a judge of the High Court of the Region.

Oaths to be taken by judges.

55. A judge of the High Court of the Region or of the Regional Court of Appeal (if one is established) shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by the Legislature of the Region.

CHAPTER V

FINANCE

Establishment of Consolidated Revenue Fund.

56. (1) All revenues or other moneys raised or received by the Region (not being revenues or other moneys payable under this Constitution or any Regional law into some other public fund of the Region established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Region except to meet expenditure that is charged upon the Fund by this Constitution, the Constitution of the Federation or any Regional law or where the issue of those moneys has been authorized by an appropriation law or a law made in pursuance of section 58 of this Constitution.

(3) No moneys shall be withdrawn from any public fund of the Region other than the Consolidated Revenue Fund unless the issue of those moneys has been authorized by a Regional law.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Region except in the manner prescribed by the Legislature of the Region.

57. (1) The Minister of the Government of the Region responsible for finance shall cause to be prepared and laid before both Legislative Houses of the Region in each financial year estimates of the revenues and expenditure of the Region for the next following financial year.

Authoriza-
tion of
expenditure
from Conso-
lidated
Revenue
Fund.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution, the Constitution of the Federation or any Regional law) shall be included in a bill, to be known as an appropriation bill, providing for the issue from the Consolidated Revenue Fund of the Region of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found—

- (a) that the amount appropriated by the appropriation law for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the law; or
- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the appropriation law or for a purpose for which no amount has been appropriated by the law, a supplementary estimate showing the sums required or spent shall be laid before both Legislative Houses of the Region and the heads of any such expenditure shall be included in a supplementary appropriation bill.

Authoriza-
tion of
expenditure
in advance of
appropria-
tion.

58. The Legislature of the Region may make provision under which, if the appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Minister of the Government of the Region responsible for finance may authorize the withdrawal of moneys from the Consolidated Revenue Fund of the Region for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the appropriation law, whichever is the earlier.

Contingen-
cies Fund.

59. (1) The Legislature of the Region may provide for the establishment of a Contingencies Fund for the Region and for authorizing the Minister of the Government of the Region responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

Remunera-
tion of
Governor
and certain
other officers.

60. (1) There shall be paid to the holders of the offices mentioned in subsection (4) of this section such salary as may be prescribed by the Legislature of the Region.

(2) The salary and allowances payable to the holders of the offices so mentioned shall be a charge on the Consolidated Revenue Fund of the Region.

(3) The salary payable to the holder of any office so mentioned and his terms of office other than allowances shall not be altered to his disadvantage after his appointment.

(4) The offices aforesaid are the office of Governor, Chief Justice or other judge of the High Court of the Region, member of the Electoral Commission of the Region, member of the Public Service Commission of the Region and Director of Audit of the Region.

(5) Provision may be made by a Regional law for the grant of a pension or gratuity to or in respect of a person who has held office as Governor and any pension granted by virtue of

provision made in pursuance of this subsection shall be a charge on the Consolidated Revenue Fund of the Region.

61. (1) There shall be a Director of Audit for the Region, whose office shall be an office in the public service of the Region. Audit of public accounts.

(2) The public accounts of the Region and of all officers, courts and authorities of the Region shall be audited and reported on by the Director of Audit of the Region and for that purpose the Director or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(3) The Director of Audit of the Region shall submit his reports to the Minister of the Government of the Region responsible for finance who shall cause them to be laid before both Legislative Houses of the Region.

(4) In the exercise of his functions under this Constitution the Director of Audit of the Region shall not be subject to the direction or control of any other person or authority.

62. (1) The public debt of the Region shall be secured on the revenues and assets of the Region. Public debt.

(2) In this section references to the public debt of the Region include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

CHAPTER VI

THE PUBLIC SERVICE OF THE REGION

63. (1) There shall be a Public Service Commission for the Region, which shall consist of a chairman and not less than two or more than four other members. Establishment of Public Service Commission.

(2) The members of the Public Service Commission of the Region shall be appointed by the Governor acting in accordance with the advice of the Premier.

(3) A person shall not be qualified to hold the office of a member of the Public Service Commission of the Region if he is a member of a Legislative House of the Region, a member of a House of Parliament, a member of a Legislative House of another Region, a Minister of the Government of the Region, a Minister of the Government of the Federation,

a Minister of the Government of another Region or a member of the public service of the Region, the public service of the Federation or the public service of another Region.

(4) Subject to the provisions of this section, a member of the Public Service Commission of the Region shall vacate his office—

- (a) at the expiration of five years from the date of his appointment; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Public Service Commission of the Region may be removed from office by the Governor, acting in accordance with the advice of the Premier, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(6) A member of the Public Service Commission of the Region shall not be removed from office except in accordance with the provisions of this section.

(7) A person who has been appointed to be a member of the Public Service Commission of the Region shall not thereafter be eligible for appointment to any office in the public service of the Region.

Appoint-
ment, etc.,
of officers
in public
service.

64. (1) Power to appoint persons to hold or act in offices in the public service of the Region (including power to make appointments on promotion and transfer and confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission of the Region:

Provided that the Commission may, with the approval of the Premier and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or to any officer in the public service of the Region.

(2) This section shall not apply in relation to any of the following offices—

- (a) the office of the Deputy Governor of the Region or any judge of the High Court of the Region, or Justice of the Peace;

(b) except for the purposes of making appointments thereto, the office of the Director of Audit of the Region;

(c) any office to which section 66 of this Constitution (which relates to the office of the principal representative of the Region in the United Kingdom) applies.

(3) The provisions of this section shall be subject to the provisions of section 67 of this Constitution (which relates to permanent secretaries).

(4) No appointment shall be made under this section to any office on the personal staff of the Governor unless the Governor signifies his approval of the appointment.

65. If at any time the office of Deputy Governor of the Region is established under section 45 of this Constitution power to appoint persons to hold or act in that office and to remove persons so appointed from that office shall vest in the Governor, acting in accordance with the advice of the Premier.

Appoint-
ment, etc.,
of Deputy
Governor.

66. (1) Power to appoint persons to hold or act in the office of the Agent-General of the Region in the United Kingdom (including power to make appointments on promotion and transfer) and to remove persons so appointed from that office shall vest in the Governor, acting in accordance with the advice of the Premier.

Appoint-
ment, etc.,
of Agent-
General in
U.K.

(2) Before tendering any advice for the purposes of this section in relation to any person who holds any office in the public service of the Region other than an office to which this section applies, the Premier shall consult the Public Service Commission of the Region.

67. (1) Power to appoint persons to hold or act in the office of permanent secretary to any department of government of the Region and to remove persons so appointed from that office shall vest in the Governor, acting in accordance with the advice of the Premier.

Appoint-
ment, etc.,
of
permanent
secretaries.

(2) Before tendering any advice for the purposes of this section the Premier shall consult the Public Service Commission of the Region.

68. Power to appoint persons to hold or act in the office of Justice of the Peace and to dismiss and exercise disciplinary control over such persons shall vest in the Attorney-General of the Region.

Appoint-
ment, etc.,
of Justices
of the
Peace.

Appoint-
ment and
tenure of
office of
Director of
Audit.

69. (1) Before appointing any person to hold the office of Director of Audit of the Region the Public Service Commission of the Region shall consult the Premier.

(2) Subject to the provisions of this section, a person holding the office of Director of Audit of the Region shall vacate that office when he attains such age as may be prescribed by the Legislature of the Region.

(3) A person holding the office of Director of Audit of the Region shall be removed from office by the Governor if a resolution is passed by each Legislative House of the Region recommending his removal from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(4) Any person holding the office of Director of Audit of the Region shall not be removed from office except in accordance with the provisions of this section.

(5) If the office of Director of Audit of the Region is vacant or the holder of the office is for any reason unable to perform the functions of the office, the Public Service Commission of the Region, acting after consultation with the Premier, may appoint a person to act in the office and any person so appointed shall continue to act until his appointment is revoked by the Commission, acting after consultation with the Premier.

Powers
relating to
Clerks of
Legislative
Houses.

70. Before exercising any of its powers in relation to the Clerk to the House of Chiefs the Public Service Commission of the Region shall consult the President of that House and before exercising any of its powers in relation to the Clerk to the House of Assembly the Commission shall consult the Speaker of that House.

Powers of
Commis-
sions in
relation to
grant of
pensions,
etc.

71. (1) Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any person or authority under any Regional law, those benefits shall not be so withheld, reduced in amount or suspended, without the approval of the Public Service Commission of the Region.

(2) No benefits to which this section applies that have been granted to any person who holds or has held the office of judge of the High Court of the Region or for which any

such person may be eligible shall be withheld, reduced or suspended on the ground that that person has been guilty of misbehaviour while holding that office unless that person has been removed from that office by reason of such misbehaviour.

(3) This section applies to any benefits payable under any Regional law providing for the grant of pensions, gratuities or compensation to persons who are or have been members of the public service of the Region in respect of their service in that public service, or to the widows, children, dependants or personal representatives of such persons in respect of such service.

CHAPTER VII

TRANSITIONAL PROVISIONS

72. Subject to the provisions of this section, and section 154 of the Constitution of the Federation, and section 73 of this Constitution, the Act of Parliament of the United Kingdom entitled the Nigeria Independence Act, 1960 and the Nigeria (Constitution) Order in Council, 1960 (other than sections 14 and 17 of that Order and the second, third and fourth schedules thereto) in so far as they have effect in relation to the laws of the Region within the meaning of subsection (3) of section 154 of the Constitution of the Federation are hereby repealed.

Repeal of certain Constitutional instruments.

73. (1) Subject to the provisions of sections 74 and 75 of this Constitution, any court of law, authority or office which was established, any election held, any appointment or selection which was made, and any other thing whatsoever which was done in pursuance of any provision repealed by section 72 of this Constitution or which was deemed by virtue of any such provision to be established, held, made or done, shall be deemed—

Savings for things done, etc., under repealed constitutional instruments.

- (a) to have been duly established, held, made or done in pursuance of the corresponding provision of this Constitution, whether or not the corresponding provision differs from the provision to which it corresponds; and
- (b) so far as relevant in the case of an election, appointment, selection or other thing, to have been so held, made or done in pursuance of the corresponding

provision on the date or for the period on or for which it was actually held, made or done.

(2) Without prejudice to the generality of subsection (1) of this section and subject to the provisions of subsection (3) of section 31 of this Constitution, the Legislature of the Region shall, unless sooner dissolved, stand dissolved on the date on which it would, apart from this Constitution, have stood dissolved in pursuance of subsection (2) of section 31 of the Constitution repealed by section 72 of this Constitution.

(3) Except so far as the contrary intention appears in this Constitution, any right, privilege, obligation or liability saved by the operation of the Interpretation Act 1963, on the repeal by this Constitution of any enactment shall be deemed to arise under the corresponding provision of this Constitution, whether or not the corresponding provision differs from the enactment to which it corresponds.

Francis
Akanu Ibiam
to be
Governor.

74. Francis Akanu Ibiam shall be deemed to be appointed Governor of the Region on the date on which this Constitution comes into force.

Miscellaneous
transitional
provisions.

75. (1) All property which immediately before the date of commencement of this Constitution, was held by the Crown or by some other body or person (not being an authority of the Region) on behalf of or in trust for the Crown shall on that date by virtue of this subsection and without further assurance, vest in the Governor and be held by him on behalf of, or as the case may be on the like trusts for the benefit of, the Government of the Region; and all property which, immediately before the date aforesaid, was held by an authority of the Region on behalf of or in trust for the Crown shall be held by that authority on behalf of, or as the case may be on the like trusts for the benefit of, the Government of the Region.

(2) References to the Crown in subsection (1) of this section are references to the Crown in right of the Government of the Region; and that subsection shall, with the necessary modifications, apply in relation to rights, liabilities and obligations arising out of a contract or other arrangement as it applies in relation to property.

(3) Nothing in this section shall be construed as purporting to prejudice section 156 of the Constitution of the Federation.

CHAPTER VIII
MISCELLANEOUS

76. (1) Any Commission established by this Constitution may, with the consent of the Premier or such other Minister of the Government of the Region as may be authorized in that behalf by the Premier, by regulation or otherwise regulate its own procedure or confer powers and impose duties on any officer or authority of the Region for the purpose of discharging its functions.

Powers and procedure of Commissions.

(2) Subject to its rules of procedure, any Commission established by this Constitution may act notwithstanding any vacancy in its membership or the absence of any member:

Provided that any decision of the Commission shall require the concurrence of a majority of all the members thereof.

77. (1) The Governor may by instrument in writing establish for any Province of the Region a Provincial Administration.

Establishment of Provincial Administrations.

(2) A Provincial Administration established under this section shall consist of such persons and shall have such functions as may be prescribed by the Governor or by or under any law in force in the Region.

(3) The provisions of this section shall be without prejudice to the powers of the Legislature of the Region to establish a Provincial Administration for any Province of the Region or otherwise to make provision for the administration of that Province.

78. (1) Any person who is appointed, elected or otherwise selected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he is appointed, elected or selected:

Resignations.

Provided that in the case of a member of a Legislative House of the Region who holds office as President or Speaker of the House his resignation from the House or that office shall be addressed to the House and in the case of any other member of the House his resignation from the House shall be addressed to the President or Speaker of the House.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing

signifying the resignation is received by the person or authority to whom it is addressed or by any person authorized by that person or authority to receive it.

Reappointments, etc.

79. (1) Where any person has vacated any office constituted by this Constitution, he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any office in the public service of the Region, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of his office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

Exclusion of chieftaincy questions from courts.

80. Notwithstanding any other provisions of this Constitution including in particular section 16 of this Constitution, no chieftaincy question shall be entertained by any court in the Region.

Interpretation, etc., General.

81. (1) In this Constitution, unless it is otherwise expressly provided or required by the context—

“Act of Parliament” means any law made by Parliament;

“the Advisory Council” means the Advisory Council on the Prerogative of Mercy of the Region;

“chieftaincy question” means any question as to the validity of the selection, appointment, approval of appointment, recognition, installation, grading, deposition or abdication of a chief;

“the Commonwealth” means Nigeria, any country to which section 14 of the Constitution of the Federation applies and any dependency of any such country;

“the financial year” means any period of twelve months beginning on the first day of April in any year or such other date as the Legislature of the Region may prescribe;

“oath” includes affirmation;

“the oath of allegiance” means such oath of allegiance as may be prescribed by Parliament;

“Parliament” means the Parliament of the Federation;

“the President” means the President of the Republic;

“the public service of the Region” means the service of the Republic in a civil capacity in respect of the government of the Region;

“Regional law” means any law made by the Legislature of the Region;

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

“office under the state” and “office of emolument under the state” includes office as the Governor of a Region or as a member of the Government of the Federation or a Region, so however that a person shall not be treated as holding an office of emolument under the state by reason only of his receiving a pension or other like benefit in respect of an office under the state.

(2) In this Constitution, unless it is otherwise expressly provided or required by the context—

(a) references to persons holding offices in the public service of the Federation or the public service of a Region include references to persons acting in those offices, and

(b) references to offices in the public service of the Region include references to the offices of the judges of the High Court of the Region and references to the offices of members of all other courts of law established by the Legislature of the Region, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or any other public fund of the Region.

(3) For the purposes of this Constitution, the office of the President or the Deputy President of the House of Chiefs, a member of the House of Chiefs, the Speaker or the Deputy Speaker of the House of Assembly, a member of the House of Assembly, a Minister of the Government of the Region, a Parliamentary Secretary to such a Minister or a member of the Executive Council, the Agent-General for Eastern Nigeria, any Commission established by this Constitution, or the Advisory Council shall not be regarded as an office in the public service of the Region.

(4) The Interpretation Act, as in force on the first day of October, 1963, shall apply for the purpose of interpreting this Constitution.

(5) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in exercising any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(6) For the avoidance of doubt it is hereby declared that any power to make laws conferred by this Constitution includes power to make laws having extra-territorial operation.

CHAPTER 26

CONTINGENCIES FUND LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. The Contingencies Fund.
4. Use of the Contingencies Fund to meet unforeseen expenditure.
5. Repayments to Contingencies Fund.
6. Power to make rules.

CHAPTER 26

A Law to establish a Contingencies Fund and for other purposes connected therewith.

E.R.N.
3 of 1959,
E.N.L.N.
79 of 1961.

[1st April, 1959]

1. This Law may be cited as the Contingencies Fund Law. Short title.

2. In this Law—

Interpreta-
tion.

“the Minister” means the Minister charged with responsibility for Finance;

“Region” means Eastern Nigeria.

3. (1) There is hereby established for the Region a Contingencies Fund into which the Minister may direct the payments of such sums as are appropriated for the purpose by the Legislature of the Region.

The Contin-
gencies
Fund.

(2) On the 1st day of April, 1959, the balances of the Regional Contingencies Fund and of the Colonial Development and Welfare Contingencies Fund, which Funds were established by Resolution of the Legislature of the Eastern Region of Nigeria dated the 11th day of April, 1958, shall be transferred to the Fund referred to in subsection (1) of this section.

(3) The gross amount contained in the said Fund at any time, including the total amount for the time being advanced from the Fund under subsection (2) of section 4 of this Law, shall not exceed £175,000 (one hundred and seventy-five thousand pounds).

Use of the Contingencies Fund to meet unforeseen expenditure.

4. (1) Where any expenditure required for the Public Service is urgently needed at a time when the House of Assembly is in recess, or when for any other reason it is impracticable immediately to obtain the authority required under section 58 of the Constitution of Eastern Nigeria for meeting the expenditure out of the Consolidated Revenue Fund or other public funds, the Minister may issue a warrant authorizing advances from the Contingencies Fund for the purpose of meeting the said expenditure.

(2) No money shall be advanced from the Contingencies Fund except under the authority of a warrant issued pursuant to subsection (1) of this section.

Repayments to Contingencies Fund.

5. (1) After the Minister has issued a warrant under section 4 of this Law authorizing advances from the Contingencies Fund, a proposal for the appropriation of an equal amount from the Consolidated Revenue Fund or other public funds shall be submitted to the Legislative Houses of the Region beginning next after the date when the warrant was issued or, if the warrant was issued during a meeting of the Legislative Houses of the Region and the Minister so directs, then at that meeting.

(2) A proposal submitted under this section shall be for appropriation of the said amount to the various heads of expenditure under which the expenditure would have been incurred if it had been incurred under the authority of a warrant issued by virtue of an Appropriation Law, instead of being met from the Contingencies Fund.

(3) So soon as may be after a proposal made under this section has received the approval of the Legislative Houses of the Region, and a warrant has been issued by virtue of such approval, the amounts advanced from the Contingencies Fund shall be repaid to the said Fund by adjustment from the said heads of expenditure.

Power to make rules.

6. Subject to the provisions of this Law, the Minister may make rules for the proper and efficient administration of the Fund; such rules shall be presented for the information of the Legislative Houses of the Region.

CHAPTER 26
CONTINGENCIES FUND LAW
SUBSIDIARY LEGISLATION

Contingencies Fund Rules

made under section 6

E.R.L.N.
141 of 1959.
246 of 1960.
E.N.L.N.
66 of 1961.

1. These rules may be cited as the Contingencies Fund Rules.

Citation.

2. The accounts of the Fund shall be kept by the Accountant-General of Eastern Nigeria and shall be audited by the Director of Audit, to whom annual statements shall be forwarded by the Accountant-General as soon as possible after the close of each financial year. A copy of such accounts, together with the reports of the Director of Audit thereon, shall be presented before the Legislature and shall be examined by the Public Accounts Committee.

Keeping of accounts.

3. No sums shall be paid out of the Fund save on the authority of a Warrant, which shall be known as a Contingencies Warrant, signed by the Minister of Finance. Every such payment shall be described as a Contingencies Advance. The Contingencies Warrant shall state the purposes for which expenditure is to be made and shall indicate the Head, Sub-head and Item of expenditure to which the expenditure would have been classified, if made from the Consolidated Revenue Fund and not by way of advance from the Contingencies Fund.

Issue of Contingencies Warrants.

4. The Minister of Finance shall not sign a Contingencies Warrant unless Executive Council has approved the presentation to the Legislature of a Supplementary Estimate in due course.

Contingencies Warrant to be signed on Executive Council's approval.

5. When a Contingencies Warrant has been signed it shall be forwarded to the Accountant-General; a copy of the Warrant shall be forwarded to the Director of Audit. On receipt of the Warrant the Accountant-General shall forthwith

Action to be taken on receipt of Contingencies Warrant.



accept as a charge against the Fund vouchers drawn by the officer controlling expenditure under each Head, Sub-head and Item indicated in the Warrant up to the maximum imposed by the amounts shown in the Schedule to the Warrant; each voucher shall indicate clearly the vote of charge to which the expenditure would have been classified if incurred from the Consolidated Revenue Fund.

Adjustment
Vouchers to
be raised as
soon as
Legislature
passes
Appropriation
or
Supplementary
Appropriation
Law.

6. When the Legislature has passed a Supplementary Appropriation Law, or an Appropriation Law, which contains provisions in respect of Items for which Contingencies Advances have been made, the Accountant-General shall within seven days raise Adjustment Vouchers debiting the Head, Sub-head and Item for which Supplementary Appropriation has been made and crediting the Contingencies Fund with the sums expended from the Fund on the authority of the Warrant or Warrants. Every officer against whom such Adjustment Voucher is raised shall forthwith accept it.

CHAPTER 27

CONTROL OF RENTS LAW

*Arrangement of Sections**Section*

1. Short title.
2. Interpretation.
3. Power to determine standard rents.
4. Constitution of Rent Tribunals.
5. Reference of tenancy agreements to Rent Tribunals.
6. Appeal from order of Rent Tribunal.
7. Receipt of rent in excess of standard rent unlawful.
8. Payment of rent in excess of standard rent unlawful.
9. Receipt of rent in excess of rent fixed by Rent Tribunal unlawful.
10. Payment of rent in excess of rent fixed by Rent Tribunal unlawful.
11. Receipt of rent in excess of rent approved by the Minister.
12. Payment of rent in excess of rent approved by the Minister.
13. Recovery of rents in excess unlawfully received.
14. Offence and penalty.
15. Regulations.
16. Restriction on ejection.

SCHEDULE

CHAPTER 27

**A Law to regulate and control Rents in Eastern Nigeria,
to provide for the Establishment of Rent Tribunals
and for other matters connected therewith.**

E.R.N.
42 of 1955.
E.N.L.N.
79 of 1961.

1. This Law may be cited as the Control of Rents Law, Short title.
and shall come into force on a day to be appointed by the
Governor by notice in the *Eastern Nigeria Gazette*.

3

Interpreta-
tion.**2. In this Law—**

“landlord” includes a landlord or sub-landlord and any person from time to time deriving title from the original landlord or sub-landlord;

“the Minister” means the Minister for the time being charged with responsibility for Rent Control;

“premises” includes any dwelling house and any other building in which persons dwell, whether or not a part thereof is used as a shop, and any part of any premises let or sublet separately and also includes any premises now existing or which may be erected on State land where such premises have been or are erected by a person being the holder of a State lease or by a person holding by sub-demise of a State lease or in any way claiming title through a State lease;

“rent” includes any sum paid as rent or hire for the use of furniture when the premises are let furnished or when the premises are let and the furniture therein is hired by the landlord to the tenant and also, in the absence of any agreement to the contrary, any sum paid in respect of the supply of water, electric light and conservancy charges:

Provided that this definition shall not include any agreement for the letting or hiring of furnished rooms with board.

Power to
determine
standard
rents.

3. The Minister may by order determine a standard rent for any premises or class of premises situated within any area of Eastern Nigeria, whether within any town, Municipality, local government council area, or other area.

Constitution
of Rent
Tribunals.

4. For each town, Municipality, local government council area or other area in which an order is made by the Minister under section 3, there shall be a Rent Tribunal constituted in accordance with the provisions of the Schedule to this Law:

Schedule.

Provided that, if the Minister so directs, the same Rent Tribunal may act for more than one area.

Reference
of tenancy
agreements
to Rent
Tribunals.

5. (1) Where a contract or agreement, whether oral or written, and whether entered into before or after the passing of this Law, has been entered into whereby the landlord lets to a tenant premises, situated in any area of the Region in

standard rent where an order has been made under section 3 in respect of such premises and where an order has not been made in respect thereof by a Rent Tribunal.

Receipt of rent in excess of rent fixed by Rent Tribunal unlawful.

9. It shall be unlawful for the landlord of any premises to receive any rent in excess of that rent which has been fixed under subsection (3) of section 5 by the order of a Rent Tribunal in respect of such premises and where there has not been a variation under section 6 by the Minister.

Payment of rent in excess of rent fixed by Rent Tribunal unlawful.

10. It shall be unlawful for the tenant or sub-tenant of any premises to pay or to offer to pay any rent in excess of that rent which has been fixed under subsection (3) of section 5 by the order of a Rent Tribunal in respect of such premises and where there has not been a variation under section 6 by the Minister.

Receipt of rent in excess of rent approved by the Minister.

11. It shall be unlawful for the landlord of any premises to receive any rent in excess of that rent which has been approved under subsection (3) of section 6 by the Minister.

Payment of rent in excess of rent approved by the Minister.

12. It shall be unlawful for the tenant or sub-tenant of any premises to pay or offer to pay any rent in excess of that rent which has been approved under subsection (3) of section 6 by the Minister.

Recovery of rents in excess unlawfully received.

13. Where a landlord has received from a tenant or a sub-tenant any rent in excess of that which is declared by sections 7, 9 or 11 to be unlawfully received, the tenant or the sub-tenant, as the case may be, may recover from the landlord the rent in excess, and, without prejudice to any other method of recovery, may deduct from the rent payable by him to such landlord all such sums as have been paid by him as excess rent.

Offence and penalty.

14. (1) Any person who receives or pays any rent in excess contrary to the provisions of sections 7, 8, 9, 10, 11 or 12 of this Law, or contravenes any provision of any regulation made under this Law, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding one hundred pounds or six months imprisonment or both such fine and imprisonment.

(2) A member or an officer of a Rent Tribunal may prosecute for any offence under subsection (1) of this section.

15. (1) The Executive Council may make regulations— Regulations.

- (a) prohibiting or controlling the payment of rent in advance, the payment of premium rent or "key" money or any other money as a condition of the grant, renewal or continuance of a tenancy;
- (b) providing for a register of rents to be maintained by local government councils;
- (c) prescribing the principles, circumstances and factors to be taken into consideration by a Rent Tribunal when giving a decision under subsection (3) of section 5;
- (d) prescribing the procedure on applications to, and hearing by, Rent Tribunals, the amount of fees for the filing, service and hearing of applications;
- (e) prescribing the tenure of office of chairman and other members of Rent Tribunals;
- (f) generally with regard to proceedings before Rent Tribunals established under this Law; and
- (g) generally for the carrying into effect of the provisions of this Law.

(2) Any regulation made under this section may be applied to any town, Municipality, local government council area, or other area of the Region as the Executive Council may determine.

16. No tenant or sub-tenant of any premises in respect of which an order under section 3 has been made shall be ejected therefrom save in pursuance of an order of the Court obtained under the provisions of the Recovery of Premises Law. (Cap. 113) Restriction on ejection.

SCHEDULE

PROVISIONS REGARDING CONSTITUTION OF RENT TRIBUNALS

1. A Tribunal shall consist of a chairman and two other members.
2. (1) The chairman and the other members of a Tribunal shall be appointed by the Minister.
(2) During the absence or incapacity of any member a person appointed by the Minister shall act in his place.
3. The members and acting members of a Tribunal shall receive such remuneration and such travelling and other allowances as the Minister may determine.

SCHEDULE—*continued*

4. A Tribunal may appoint a clerk and, with the approval of the Minister as to numbers, such other officers and servants as they think fit, and there shall be paid to the clerk and other officers and servants such salaries and allowances as the Minister may determine.

5. The remuneration and allowances of members and acting members of a tribunal, the salaries and allowances of the clerk and other officers and servants appointed as aforesaid, and such other expenses of a tribunal as the Minister may determine, shall be defrayed out of moneys provided by the Government.

SUBSIDIARY LEGISLATION

(This Law repealed within Eastern Nigeria the Increase of Rent (Restriction) Ordinance, Chapter 93 of the Laws of Nigeria, 1948, together with any orders made thereunder. No order, or other subsidiary legislation, has been made under the Law).

CHAPTER 28

CO-OPERATIVE SOCIETIES LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Appointment of registrar and assistant registrar.
4. Seal.
5. Societies which may be registered.
6. Conditions of registration.
7. Application for registration.
8. Registration.
9. Societies to be bodies corporate.
10. Evidence of registration.
11. Power to make bye-laws.
12. (1) Amendment of bye-laws.
(2) Change of name.
13. Registration of bye-laws and amendments.
14. Address of society.
15. Copy of laws, rules, bye-laws and list of members open to inspection.
16. Contracts with members.
17. Creation of charges in favour of registered society.
18. Charges and set off in respect of shares or interests of members.
19. Share or interest not liable to attachment or sale.
20. Transfer of interest on death of member.
21. Deposits by or on behalf of minors.
22. Register of members.
23. Proof of entry in the books of the society.
24. Staff Provident Fund.
25. Qualification of members.
26. Members not to exercise rights until due payment made.
27. Restriction of membership.
28. Voting.
29. Contracts with society of members who are minors.
30. Restriction of shareholding.
31. Restriction of transfer of share or interest.

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32. Liability of a member.
33. Liability of past member for debt of society.
34. Liability of the estate of deceased member for debt of society.
35. Restriction of loans.
36. Deposits and loans from non-members.
37. Restrictions of other transactions with non-members.
38. Investment.
39. (1) Disposal of surplus.
(3) Reserve fund.
40. Audit.
41. Power of registrar and auditor to inspect books and require returns.
42. Inquiry and examination.
43. Winding up.
44. Powers of liquidator.
45. Registrar may control liquidation.
46. Enforcement of order.
47. Limitation of jurisdiction of courts.
48. Disposal of assets on liquidation.
49. Cancellation of registration.
50. Surcharge.
51. Appeal.
52. Attachment.
53. Settlement of disputes.
54. Rules.
55. Rules of court.
56. Case stated.
57. Recovery of sums due to Government.
58. (1) Prohibition of use of word "co-operative".
(2) Penalty.
59. Information in society's books exempt from disclosure for certain purposes.
60. Power to exempt from certain duties and fees.
61. Restriction on the application of certain laws.
62. Exemption from compulsory registration of instruments relating to shares, etc., of registered society.
63. Offences.
64. Savings.

CHAPTER 28

A Law to make provision with respect to Co-operative Societies in Eastern Nigeria.E.R.N.
17 of 1956.
E.N.
26 of 1960.
E.N.L.N.
79 of 1961.

[10th May, 1956]

PART I

1. This Law may be cited as the Co-operative Societies Law. Short title.

2. In this Law, unless the context otherwise requires— Interpretation.

“bye-laws” includes the registered bye-laws made by a society in the exercise of any power conferred by this Law, and any registered amendment thereof, such amendment being either a new bye-law or the variation or revocation of an existing bye-law;

“committee” means the governing body of a registered society to whom the management of its affairs is entrusted;

“council of inspection” means the elected council of members who are not members of the committee to whom the supervision of the committee is entrusted;

“delegate” means the representative of a society elected to be its proxy in meetings of a secondary society with which the society is affiliated;

“dividend” means a share of the net surplus of a registered society divided among its members in proportion to the paid-up share capital held by them;

“honorarium” means a share of the net surplus of a registered society divided amongst some or all of the members of the committee or the Council of Inspection or scrutinizers of the society in recognition of services for which otherwise no payment is received;

“liability of member” means the extent to which a member may be obliged to contribute money to meet the debts of a society on liquidation thereof;

“member” includes a person or registered society joining in the application for the registration of a society, and a person or registered society admitted to membership after registration in accordance with the bye-laws and rules;

“members’ bonus” means a share of the net surplus of a registered society divided among its members in proportion to the volume of business done by them with the society from which the surplus of the society was derived;

“the Minister” means the Minister for the time being charged with responsibility for Co-operative Societies;

“net surplus” means the difference between income received or accrued during the financial year and the total of expenditure made or accrued during the year and provisions and allowances for the depreciation of fixed assets or the writing off of losses or bad debts and for the creation or maintenance of reserves against bad debts or depreciation of stocks;

“officer” includes a president, chairman, treasurer, member of committee or secretary, or other person empowered under the rules or bye-laws to give directions in regard to the business of a registered society;

“primary society” means a registered society consisting of individuals as members;

“productive society” means a registered society whose principal object is the carrying on of agricultural or forest production, fishing or manufactures and whose members are respectively working farmers, forest workers, fishermen, or craftsmen or industrial workers;

“registered society” means a co-operative society registered under this Law;

“registrar” means the registrar of co-operative societies appointed under section 3 of this Law and also any person when exercising such powers of the registrar as may have been conferred upon him under that section;

“rules” mean rules made under this Law;

“school society” means a co-operative society whose members are pupils or students attending school;

“scrutinizer” means a member of a society who is not a member of the committee of such society and who is elected to supervise the work of the committee on behalf of the members of the society;

“secondary financing society” means a registered society of which the principal object is to make loans to other registered societies;

“secondary society” means a registered society of which some registered societies are members established to facilitate the operations of registered societies in accordance with co-operative principles and also a secondary financing society;

“staff bonus” means a share of the net surplus of a registered society divided amongst some or all of the employees of the society.

PART II.—REGISTRATION

3. (1) The Public Service Commission may appoint a person to be registrar of co-operative societies for Eastern Nigeria and may appoint persons to be assistant registrars.

Appointment of registrar and assistant registrar.

(2) The Minister may confer on any assistant registrar all or any of the powers of a registrar under this Law.

4. Any person appointed as registrar under section 3 shall have a seal of such device as may be approved by the Minister and impressions of such seal shall be judicially noticed.

Seal.

5. (1) Subject to the provisions of this Law, a society which has as its object the promotion of the economic interests of or the provision of services for its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such societies, may be registered under this Law with or without limited liability as the registrar may decide.

Societies which may be registered.

(2) From the date of the coming into operation of this Law, all co-operative societies possessing a registered address within Eastern Nigeria and registered under the Co-operative Societies Act shall be deemed to be registered under this Law and shall be subject to the provisions of this Law.

(L. of N. 1948, Cap. 39)

6. (1) No primary society shall be registered under this Law which does not consist of at least ten individuals each of whom is qualified under section 25 of this Law for membership:

Conditions of registration.

Provided that a productive society may be registered with a membership of not less than six individuals.

(2) No secondary society shall be registered unless at least two registered societies are members thereof.

(3) (a) The word "co-operative" or its vernacular equivalent shall form part of the name of every society registered under this Law.

(b) The word "limited" or its vernacular equivalent shall be the last word in the name of every society with limited liability registered under this Law.

(4) No school society shall be registered save with the consent of the Minister.

(5) When, for the purposes of this section, any question arises concerning the age, residence, property qualification or status of any person, then the same shall be decided by the registrar.

(6) Any person aggrieved at any decision of the registrar under the provisions of subsection (5) may appeal in writing to the Minister whose decision shall be final.

Application
for
registration.

7. (1) An application for registration shall be made to the registrar and the persons on whose behalf such application is made shall furnish such information with respect to the society as the registrar may require.

(2) Such applications shall be signed—

(a) in the case of a primary society, by at least ten, or in the case of a productive society six, individuals qualified for membership under section 25; and

(b) in the case of a secondary society, by a duly authorized person on behalf of every registered society which is a member, and, where all the members of the society are not registered societies, by ten other members, or where there are less than ten other members, by all of them.

(3) Such application shall include the address of the society, and shall be accompanied by three copies of the proposed bye-laws of the society.

Registration.

8. (1) If the registrar is satisfied that the society is eligible for registration under section 5 (1) and has complied with the provisions of this Law and that its proposed bye-laws are not inconsistent with the provisions of this Law, he may, if he thinks fit, register the society and its bye-laws.

(2) If the registrar refuses to register a society he shall give notice to the applicants in writing of the reasons for his refusal.

(3) Where the registrar refuses to register a society an appeal shall lie to the Minister within three months of the registrar giving notice under subsection (2), and the decision of the Minister thereon shall be final.

9. A society when registered shall be a body corporate having as its name the name under which it is registered; it shall have perpetual succession and a common seal, and with power to hold movable and immovable property of every description, to enter into contracts, to sue and be sued and to do all things necessary for the purpose of its constitution.

Societies to be bodies corporate.

10. A certificate of registration signed and sealed by the registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled.

Evidence of registration.

PART III.—DUTIES AND PRIVILEGES OF REGISTERED SOCIETIES

11. (1) A registered society may, subject to the approval of the registrar, make any bye-laws that are necessary or desirable for the purposes for which such society is established.

Power to make bye-laws.

(2) A registered society shall make bye-laws in respect of the following matters—

- (i) the name of the society and the name of the town or village where it will have its registered address;
- (ii) the area of its operation;
- (iii) the objects of the society;
- (iv) the purposes to which the society's fund may be applied and the mode of custody and investment of funds;
- (v) the qualifications for membership, the terms of admission of members, the entrance or affiliation fees, if any, payable, and the mode of election;
- (vi) the nature and extent of the liability of members;
- (vii) the notice required for withdrawal of membership;
- (viii) the manner of raising the share capital, if any, and other funds and the terms of withdrawal or transfer of shares;

- (ix) the powers and duties of general meeting and committee other than those specified in the rules;
- (x) the authorization of an officer or officers to sign documents and to use the seal on behalf of the society;
- (xi) the disposal of the annual net surplus;
- (xii) in the case of a housing society, the duration of the society;
- (xiii) in the case of a secondary society, the method of representation of members at general meetings, the removal of delegates and the manner of voting of delegates.

(3) If the objects of the registered society include the creation of funds to be lent to the members, additional bye-laws shall be made in respect of the following matters—

- (a) the conditions on which loans may be made to members including—
 - (i) the maximum rate of interest;
 - (ii) the maximum period allowed for the repayment of a loan;
 - (iii) the extension of the term and renewal of a loan;
 - (iv) the purposes for which a loan may be granted;
 and
 - (v) the security required for repayment;
- (b) the consequences of default in payment of any sum due on account of shares, compulsory savings, or loan, and the consequences of failure to use a loan for the purpose for which it was granted; and
- (c) the occupation or residence of members.

(4) Bye-laws made under this section may empower a registered society to impose a fine upon a member for the breach of a bye-law which fine shall be recoverable by the society as a civil debt.

Amendment
of bye-laws.

12. (1) Any society may, subject to this Law and the rules, amend its bye-laws, including the bye-law which declares the name of the society.

Change of
name.

(2) An amendment which changes the name of the society shall not affect any right or obligation of the society or any of its members or past members, and any legal proceedings pending may be continued by or against the society under the new name.

13. (1) No bye-law of a society or amendment to a bye-law shall be valid until it has been registered by the registrar.

Registration
of bye-laws
and
amendments.

(2) The registrar shall register a bye-law or an amendment to a bye-law if he is satisfied that it is not inconsistent with the provisions of this Law or the rules.

(3) If the registrar refuses to register a bye-law or an amendment to a bye-law he shall inform the society in writing of the reasons for his refusal.

(4) Where the registrar refuses to register a bye-law or an amendment to a bye-law, an appeal shall lie to the Minister within three months of the registrar informing the society under subsection (3) and the decision thereon by the Minister shall be final.

(5) When the registrar registers an amendment of bye-laws of a registered society, he shall issue to the society a copy of the amendment certified and sealed by him, and such copy so certified and sealed shall be conclusive evidence that the amendment is duly registered.

14. (1) Every registered society shall have an address registered in accordance with the rules to which all notices and communications may be sent.

Address of
society.

(2) The address declared in accordance with section 7 (3) shall be registered as the registered address until changed.

(3) Every change of address shall be notified to the registrar, who will register the new registered address, and to any non-members who may be creditors of the society.

15. Every registered society shall keep a copy of this Law and the rules and of its bye-laws and a list of its members open to inspection free of charge by any person at all reasonable times at the registered address of the society.

Copy of
Laws, rules,
bye-laws
and list of
members
open to
inspection.

16. (1) A registered society which has as one of its objects the disposal of any article produced or obtained by the work or industry of its members, whether the produce of agriculture, animal husbandry, forestry, fisheries, handicrafts or otherwise, may provide in its bye-laws or otherwise contract with its members—

Contracts
with
members.

(a) that every such member who produces any such article shall dispose of the whole or any specified amount,

proportion or description thereof to or through the society; and

- (b) that any member who is proved or adjudged in such manner as may be prescribed by the rules to have committed a breach of the bye-laws or contract shall pay to the society as liquidated damages a sum ascertained or assessed in such manner as may be prescribed by the rules.

(2) No contract entered into under the provisions of this section shall be contested in any court on the ground only that it constitutes a contract in restraint of trade.

Creation
of charges
in favour of
registered
society.

17. Subject to any prior claim of Government or to a charge lawfully registered on the property of the debtor and of a landlord in respect of rent or any money recoverable as rent—

- (a) any debt or outstanding demand owed to a registered society by any member or past member shall be a first charge—

(i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member; and

(ii) upon any cattle, fodder for cattle, agricultural, fishing or industrial implements, or raw materials for manufacture, or workshops, stores or places of business, or stock in trade, or land or buildings, supplied to such member or past member by the society, or purchased by him in whole or in part with any loan, whether in money or goods, given him by the society:

Provided that nothing contained herein shall affect the claims of any *bona fide* purchaser or transferee for value without notice of any such crops, or other agricultural produce, cattle, fodder for cattle, or raw materials for manufacture or agriculture, fishing or industrial implements, or workshops, stores or places of business, or stock in trade or land or buildings.

- (b) any outstanding dues payable to a registered housing society by any member or past member in respect of rent, share capital, loans, purchase money, or any rights or amounts payable to such society, shall be a first charge upon his interest in the immovable property of the society.

18. A registered society shall have a charge upon the shares or interests in the capital and on the deposits of a member or past member or deceased member and upon any dividend, bonus or surplus payable to a member or past member or to the estate of a deceased member in respect of any debt due to the society from such member or past member or estate, and may set off any sum credited or payable to a member or past member or estate of a deceased member in or towards payment of any such debt.

Charges and set off in respect of shares or interests of members.

19. Subject to the provisions of section 18, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of any court in respect of any debt or liability incurred by such member, and neither his assigns in insolvency nor a receiver duly appointed shall be entitled to or have any claim on such share or interest.

Share or interest not liable to attachment or sale.

20. (1) On the death of a member, a registered society may transfer the share or interest of the deceased member to the person nominated, in accordance with any rules made in this behalf, or, if there is no person so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member, or may pay to such nominee, heir or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or bye-laws.

Transfer of interest on death of member.

(2) A registered society shall pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

21. (1) A registered society may receive deposits from or for the benefit of minors and it shall be lawful for a registered society to pay such minors the interest which may become due on such deposits. Any deposit made by a minor may, together with the interest accrued thereon, be paid to that minor; and any deposit made on behalf of a minor may, together with the interest accrued thereon, be paid to the guardian of the minor for the use of the minor.

Deposits by or on behalf of minors.

(2) The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge of the liability of the society in respect of that money.

Register of members.

22. The register of members kept by a registered society shall be *prima facie* evidence of any of the following particulars entered therein—

- (a) the membership of any member,
- (b) the date at which any member became a member,
- (c) the date at which any member ceased to be a member.

Proof of entry in the books of the society.

23. (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as is prescribed in the rules, be received in any legal proceeding, civil or criminal, as *prima facie* evidence of the existence of such entry and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

(2) No officer of any such society shall, in any legal proceedings to which the society is not a party, be compelled to produce any of the society's books, the contents of which can be proved under subsection (1), or to appear as a witness to prove any matter, transactions or accounts therein recorded, unless the court so directs.

Staff Provident Fund.

24. (1) Any registered society may establish a Provident Fund for its employees, or may, with the consent of and on conditions laid down by the Co-operative Union of Eastern Nigeria, participate in a Provident Fund established by such Union.

(2) Any such Provident Fund shall be administered in accordance with and governed by rules made by the general meeting of the society establishing it.

(3) Any employee who is a depositor in such a fund may nominate, in accordance with any rules made in this behalf, a person or persons to whom in the event of his death his deposit or interest in the fund shall be paid according to any rules made under subsection (2).

(4) All payments made under the provisions of subsection (3) shall be valid and effectual against any demand made upon the fund or the society by any other person notwithstanding any written law or any custom to the contrary.

(5) The society shall have a first charge upon the deposit or interest of an employee, former employee or deceased employee in such a fund in respect of any debt due to the society from such employee, former employee or deceased employee, and may set off any sum credited or payable to the employee, former employee or estate of deceased employee in or towards payment of any such debt.

PART IV.—RIGHTS AND LIABILITIES
OF MEMBERS

25. (1) To be qualified for membership of a registered society an individual must have attained the age of sixteen years and be resident within, or in occupation of land within the area of operations of the registered society as defined in its bye-laws. Qualification
of
members.

(2) To be qualified for membership of a secondary society a registered society must have its registered address within the area of operations of the secondary society as defined in its bye-laws.

(3) Notwithstanding the provisions of subsection (1)—

(a) a pupil over the age of eight shall be qualified for membership of a registered school society; and

(b) an apprentice under the age of sixteen shall be qualified for membership of a registered productive society of craftsmen; and

(c) the person to whom a registered society transfers the share or interest of a deceased member in accordance with any nomination under the provision of section 20 shall be qualified for membership of such registered society.

(4) When for the purposes of this section any question arises concerning the age, residence, property qualification or status of any person, then the same shall be decided by the committee, subject to an appeal to the registrar.

(5) Any person aggrieved by a decision of the registrar under the provisions of subsection (4) may appeal in writing to the Minister whose decision shall be final.

26. No member of a registered society shall exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society as may be prescribed by the rules or bye-laws. Members
not to
exercise
rights
until due
payment
made.

Restriction
of member-
ship.

27. Except with the sanction of the registrar, no person shall be a member of more than one registered society whose bye-laws permit the grant of loans to members in excess of their share or interest in the society.

Voting.

28. (1) Subject to the provisions of this section no member of a registered society shall have more than one vote in the conduct of the affairs of the society:

Provided that in the case of an equality of votes the president or other person presiding at the meeting shall have a casting vote.

(2) A registered society which operates in a town or in more than one village may in its bye-laws provide for local meetings or for voting by proxy.

(3) The members of a secondary society shall have such voting powers as are laid down in its bye-laws.

(4) A registered society which is a member of a secondary society may appoint a proxy for the purpose of voting in the conduct of the affairs of such secondary society in accordance with its bye-laws:

Provided that the person so nominated shall be a member of a registered society.

Contracts
with society
of members
who are
minors.

29. The minority or under-age of any person duly admitted as a member of any registered society shall not debar that person from executing any instrument or giving any acquittance necessary to be executed or given under this law or of any rules made thereunder, and shall not be a ground for invalidating or voiding any contract entered into by any such person with the society, and any such contract entered into by any such person, with the society, whether as principal or as surety, shall be enforceable by or against such person as though he were of full age and capacity:

Provided that a member who has not attained the age of eighteen years shall not be liable save for payment for necessary things and services, and in respect of contracts entered into for his benefit.

Restriction
of share-
holding.

30. No member, other than a registered society, shall hold more than one-fifth of the share capital of any co-operative society.

31. (1) The transfer or charge of the share or interest of a member or past member or deceased member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Law or by the rules.

Restriction of transfer of share or interest.

(2) In the case of a society registered with unlimited liability, a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof unless—

- (a) he has held such share or interest for not less than one year; and
- (b) the transfer or charge is made to the society or to a member of the society, or to a person whose application for membership has been accepted by the committee of the society.

32. (1) Notwithstanding the provisions of any bye-laws the liability of a member, present or past, of a registered society with limited liability shall extend to the nominal value of any shares held or subscribed by him.

Liability of a member.

(2) Where in the bye-laws of a registered society with limited liability the amount of the liability of a member is expressed to be greater than the nominal value of any shares held or subscribed by him then the liability of such member shall extend to such greater amount.

(3) Where the society has received a loan or advance from a co-operative bank or a statutory corporation, every member of that society shall, in addition to any amount for which he may have become liable personally to the society in respect of such loan or advance, be liable to the co-operative bank or statutory corporation as surety for the repayment of the loan or advance, with interest and costs, by the society, in an amount equal to the amount which he has received from the society out of the loan or advance or which has been paid out of the loan or advance for any goods supplied or in respect of any services rendered to him by the society.

33. The liability of a past member for the debts of a registered society as they existed on the date on which he ceased to be a member shall not continue for a period of more than two years reckoned from that date.

Liability of past member for debt of society.

Liability of the estate of deceased member for debt of society.

34. The estate of a deceased member shall not be liable for the debts of the society as they existed on the date of his decease for a period of more than two years reckoned from the date of his decease.

PART V.—PROPERTY AND FUNDS OF REGISTERED SOCIETIES

Restriction of loans.

35. (1) Subject to the provisions of section 38, a registered society shall not make a loan to any person other than a member of such society, or, with the prior approval of the registrar, to another registered society.

(2) A registered society shall not lend money upon the security of any movable property other than produce or goods on which the society is authorized to deal without the prior approval of the registrar.

(3) The registrar may by order prohibit or restrict the lending of money on mortgage of immovable property by any registered society.

(4) This section shall not apply to a secondary financing society.

Deposits and loans from non-members.

36. A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or bye-laws.

Restrictions of other transactions with non-members.

37. Save as provided for in sections 35 and 36, the transactions of a registered society with persons other than members shall be subject to such prohibitions and restrictions as may be prescribed by the rules.

Investment.

38. A registered society may invest or deposit its funds—

(a) in the Post Office Savings Bank; or

(b) in any bank, or with any registered society, approved by the registrar; or

(c) in any other manner approved by the registrar.

Disposal of surplus.

39. (1) Subject to the provisions of this section no registered society of limited liability shall pay a dividend or bonus or otherwise distribute any part of its net surplus except as provided in its bye-laws and with the prior approval of the registrar.

(4) Any officer, agent, servant or member of a registered society wilfully neglecting or refusing to do any act or furnish any information, or furnishing information known to be false or without any reasonable excuse disobeying any summons, requisition or order under subsection (3) shall be guilty of an offence, and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

Power of registrar and auditor to inspect books and require returns.

41. (1) The registrar, and every other person appointed by him in this behalf under the provisions of this section shall at all reasonable times have access to all the books, accounts, papers and securities of a registered society, and shall be entitled to inspect the cash in hand and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require.

(2) The registrar may give directions either generally or specifically prescribing the returns to be submitted and the persons by whom such returns shall be submitted to the registrar by registered societies.

(3) Any registered society or member or officer of any registered society who fails to comply with a direction given under the provisions of this section or who submits information or makes a return knowing it to be false shall be guilty of an offence and liable upon conviction in the case of a registered society to a fine not exceeding one hundred pounds and in the case of a member or officer to a fine not exceeding one hundred pounds or to not more than six months imprisonment.

Inquiry and examination.

42. (1) The registrar may of his own motion, and shall on the application of a majority of the committee, or of not less than one-third of the members of a registered society, hold an inquiry or direct some person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a registered society; and all officers and members of the society shall furnish such information in regard to the affairs of the society and produce the cash in hand and such books, accounts, papers and securities of the society as the registrar or the person authorized by him may require.

(2) The registrar shall, on the application of a creditor of the registered society, examine or direct some person authorized by him in writing to examine the books of the society, if the applicant—

(a) proves to his satisfaction that an ascertained sum of money is then due to him and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and

(b) deposits with the registrar such sum as security for the costs of the proposed examination as the registrar may require.

(3) The registrar shall communicate the results of any such examination to the creditor and of any such inquiry to the registered society into whose affairs inquiry has been made.

(4) Where an inquiry is held under subsection (1) or an examination is made under subsection (2), the registrar may by a certificate under his hand and seal make an award apportioning the costs, including the remuneration of any person appointed to make such inquiry or examination, or such part of the costs, as he may think right, between the registered society, the members demanding the inquiry, the officers or former officers of the society, and any creditor on whose application the examination was made.

(5) Any sum awarded by way of costs under subsection (4) shall be recoverable in the same manner as a fine imposed by any court having jurisdiction over the person against whom the award is made, on production before the court of the certificate referred to in subsection (4).

(6) The registrar or the person authorized by him to conduct an inquiry under subsection (1) may, if he considers that it is in the best interests of the members that the books and property of the society should be deposited with him, order the books and property to be deposited within such time and at such place as is stated in the order.

(7) Any registered society or member or officer of any registered society who fails to supply information when requested to do so under the provisions of this section or who gives information knowing that it is false or refuses to surrender the books or property of a registered society after an order has been made under subsection (6) shall be guilty of an offence and liable upon conviction in the case of a

registered society to a fine not exceeding one hundred pounds and in the case of a member or officer to a fine not exceeding one hundred pounds or to not more than six months' imprisonment.

PART VII.—DISSOLUTION

Winding up.

43. (1) If the registrar, after holding an inquiry or making an examination under section 42, or on receipt of an application made by three-fourths of the members of a registered society present at a special meeting convened for the purpose, is of the opinion that such society ought to be wound up, he may issue an order directing it to be wound up.

(2) The registrar may, of his own motion, make a winding-up order in respect of a registered society which has not commenced working or has ceased working or the membership of which is reduced to less than the minimum membership prescribed in section 6.

(3) No registered society shall be wound up save by an order of the registrar.

(4) Any member of a registered society may, within two months from the date of a winding-up order under subsection (1) or (2), appeal against such order to the Minister and the decision of the Minister thereon shall be final.

(5) When making a winding-up order under subsection (1) or (2), the registrar may appoint a liquidator for this purpose and fix his remuneration.

(6) A liquidator shall not wind up a society until any appeal prosecuted under the provisions of subsection (4) has been determined or until two months have elapsed from the date of the winding-up order whichever period is the shorter.

Powers of liquidator.

44. (1) Subject to the provisions of any order made by the registrar under section 45 a liquidator appointed by the registrar shall have power—

- (a) to take immediate possession of all assets belonging to the registered society and of all books, records and other documents pertaining to the business thereof;
- (b) to carry on the business of the society so far as may be necessary for winding it up beneficially, provided that he shall not for this purpose be entitled to issue any loan;

- (c) to appoint by notice in the *Eastern Nigeria Gazette* a day before which creditors shall state their claims for admission or be excluded from any distribution made before they have proved them;
 - (d) to refer any dispute to arbitration and institute and defend suits and other legal proceedings on behalf of the registered society by his name or office;
 - (e) to give such directions in regard to the collection and realization of assets as may be necessary in the course of winding up the society;
 - (f) to investigate all claims against the registered society, and, subject to the provisions of this Law, to decide by order questions of priority arising between claimants.
 - (g) to pay claims against the registered society (including interest payable up to the date of the winding-up order) according to their respective priorities, if any, in full or to such extent as the assets of such society permits;
 - (h) to compromise any claim by or against the society, provided that the approval of the registrar has first been obtained;
 - (i) to call such meetings of members as may be necessary for the proper conduct of the liquidation, giving not less than fourteen days notice of every such meeting;
 - (j) to decide by order subject to any bye-laws limiting the liability of members and to the provisions of section 32, the contributions to be made by members and past members or by the estates of deceased members of the society to its assets;
 - (k) to arrange for the distribution of the assets of the society in a convenient manner when a scheme of distribution has been approved by the registrar;
 - (l) to order by what persons and in what proportions the costs of liquidation are to be borne.
- (2) Any person aggrieved by any order of the liquidator made under the provisions of paragraphs (f), (j) or (l) of subsection (1) may appeal to the registrar within thirty days from the date of such order.
- (3) Any person aggrieved by a decision of the registrar given under the provisions of subsection (2) may appeal in

writing to the Minister within thirty days of such decision; and the decision of the Minister shall be final and conclusive.

(4) Subject to the rules, any liquidator appointed under this Law shall, in so far as such powers are necessary for carrying out the purposes of this section, have all such powers as are vested in a magistrate on the occasion of any action in respect of summoning parties, enforcing the attendance of witnesses and compelling the production of documents.

(5) Any person wilfully neglecting or refusing to do any act or to furnish any information, or furnishing information known to be false, required for the purposes of this section, or without reasonable excuse disobeying any summons, requisition or order issued thereunder, shall be guilty of an offence and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

Registrar
may control
liquidation.

45. (1) A liquidator shall exercise his powers subject to the direction and control of the registrar, who may—

- (a) rescind or vary any order made by a liquidator and make whatever new order is required;
- (b) remove a liquidator from office;
- (c) call for any books, documents and assets of the society;
- (d) by order in writing limit any of the powers of a liquidator referred to in section 44;
- (e) require accounts to be rendered to him by the liquidator;
- (f) procure the auditing of the liquidator's accounts and authorize the distribution of the assets of the society;
- (g) make an order for the remuneration of the liquidator; or
- (h) refer any subject of dispute between a liquidator and any third party to arbitration if that party shall have consented in writing to be bound by the decision of the arbitrator.

(2) The registrar may insert a notice in the *Eastern Nigeria Gazette* stating the name or names of any society in respect of which a winding-up order has been made. Any such notice shall contain the name of the liquidator who has been appointed in each case and his address, and shall state the

day before which creditors shall state their claims for admission or be excluded from any distribution made before they have proved them.

(3) Any person wilfully neglecting or refusing to do any act or to furnish any information, or furnishing information known to be false, required for the purposes of subsection (1), or without reasonable excuse disobeying any order issued thereunder, shall be guilty of an offence and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

46. (1) The decision of an arbitrator on any matter referred to him under section 45 shall be binding upon the parties, and shall be enforceable in like manner as an order made by the registrar under that section.

Enforcement of order.

(2) An order made by the liquidator or by the registrar under section 44 or 45 shall be enforced by any civil court, having jurisdiction over the place where the registered address of the society is situated in like manner as a decree of that court.

47. Save in so far as expressly provided in this Law, no court shall have any jurisdiction in respect of any matter concerned with the dissolution of a registered society under this Law.

Limitation of jurisdiction of courts.

48. Upon the winding up of a registered society, the assets, including the reserve fund, shall be applied first to the cost of liquidation, then to the discharge of the liabilities of the society, then to the payment of the share capital; and then, provided that the bye-laws of the society permit, to the payment of a dividend or members' bonus at a rate not exceeding that laid down in such bye-laws for any period during which no dividend or members' bonus was in fact paid.

Disposal of assets on liquidation.

49. (1) When the affairs of a registered society for which a liquidator has been appointed have been wound up or, where no liquidator has been appointed, after two months from the making of an order under section 43 by the registrar or after confirmation of such order on appeal, the registrar shall make an order cancelling the registration of such society and the society shall be dissolved from the date of such order.

Cancellation of registration.

(2) The claim of any creditor of the society who has not received what is due to him under the approved scheme of distribution shall be proscribed when two years have elapsed from the date of cancellation of registration.

(3) Any surplus remaining after the application of the funds to the purposes specified in section 48 and any sums unclaimed after two years under subsection (2) shall not be divided among the members, except in the case of the liquidation of a secondary society, but shall be disposed of by the registrar in accordance with the rules.

PART VIII.—SURCHARGE AND ATTACHMENT

Surcharge.

50. (1) Where in the course of an audit of a registered society held under the provisions of section 40, or in the course of an inquiry into the affairs of a registered society held under the provisions of section 42 or in the course of the winding up of a registered society it appears that any person who has taken part in the organization or management of such society or any past or present officer of the society has misapplied or retained or become liable or accountable for any money or property of such society or has been guilty of misfeasance or breach of trust in relation to such society, the registrar may, on his own motion, or on the application of the liquidator or of any creditor or contributor, examine into the conduct of such person and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the registrar thinks just or to contribute such sum to the assets of such society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the registrar thinks fit.

(2) Any person who, without reasonable excuse, fails to comply with the provisions of an order issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

Appeal.

51. (1) Any person aggrieved by any order of the registrar made under section 50 may, within a period of three months of the order, appeal to the Minister.

(2) The Minister on appeal shall have power to confirm, vary or quash the order of the registrar and to remit the

matter with such directions as he thinks fit for giving effect to his decision.

(3) Subject to the provisions of this section any order made by the registrar or by the Minister under its provisions shall be final and shall not be called in question in any court.

52. (1) Where the registrar is satisfied that any person with intent to defraud, or with intent to delay the execution of any order or award which may be made against him under sections 44, 45, 50, 51 or 53— Attachment.

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the registrar, the registrar may, unless adequate security is furnished, direct the interim attachment of the said property or such part thereof as he thinks necessary; and such attachment shall have the same effect as if it had been made by a court of competent jurisdiction.

(2) Any person who without reasonable excuse fails to comply with the provisions of an order issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

PART IX.—DISPUTES

53. (1) If any dispute touching the business of registered society arises— Settlement
of disputes.

(a) among members, past members and persons claiming through members, past members and deceased members; or

(b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or servant of the society; or

(c) between the society or its committee and any officer, agent or servant of the society; or

(d) between the society and any other registered society; such dispute shall be referred to the registrar.

- (2) Without prejudice to the generality of subsection (1)—
- (a) a claim by registered society for any debt or demand due to it by a member, past member or the nominee or legal personal representative of a deceased member, whether such debt or demand be admitted or not, and
 - (b) a claim by a member who was guarantor of a loan against the member whose loan he guaranteed, resulting from the repayment by the guarantor of the loan to the society, for the repayment of the amount by the borrower to the guarantor,

shall be deemed to be disputes touching the business of the society within the meaning of subsection (1).

(3) The registrar shall on receipt of a reference made under the provisions of subsection (1)—

- (a) decide the dispute himself; or
- (b) subject to the provisions of the rules, refer it to an arbitrator or arbitrators to be appointed by him.

(4) Subject to the provisions of the rules, the registrar may withdraw any reference made under paragraph (b) of subsection (3) and decide the dispute himself under paragraph (a) of subsection (3).

(5) Any party aggrieved by an award of an arbitrator or arbitrators may appeal within thirty days of the date of the award to the registrar, specifying that part of the award against which he is appealing and stating in detail the grounds of his appeal.

(6) The registrar, of his own motion, on review or on appeal under subsection (5), may confirm, vary or quash the award made by the arbitrator or arbitrators.

(7) The registrar and any arbitrator or arbitrators appointed by him under the provisions of this section shall for the purposes of any proceedings brought under the provisions of this section have all such powers as are vested in a magistrate on the occasion of any action in respect of summoning parties, enforcing the attendance of witnesses and compelling the production of documents.

(8) Any person aggrieved by the decision of the registrar under subsection (6) may within thirty days of the date of such decision appeal to the Minister, who shall have power

to confirm, vary or quash the decision of the registrar and to remit the matter to the registrar with such directions as he thinks fit for giving effect to his decision.

(9) Subject to the provisions of this section any award made by an arbitrator or arbitrators or any decision given by the registrar or the Minister shall be final and shall not be called in question in any court.

(10) The award of the arbitrator or arbitrators or the decision of the registrar or the Minister as the case may be shall, on the application of the party in whose favour it is given, be enforced by any court which would have jurisdiction in civil suits between the parties to the dispute in the same manner as if the award or decision had been a judgment or decision of the court.


(11) Notwithstanding the provisions of any written law an application made under the provision of subsection (10) may be made by a public officer authorized by the registrar in that behalf.

PART X.—RULES AND RULES OF COURT

54. (1) Subject to the provisions of section 55 the Minister Rules. may make all such rules as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of this Law.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of societies and the procedure to be followed with regard to such applications;
- (b) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and payment to be made and the interest to be acquired before the exercise of the right of membership;
- (c) subject to the provisions of section 30, prescribe the maximum number of shares or portion of the capital of a society which may be held by one member;
- (d) prescribe the extent to which a society may limit the number of its members;

- (e) provide for the withdrawal or expulsion of members and for the payments, if any, to be made to members who withdraw or are expelled, and for the liabilities of past members;
 - (f) provide for general meetings of the members, empower the registrar or any person authorized by him to summon such meetings, provide for the procedure at such meetings, and the powers to be exercised at such meetings, and the appointment and voting powers of delegates of affiliated societies to the meetings of secondary societies;
 - (g) provide for the appointment, tenure of office, suspension and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers;
 - (h) prescribe for the procedure to be followed in making, altering and rescinding bye-laws, and the conditions to be satisfied prior to such making, alteration or correction;
 - (i) prescribe the payments to be made, the conditions to be complied with, and the forms of the bonds, instruments or other documents to be executed, by members applying for loans or cash credits, the periods for which loans may be made or credits granted and the maximum amount which may be lent and the maximum credit which may be allowed to individual members with or without the consent of the registrar;
 - (j) provide for the mode in which the value of a deceased member's interest shall be ascertained and for the nominating of a person to whom such interest may be paid or transferred in accordance with the provisions of section 20;
 - (k) provide for the mode in which the value of the interest of a member who has become of unsound mind and incapable of managing himself or his affairs shall be ascertained, and for the nomination of any person to whom such interest may be paid or transferred;
 - (l) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be
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- applied, and for the investment of any funds under the control of the society;
- (m) prescribe the conditions under which accumulated funds may be distributed to the members of a society and the maximum rate of dividend which may be paid by a society;
 - (n) prescribe the accounts and books to be kept by a registered society, and for the periodical publication of a balance sheet showing the assets and liabilities of a registered society;
 - (o) provide for the audit of the accounts of registered societies and for the charges if any to be made for such audit and for the payment thereof to a registered society;
 - (p) provide for the persons by whom, and the form in which, copies of entries in books of societies may be certified;
 - (q) provide for the formation and maintenance of a register of members, and, where applicable, of a register of shares;
 - (r) provide for the inspection of documents and registers at the registrar's office, and the fees to be paid therefor and for the issue of copies of such documents or registers;
 - (s) prescribe the manner in which any question as to the breach of any bye-law or contract relating to the disposal of produce to or through a society may be determined and the manner in which the liquidated damages for any such breach may be ascertained or assessed;
 - (t) prescribe the mode of appointing an arbitrator or arbitrators and subject to any rules of court made under the provisions of section 55 the procedure to be followed in proceedings before the registrar or such arbitrator or arbitrators;
 - (u) prescribe the procedure to be followed by a liquidator appointed under section 43;
 - (v) prescribe the forms to be used, the fees to be paid, the procedure to be observed and all other matters connected with incidental to the presentation, hearing and disposal of appeals under this Law or the rules;

(w) provide for the amalgamation or division of registered societies;

(3) In any case where the registrar is satisfied that a substantial number of members of any society is unacquainted with the English language, he shall cause such rules to be translated into a language with which such members are acquainted, and additionally to be made known in such manner as is customary for the community concerned.

Rules of
Court.
(Cap. 61)

55. Without prejudice to any power to make rules of court under the High Court Law, the High Court Rules Committee may after consultation with the Minister make rules of court subject to the provisions of this Law for regulating the pleading, practice and procedure of the High Court or of a Magistrate's Court in any matter brought before such courts under the provisions of this Law and the practice and procedure to be adopted and the forms to be employed by a liquidator in the exercise of his powers under the provisions of subsection (1) of section 44 and by the registrar in the exercise of his powers under the provisions of subsection (2) of section 52.

PART XI.—MISCELLANEOUS

Case stated.

56. (1) Notwithstanding any thing contained in section 53 the registrar at any time when proceeding to a decision under this Law, or the Minister at any time when an appeal has been preferred to him against any decision of the registrar under this Law, may refer any question of law arising out of such decision for the opinion of the High Court.

(2) Any Judge, or Judges, of the High Court as the Chief Justice may direct, may consider and determine any question of law so referred, and the opinion given on such question shall be final and conclusive.

Recovery of
sums due to
Government.

57. (1) Such sums as may be due from a registered society or from an officer or member or past member of a registered society as such to the Government may be recovered in the manner provided for the recovery of debts due to the Government under the Law for the time being in force.

(2) Sums due from a registered society to the Government and recoverable under subsection (1) may be recovered first, from the property of the society; secondly, in the case of a

society of which the liability of members is limited, from the members subject to the limit of their liability; and thirdly, in the case of other societies, from the members.

58. (1) No person other than a registered society shall trade or carry on business under or use any name or title of which the word "co-operative" is part without the sanction of the registrar. Prohibition of use of word "co-operative."

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds and in the case of a continuing offence to a further fine not exceeding one pound for each day during which the offence continues. Penalty.

59. All information contained in the books and accounts of a registered society relating to the property or the financial situation of the society's members shall be wholly exempt from disclosure for any purpose relating to any income or other tax or to rating, unless the Minister shall direct to the contrary. Information in society's books exempt from disclosure for certain purposes.

60. (1) The Governor by a notice published in the *Eastern Nigeria Gazette* may in the case of all or any registered societies reduce or remit— Power to exempt from certain duties and fees.

- (a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society or by an officer or member and relating to the business of such society or any class of such instruments are respectively chargeable;
- (b) any fee payable under the law relating to the registration of instruments for the time being in force.

(2) The Governor may by a notice published in the *Eastern Nigeria Gazette* cancel or modify any notice published under subsection (1).

61. (1) The provisions of the Companies Act and of the Moneylenders Law shall not apply to societies registered under this Law. Restriction on application of certain laws. (Fed. Cap. 37) (Cap. 83)

(2) The provisions of the Arbitration Law shall not apply to proceedings under section 53 of this Law. (Cap. 10)

*The exemption has partly ceased; see the Co-operative Societies (Removal of Exemption) Order, printed with the subsidiary legislation.

(Cap. 90)

(3) The provisions of the Pawnbrokers Law shall not apply to agricultural produce or the produce of handicraftsmen or stock in trade pledged, pawned or otherwise delivered to a society registered under this Law by members of the society.

Exemption from compulsory registration of instruments relating to shares, etc., of registered society.

62. Nothing in the Law relating to the registration of instruments for the time being in force shall apply to—

- (a) any instrument relating to shares in a registered society, notwithstanding that the assets of such society consist in whole or in part of immovable property;
- (b) any charge created in favour of a registered society by a member of that society in respect of any produce of his agriculture, his land, his craftsmanship or in respect of his stock in trade; or
- (c) any instrument relating to a deposit by a member in or a loan to a member by a registered society.

Offences.

63. (1) If any person obtains possession by false representation or imposition of any property of a society or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules or in the bye-laws of the society he shall, on the complaint of the society or of any member authorized by the society or the committee thereof or by the registrar or by any person authorized by order in writing by the registrar, be liable on summary conviction to a fine not exceeding twenty pounds with costs, and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment of such fine to be imprisoned for a term not exceeding three months.

(2) Any member of a registered society who has received a loan from his society for a specified and approved purpose and applies it to some other purpose without the consent of the committee of the society, and any surety of such member who wilfully fails to report such misapplication to the committee shall be guilty of an offence and shall be liable on conviction to imprisonment for not more than six months or to a fine not exceeding one hundred pounds.

64. (1) Nothing in this Law shall affect any Order in Council, order, rule, regulation, appointment, conveyance, mortgage, deed or agreement made, resolution passed, direction given, proceeding taken, instrument issued or thing done under the Co-operative Societies Ordinance, but any such Order in Council, order, rule, regulation, appointment, conveyance, mortgage, deed, agreement, resolution, direction, proceeding, instrument or thing shall, if in force at the commencement of this Law, continue in force, and, so far as it could have been made, passed, given, taken, issued or done under this Law, shall have effect as if made, passed, given, taken, issued or done under this Law.

Saving.

(L. of N. 1948
Cap. 39)

(2) Any document referring to the Co-operative Societies Ordinance shall be construed as referring to the corresponding enactment of this Law.

(L. of N. 1948
Cap. 39)

(3) Any register kept under the Co-operative Societies Ordinance shall be deemed part of the register to be kept under the corresponding provisions of this Law.

(4) All funds and accounts constituted under this Law shall be deemed to be in continuation of the corresponding funds and accounts constituted under the Co-operative Societies Ordinance.

(L. of N. 1948
Cap. 39)

(5) Where any offence, being an offence for the continuance of which a penalty was provided, has been committed under the Co-operative Societies Ordinance, proceedings may be taken under this Law in respect of the continuance of the offence after the commencement of this Law in the same manner as if the offence had been committed under the corresponding provisions of this Law.

(L. of N. 1948
Cap. 39)



CHAPTER 28
CO-OPERATIVE SOCIETIES LAW
SUBSIDIARY LEGISLATION

Co-operative Societies Rules

made under section 54

E.R.L.N.
108 of 1956.

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| Citation. | 1. These rules may be cited as the Co-operative Societies Rules. |
| Interpretation. | 2. In these rules, unless the context otherwise requires— “ballot” means a vote taken in writing; “chairman” means the President of the society and shall include the person who in the absence of the President performs the duty of chairman for the time being; “general reserve” means that part of the annual net surpluses of a registered society which is not distributed or appropriated to particular purposes; |
| (Cap. 28) | “the law” means the Co-operative Societies Law; “secretary” means the secretary of a registered society and shall include such other officer or employee to whom any of the duties of secretary as set out in the rules or by-laws may be assigned by the committee; “sign” with its grammatical variations and cognate expressions, with reference to a person who is unable to write his name, includes the making of his mark or thumb impression; “travelling secretary” means a secretary employed to keep the books and act as secretary of two or more societies; “treasurer” means the treasurer of a registered society. |
| Application for registration. | 3. Every application for registration under section 7 of the Law shall be submitted to the registrar in the form prescribed or approved by him. |
| Name of society. | 4. Every society shall include in its name a word or words clearly indicating the nature and situation or area of operations of the society. |

5. (1) The registrar shall keep or cause to be kept at his office a register to be called "the Register of Societies" wherein shall be entered particulars relating to the registration of societies and their bye-laws. Register of Societies.

(2) All original entries in the Register of Societies shall be made by or under the direction of the registrar and shall be signed by him.

(3) Every alteration, interlineation or erasure in the Register of Societies shall be initialled by the registrar.

(4) The Register of Societies shall be open to inspection by the public at all reasonable times and free of charge.

6. (1) Where the registrar decides to register a society which has applied for registration the society shall be registered in the Register of Societies. Registration.

(2) Upon the registration of a society the registrar shall forward to the society free of charge (a) a Certificate of Registration sealed and signed by him (b) a copy of the Law and of the rules in English.

(3) The registrar shall also forward to the society a copy of the bye-laws of the society as approved by him and certified under his hand and sealed as approved by him.

7. (1) Every registered society shall keep a register to be called "the register of members" wherein shall be entered— Register of members.

- (a) the name, address and occupation of each member;
- (b) the date on which each member's name was entered in the register;
- (c) the date on which any member ceased to be a member; and
- (d) the nominee, if any, appointed under rule 10, or the reference to a confidential nomination under rule 10(4).

(2) Every member shall be required to sign the register of members on admission.

8. Every registered society shall keep such accounts and shall use such books as may from time to time be prescribed by the registrar. Books and accounts.

9. (1) The election and admission of members to a registered society, other than original members, shall be in such manner and such conditions as the bye-laws shall prescribe. Member-ship.

(2) No registered society shall fix any limit to the number of its members, save with the registrar's consent.

(3) A member may withdraw from a registered society by giving such notice as the bye-laws may prescribe to the secretary.

(4) A member who acts in contravention of the rules or bye-laws or acts in any way detrimental to the interests of the registered society may be expelled by a vote of two-thirds of the members present at a general meeting upon a charge of which he is informed in writing by the committee not less than one week before the meeting.

(5) A member who loses any of the qualifications for membership prescribed by the Law or the rules or the bye-laws shall cease to be a member of the registered society and the committee shall cause his name to be struck off the register of members.

Nominees.

10. (1) Every appointment of a nominee by any member or employee of a registered society for the purposes of sections 20 and 24 of the Law shall be made in writing and signed by the member or employee in the presence of two attesting witnesses.

(2) Where desired by the member or employee, the nomination may be confidential and may be kept in a sealed envelope.

(3) Where more than one nominee is appointed by any member or employee, the number of shares to be transferred or the exact proportion of the amount available that is to be transferred to each of these nominees shall be specified at the time of his appointment.

(4) Every appointment of a member's nominee under section 20 shall be recorded in the register of members; in the case of a confidential nomination by reference to the serial number of the sealed envelope.

(5) Where any money is paid to a nominee who is a minor, a receipt given either by the minor or by his guardian and witnessed shall be sufficient discharge to the registered society.

(6) Any nomination made by a member or employee may be varied when the member or employee so desires.

(7) Subject to the provisions of rule 11, for the purpose of a transfer to a nominee, the value of any share or interest shall be represented by the sum actually paid for that share or interest unless the bye-laws of the registered society otherwise provide.

11. (1) A society's bye-laws may provide that every person admitted as a member shall be deemed to have subscribed to a stated number of shares by virtue of his admission.

Shares:
subscription,
transfer,
revaluation,
withdrawal.

(2) Any share may be transferred with the approval of the committee to any other member or to a person admitted as a member in accordance with the bye-laws at the option of the transferor; provided that—

- (a) such transfer shall not be approved if it would reduce the transferor's paid-up shares below the minimum share-holding laid down in the bye-laws;
- (b) such transfer shall not be approved save by special order of the committee where the transferor is indebted to the registered society;
- (c) no such transfer shall be valid and effective unless and until it has been registered by the secretary on the direction of the committee;
- (d) such transfer shall not affect any claim of the registered society upon the transferor.

(3) On the application of a registered society by resolution of its general meeting or of his own motion after an inquiry under section 42, the registrar may revalue the shares of a society by writing them down in value provided that he shall first (a) value the assets of the society and (b) write off a deficit against reserve fund or other reserves.

(4) On the application of a registered society by resolution of its general meeting, the registrar, if satisfied that the society's general reserve is larger than is necessary, may revalue the shares of a society by approving the use of all or part of the general reserve to enhance the value of shares.

(5) Shares shall be withdrawable as well as transferable subject to the following exceptions and restrictions—

- (a) in a secondary society or in a primary productive society the bye-laws may provide that no share is withdrawable;

(6) A bonus based on wages or on the value of the products of a member in a productive society or a bonus or a rebate on patronage calculated in proportion to the amount of the business done by each member with the registered society may be distributed periodically to the members from the net surplus.

(7) Any bonus under (6) shall be calculated on the basis of the total business done with both members and non-members, but the bonus calculated in respect of business with non-members shall on no account be distributed to members but shall be allocated either to the general reserve or in whole or in part to a deposit account from which the share account of any non-member subsequently admitted as a member may be credited with all or part of the bonus in respect of business done by him as a non-member.

(8) Part of the net surplus of a registered society may or, if so directed by the registrar, shall be appropriated to creating or increasing reserves for bad debts or for depreciation of stock or of investments.

(9) Any society may set aside part of its net surplus as provision for expenditure in the forthcoming year, or for payment of honoraria to officers and committee or of staff bonuses or for the payment of interest or additional interest on members' savings or deposits or for donations to charitable and welfare purposes.

(10) No part of the net surplus deriving from special or non-recurrent income, such as fines, entrance fees, donations and penal interest shall be distributed to members but except in the first year of a society's operations shall be allocated to the reserve fund.

13. (1) Every registered society shall, from time to time, fix at a general meeting the maximum liability it may incur in loans or deposits from members and from non-members. ^{Maximum liability.}

(2) The registrar may limit either generally or specifically the maximum liability of a society or societies.

(3) No registered society shall accept loans or deposits which will make its liability exceed the maximum liability fixed under this rule.

GENERAL MEETINGS

General meetings.

14. The supreme authority in a registered society shall be vested in the general meeting of members at which every member has a right to attend and vote on all questions. Subject to the provisions of section 28 of the Law, each member shall have one vote only which shall be exercised in person and not by proxy.

First meeting.

15. The first meeting of members shall have the same powers as are given to the annual general meeting, and shall be held immediately or not later than one month after the receipt of the certificate of registration of the society.

Annual general meeting.

16. (1) The annual general meeting of members shall be convened by the committee as soon as the annual accounts have been approved by the registrar or audited. At least eight days' notice shall be given.

(2) The functions of the annual general meeting shall be—

- (a) to confirm the minutes of the last general meeting;
- (b) to consider the committee's annual report and the annual accounts and balance sheet as approved by the registrar or audited;
- (c) to decide upon the disposal of the net surplus of the preceding year subject to the registrar's approval;
- (d) to elect officers and committee members and where applicable delegates and members of the Council of Inspection or scrutinizers for the coming year;
- (e) to deal with any other business of a general meeting.

17. (1) General meetings shall be held at such intervals as the bye-laws may specify.

(2) In addition, special general meetings may be convened at any time by the committee or by the registrar or by the scrutinizers or Council of Inspection or at the written request of at least one-fifth of the members or delegates or twenty members or delegates whichever is least:

Provided that—

- (a) such written request shall state the object of the proposed meeting;
- (b) if the committee fails to call a meeting within fourteen days from the receipt of such written request the

scrutinizers or Council of Inspection or the members or delegates requesting the special meeting may convene the meeting by notice which must contain the object of the proposed meeting and a statement to the effect that the meeting is convened on the failure of the committee to convene the meeting demanded; and

- (c) where the registrar convenes a special meeting, he may direct what matters shall be discussed at the meeting.
- (3) The business of general meetings shall include—
 - (a) the fixing of a maximum liability under rule 13 if not already fixed;
 - (b) the fixing of maximum credit limits for members where applicable;
 - (c) the consideration of the audit report and the registrar's audit comments;
 - (d) the consideration of inspection reports and communications from the registrar;
 - (e) the dealing with complaints by members;
 - (f) the amendment of bye-laws.

18. (1) One quarter of the members or delegates of a society shall form a quorum, provided that, where the total number of members or delegates exceeds one hundred and twenty, thirty members or delegates shall form a quorum.

Quorum at general meetings.

(2) When any meeting is summoned by the registrar, any members or delegates present at such meeting shall be deemed to form a quorum:

Provided that at least four days' notice of such meeting is given by the registrar.

(3) If within one hour after the time fixed for any meeting other than a meeting convened by the registrar, the members or delegates present are not sufficient to form a quorum, such meeting shall be considered as dissolved if convened on the demand of members or delegates; in all other cases it shall stand adjourned to the same day in the next week at the same time and place and a notice to that effect shall be posted by the secretary within twenty-four hours, and if at the adjourned meeting a quorum is not present within one hour from the time appointed for the meeting the members or delegates present shall form a quorum.

19. (1) The society's president, or in his absence the vice-president, or in the absence of both any other person elected by a majority of those present shall preside at general meetings:

Provided that the registrar or a person appointed by him may preside at any meeting convened by the registrar.

(2) The secretary or in his absence any other person nominated in writing by the chairman shall act as secretary at the meeting. The chairman may if necessary nominate other officers to assist at the meeting.

(3) The chairman may by the decision of the meeting adjourn the meeting from time to time and from place to place but no business shall be transacted at any meeting so adjourned other than the business left unfinished at the meeting from which the adjournment took place unless—

(a) a special resolution of the meeting to accept new business is passed by at least two-thirds of the members present; or

(b) at least eight days' notice has been given of the new business to be transacted.

(4) The chairman shall have the right to order the closure of a discussion and put the matter to the vote.

(5) Any society may make standing orders subject to the registrar's approval to regulate the conduct of meetings.

Voting at
general
meetings.

20. (1) Any question submitted to the decision of the members or delegates present at a meeting, unless otherwise dealt with in the rules, shall be decided by a majority of votes.

(2) At any meeting a resolution put to the vote shall be decided on a show of hands unless voting by call of names or a ballot is demanded by at least five of the members or delegates present before the declaration of the result of the show of hands and in such case voting by call of names or a ballot shall be taken as the case may be.

(3) In respect of every resolution put to the vote the chairman shall declare whether it has been carried or lost, and whether on a show of hands or unanimously or by a particular majority, and an entry to that effect in the minute book shall be conclusive evidence of anything therein contained.

21. (1) Minutes of the meetings shall be entered in the minute book and shall contain—

Minutes of
general
meeting.

- (a) the number and names of the members or delegates present at the meeting, unless the names are recorded in an attendance register instead, and the name of the chairman who presided;
- (b) the time fixed for the meeting and the time the meeting commenced;
- (c) all resolutions and decisions made at the meeting.

(2) The minutes of the preceding meeting shall be read at the next meeting and if confirmed or after amendment signed by the chairman of that meeting and the secretary.

COMMITTEE

22. (1) Officers and committee members shall not be elected for a period exceeding one year:

Election
and term
of office.

Provided that in secondary societies the bye-laws may specify that the maximum length of office shall be three years and an equal proportion of the members shall retire annually in such manner as the bye-laws may specify.

(2) A retiring officer shall, unless the bye-laws otherwise provide, be eligible for re-election.

(3) In a society formed among the members of a military or police force, the president and vice-president may be appointed *ex officio*.

23. A member is not eligible for the committee of a society if—

Qualifica-
tions.

- (a) except in a school society, he is under twenty-one years of age; or
- (b) he is entrusted with secretarial or managerial duties of that society (other than the joint business of the committee), and receives a salary on that account; or
- (c) in a credit society, he lends money on his own account; or
- (d) in a marketing society, he deals in the commodities which the society markets otherwise than through his society.

Removal
from office.

24. A member of the committee shall cease to hold office if—

- (a) he ceases to be a member or shareholder; or
- (b) he is declared insolvent; or
- (c) he becomes of unsound mind; or
- (d) he is convicted of any offence involving dishonesty or is imprisoned for three months or longer; or
- (e) he is not eligible under the provisions of rule 23;
- (f) he fails to attend three consecutive meetings of the committee without due excuse approved by the committee;
- (g) he is removed by a resolution of the general meeting for conduct prejudicial to the interests of the society:

Provided that by resolution of the committee a member of the committee may be suspended pending the next general meeting and may be required to hand over to a person nominated by the committee any property of the society in his possession.

Vacancies.

25. Vacancies occurring on the committee shall be filled by election at a general meeting unless otherwise provided in the bye-laws.

Meetings.

26. (1) The committee shall meet as often as the business of the registered society may require and in any case not less frequently than once a month. Where committee meetings are not at a fixed day and time agreed by the committee, the secretary shall summon meetings in writing.

(2) The quorum for a meeting of the committee shall be half of the number of committee members.

(3) The president of the society shall be chairman, or in his absence the vice-president, or in the absence of both a member of the committee elected by the committee to preside at that meeting.

(4) At each committee meeting—

- (a) the minutes of the preceding committee meeting shall be read by the secretary and when adopted or after amendment signed by the chairman of that meeting and the secretary;
- (b) the secretary shall produce the cash book, detail entries of receipts and payments made therein since the last meeting, and produce receipted vouchers in

support of payments for checking, and the treasurer shall produce the cash for verification by the committee with cash book;

- (c) the secretary shall produce a statement of overdue loans and arrears of dues by members for determination by the committee as to the action to be taken;
- (d) the secretary shall read correspondence received from the registrar, secondary societies and others; and
- (e) any other business pending shall be transacted by the committee.

(5) Minutes of committee meetings shall be recorded by the secretary in the minute book and shall include—

- (a) the number and names of those present,
- (b) the name of the chairman of the meeting,
- (c) a brief record of business done and decisions taken including whether each decision was taken unanimously or by a majority.

27. (1) The committee shall represent the registered society before all competent public authorities and in all dealings and transactions with third persons, with power to institute or defend suits brought in the name of or against the society, and in general it shall carry out such duties in the management of the affairs of the registered society except those reserved for the general meeting and subject to any instructions or restrictions duly laid down by the society in a general meeting or in the bye-laws.

(2) In particular the duties of the committee shall include—

- (a) to comply with the Law, the rules and the bye-laws of the society and to enforce them;
- (b) to maintain true and accurate accounts, and a true account of the society's assets and liabilities;
- (c) to lay before the annual general meeting an annual report and annual accounts approved by the registrar or audited;
- (d) to assist the inspection of the books by any person authorized to inspect and to facilitate the annual audit;
- (e) to take adequate security from employees;
- (f) in a credit society, to supervise the application of loans to the purposes for which they are granted;

- (g) in a marketing society, to ensure that produce marketed is of the highest quality;
- (h) to take adequate measures for the safe custody and maintenance of the society's money, stocks and property;
- (i) to ensure that money is not borrowed in excess of the society's maximum liability and that money is not lent to members in excess of their maximum credit limits; and
- (j) to take prompt action to put right faults pointed out in audit reports, registrar's audit comments or inspection reports.

(3) In their conduct of the affairs of the society the committee shall exercise the prudence and diligence of ordinary men of business. They may be held responsible for any loss sustained through failure to exercise such prudence and diligence or through acts contrary to the Law, the rules or the bye-laws.

Banking
account.

28. (1) With the approval of the registrar, a registered society may open a banking account.

(2) Unless otherwise specified in the bye-laws or approved by the registrar, all cheques shall be signed by two members of the committee and the secretary.

Delegates.

29. A delegate representing a society in meetings of a secondary society to which it is affiliated shall be either a member of the society's committee or if not a member of the committee shall be required to attend meetings of the committee to receive instructions and report back.

Employees.

30. Unless the bye-laws shall otherwise specify, the committee may—

- (a) appoint such employees as it considers necessary and terminate their appointment; and
- (b) fix the salary, wages or remuneration and other conditions of service of every such employee.

Loans to
members.

31. In a primary society whose objects include the making of loans to members—

- (a) A member who desires to obtain a loan shall submit an application in writing to the committee stating the amount and the purpose for which the loan is required,

the term for which it is asked, whether it is desired to repay it by instalments, and the names of the proposed sureties and any other security which is offered.

- (b) At every committee meeting the committee shall consider all applications for loans in the order in which they were received. If satisfied with the trustworthiness of the applicant, the sufficiency of the security offered and the prospects of advantage to the borrower in the way of increased production or economy or otherwise, it may sanction the loan.
- (c) No person other than members of the committee and the secretary and the registrar and his staff shall be present at any meeting of the committee when a loan application is under consideration. A member of the committee who applies for a loan or who is proposed as surety for a loan must withdraw while the relevant application is discussed. If there is a difference of opinion concerning the granting of a loan, the voting shall be taken by ballot. The proceedings with regard to loans at committee meetings shall be kept secret, and any member of the committee or officer of the registered society infringing this rule shall be liable to immediate expulsion or dismissal.
- (d) Except where the amount of the loan does not exceed the member's share, interest or savings in the society, two sureties approved by the committee with or without other security shall be required for every loan. For the purpose of a surety's maximum credit limit only, a surety's commitment shall be taken as half the value of the loan.
- (e) The purpose of each loan must be approved by the committee and the loan must be applied to that purpose only. If the committee is satisfied that a borrower has applied a loan to a purpose other than the purpose for which it was approved, the committee may recall the loan forthwith.
- (f) No loan shall be granted for a period exceeding one year unless it be made repayable by instalments.
- (g) Before any loan is paid, the borrower and his sureties shall execute an instrument in writing setting out the amount and terms of repayment of the loan and

containing such other terms and conditions as the committee may consider necessary.

- (h) It shall be lawful for the committee to refuse to grant a loan solely on the grounds that the applicant is in arrears with compulsory savings or share instalments or has defaulted on a previous loan or an instalment thereof or on payment of interest thereon.
- (i) If, by reason of sickness or some other cause, a member finds that he will be unable to discharge his obligations to the registered society and notifies the secretary in writing before the loan is due, the committee may, with the consent of the sureties, extend the time fixed for repayment on such conditions as it thinks fit:

Provided that—

(i) no such extension shall be for longer than one year at a time, and

(ii) every such extension shall be reported to the next general meeting for confirmation.

- (j) Where a loan or an instalment of a loan or interest on a loan has not been paid on the date on which it became due and no extension of time for the payment thereof has been granted, the committee shall take steps for the recovery of the loan from borrower and sureties and if payment is not voluntarily made within one month shall refer the matter to the registrar as a dispute under section 53 of the Law.

Maximum
credit limit.

32. (1) In every registered society whose objects include and whose bye-laws permit the making of loans to members in excess of a member's shares or interest or savings in the society, a maximum credit limit shall be fixed for each member by the general meeting.

(2) The registrar may prescribe generally or specifically limits to such maximum credit limits.

(3) Subject to any limits prescribed by the registrar, the general meeting may from time to time revise such maximum credit limits.

Produce
marketing.

33. In a society whose objects include produce marketing, (1) every member of the society shall deliver to the society, at such place and in such manner as the committee may

direct, such amount of articles produced or obtained by him as may be prescribed in the bye-laws or in the relevant contract to be disposed of by the society; (2) any member who is proved or adjudged under section 53 of the Law to be guilty of a breach of the bye-laws or the relevant contract shall pay to the society as liquidated damages such sum as may be specifically assessed or ascertained in the manner prescribed by the bye-laws or by the relevant contract and such sum shall be deemed to be a debt due to the society.

34. The committee may cause bad debts to be written off the books of the registered society in such manner and at such times as the general meeting and the registrar may approve. Bad debts.

35. (1) The committee of every registered society shall prepare or cause to be prepared yearly in such form as may be prescribed by the registrar— Annual accounts.

(a) an account of the registered society's trading operations for the year;

(b) an income and expenditure account;

(c) a balance sheet; and

(d) such statistical information as the registrar may require.

(2) The account shall be made up to 31st March or such other date as the registrar may direct and shall be submitted to the registrar within one month of such date.

36. (1) The reserve fund of a registered society, created in pursuance of the provisions of section 39 (3) of the Law, shall be indivisible and no member shall be entitled to claim a specified share in it. Reserve fund.

(2) The reserve fund shall be invested or deposited as the registrar may direct, or with the sanction of the registrar and subject to such conditions as he may prescribe may be utilized in the business of the registered society.

(3) The reserve fund may, with the sanction of the registrar and subject to such conditions as he may prescribe, be applied to meet annual deficits, bad debts or occasional deficiencies incurred by the registered society for which the committee are not held responsible under rule 27 (3).

37. (1) The general reserve of a registered co-operative society may be utilized with the approval of the general meeting for minor, special and non-recurrent expenditure. General reserve.

(2) With the consent of the general meeting and the registrar the general reserve may be utilized for equalization of dividends of bonuses distributed under rule 12.

Audit.

38. (1) The annual audit of every registered society's books and accounts under section 40 shall be conducted in such manner as the registrar may prescribe.

(2) The faults reported by auditors shall be notified by the registrar to the registered society.

(3) Such audit report or notification shall be considered at the next meeting of the society's committee after its receipt and read out at the next general meeting.

Audit and supervision fees.

39. (1) Every society shall pay annually such fee, if any, for audit and supervision as the registrar may assess.

(2) Any general assessment of rates of audit and supervision fees for various types of societies by the registrar shall be notified in the *Eastern Nigeria Gazette*.

(3) Notwithstanding such general assessment, the registrar may—

(a) reduce assessments for particular societies or exempt particular societies;

(b) assess additional audit fees where an extra audit is arranged at the society's request or where extra visits are necessary by or additional work caused to the auditor because the society's books or accounts are not available or ready for audit or have not been kept in the manner prescribed by the registrar.

(4) Except where otherwise directed by the registrar, such audit and supervision fees shall be payable within a specified period to the Co-operative Union of Eastern Nigeria, Limited, and shall be regarded as a debt to the Co-operative Union of Eastern Nigeria.

Amendment of bye-laws.

40. (1) No amendment of bye-laws shall be registered under section 13 of the Law unless—

(a) due notice of such proposed amendment has been given in accordance with the bye-laws, and

(b) a resolution to amend the bye-laws is passed either—

(i) by not less than three-fourths of the members present at a general meeting at which not less than one-half of the members of the registered society are present, or

(ii) by the written vote of a clear majority of the total number of members of the society, provided that voting papers have been sent to all members of the society and that the written votes are examined and counted at a general meeting at which a quorum is present.

(2) Three copies of such amendment and resolution shall be submitted to the registrar accompanied by (a) a certificate that the provisions of rule 40 (1) have been fully complied with; and (b) an application that the amendment be registered signed by at least two officers of the society and the secretary.

41. For the purpose of section 23 of the Law, a copy of any entry in the book of a society may be certified by a certificate written at the foot of such copy, declaring that it is a true copy of such entry, and that the book containing the entry is still in the custody of the society, such certificate being dated and signed by the secretary of the society and another member of the committee. Copies of entries.

42. (1) Reference of a dispute may be made to the registrar under section 53 of the Law either by the committee or by the society by resolution in general meeting or by any party to the dispute, or if the dispute concerns a sum due from a member of the committee to the society, by any member. Disputes.


(2) Such reference shall be made by a statement in writing addressed to the registrar. Such statement shall—

- (a) be dated;
- (b) specify the dispute in detail and state the amount claimed or the decision sought;
- (c) be signed by the person making it.

(3) Where the registrar decides to refer the dispute to more than one arbitrator, such reference shall be to three arbitrators, of whom one shall be nominated by each of the parties to a dispute, provided that no legal practitioner shall be so nominated, and the third shall be nominated by the registrar and shall act as chairman.

(4) Where reference is made to three arbitrators, the following provisions shall have effect—

- (a) if any party to the dispute fails to nominate an arbitrator within fifteen days, the registrar may make the nomination himself;

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- (b) if an arbitrator nominated by one of the parties to the dispute dies or refuses or neglects to act or by absence or otherwise becomes incapable of acting, the registrar shall call upon the party concerned to nominate a new arbitrator within fifteen days and if no new arbitrator is nominated accordingly, the registrar may nominate one himself;
- (c) if the arbitrator nominated by the registrar dies or refuses or neglects to act or becomes incapable of acting, a new arbitrator shall be nominated by the registrar; and
- (d) the opinion of the majority of the arbitrators shall prevail.
- (5) The proceedings before the arbitrator or arbitrators shall, as nearly as possible, be conducted in the same way as proceedings before a court of law, and in particular the following provisions shall have effect in respect thereof—
- (a) notice of the time and place at which the proceedings are to be held shall be given to the parties to the dispute, and such notice shall be at least ten days;
- (b) a record of the evidence adduced before the arbitrator or arbitrators shall be made, dated and signed by the arbitrator or arbitrators;
- (c) documents produced as exhibits before the arbitrator or arbitrators shall be marked, dated and signed by the arbitrator or arbitrators and shall be attached to the file of the proceedings; and
- (d) in the absence of any party duly notified to attend, the dispute may be decided by the arbitrator or arbitrators *ex parte*.
- (6) The award of the arbitrator or arbitrators shall—
- (a) be in writing;
- (b) be dated and signed by the arbitrator or arbitrators;
- (c) state the amount of the costs and expenses of the arbitration, if any, and by which party or parties to the dispute the same are to be paid; and
- (d) be handed to each party to the dispute by the arbitrator or arbitrators.
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(7) Upon the completion of the proceedings, the arbitrator or arbitrators shall forward to the registrar the file of the proceedings including the award.

(8) Where the registrar exercises the power of deciding a dispute himself, the proceedings before him in relation thereto shall, as nearly as possible, be conducted in the same way as proceedings before a court of law and the provisions of section (5) shall apply *mutatis mutandis* to such proceedings.

(9) In all arbitration proceedings under this rule the registrar or arbitrators shall have all such powers as are vested in a magistrate on the occasion of any action in respect of summoning parties, enforcing the attendance of witnesses and compelling the production of documents.

43. (1) Any surplus remaining after the winding up of a registered co-operative society and distribution of assets in accordance with section 48 may be disposed of by the registrar for any object of local or public utility or tending to promote the co-operative movement as may be selected by the former members of the liquidated society and approved by the registrar:

Disposal of
balance after
liquidation.

Provided that if no such selection is made within three months of the distribution of assets the registrar may utilize such surplus for any co-operative purpose at his discretion.

(2) Any unclaimed balances under section 49 (2) shall be handed over, when the period of two years from the date of cancellation of registration has elapsed, to the Co-operative Union of Eastern Nigeria, Limited, to be used for the development of the co-operative movement.

44. (1) Subject to rule 30, the committee shall either appoint a secretary and, unless the person so appointed is a member of the committee, shall fix the remuneration for his services and require him to give security, or may obtain the services of a travelling secretary employed by a secondary society.

Secretary.

(2) The duties of the secretary shall be—

- (a) to attend all meetings of the registered society and of the committee and to carry out all the instructions of the committee;
- (b) to be present at the society's office during the hours of business as fixed from time to time by the committee;

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- (c) to record the whole of the transactions of the registered society in the books prescribed for that purpose; to conduct correspondence on behalf of the registered society; to prepare the annual statement of accounts and balance sheet, and to have charge of the documents, books and vouchers for payments and receipts on behalf of the registered society;
 - (d) to receive all applications for loans and bring the same before the committee; to prepare receipts and other documents in the form prescribed for signature by borrowers prior to their taking the loans sanctioned; and with the authority of the committee to supply information about the registered society which may be applied for by the members;
 - (e) to summon, attend and record minutes of meetings as prescribed in the rules or bye-laws.
- (3) Where the work assigned to the secretary by the committee includes the handling of the society's money transactions, his duties shall also be—
- (a) to receive all moneys due or payable to the registered society and issue receipts to the payer for same from a counterfoil or duplicate receipt book of a type approved by the registrar, obtaining at the same time the signature of the person making the payment on both original and counterfoil or duplicate, or recording thereon the numbers of the cheques, money orders or postal orders;
 - (b) to deposit with the treasurer all moneys collected by him on behalf of the registered society daily or at such intervals as may be specified by the committee or to deposit with the treasurer from such moneys all sums in excess of an amount to be fixed from time to time by the committee; and to obtain from the treasurer a receipt on a form to be taken from the prescribed counterfoil book;
 - (c) to keep separate all moneys belonging to the registered society and on no account to mix them with any other moneys; and to produce at all times when called upon to the committee or the registrar or any person authorized by him all moneys in his hands belonging to the registered society;

- (d) to make payments as authorized by the committee, obtaining the payee's signature on the payment voucher or his official receipt;
- (e) to issue a receipt on a form to be taken from the prescribed counterfoil book when receiving money from the treasurer.

45. (1) The treasurer shall be generally responsible for the safe custody of the cash and other valuables belonging to the society and for ensuring that all cash transactions of the society are accurately recorded and properly receipted. Treasurer.

(2) The treasurer shall receive all moneys due or payable to the registered society and issue receipts to the payer for same from an approved counterfoil receipt book obtaining at the same time the signature of the person making the payment on both original and counterfoil or duplicate or recording thereon the numbers of the cheques, money orders or postal orders; or shall receive from the secretary as provided in rule 44 (3) (b) moneys collected by the latter on behalf of the registered society, furnishing him with a receipt on a form taken from an approved counterfoil book and obtaining at the same time the signature of the secretary on the counterfoil.

(3) The treasurer shall make payments as authorized by the committee obtaining the payee's signature on the payment voucher or his official receipt, or shall advance money as provided in rule 44 (3) (d) to the secretary for payments and obtain from him a receipt from the prescribed counterfoil book.

(4) The treasurer shall place to the account of the registered society in such bank or co-operative society as may be approved by the registrar any amount in his hands in excess of the amount fixed from time to time by the committee.

(5) The treasurer shall keep separate all moneys belonging to the registered society and on no account shall mix them with any other moneys; and shall produce at all times, when called upon, to the committee, the registrar or any person authorized by him, all moneys in his hands belonging to the registered society.

(6) The treasurer shall keep a record in the prescribed form of all moneys received by him and of all moneys paid by him.

(7) The treasurer may be required to give security for such amount as may be determined by and to the satisfaction of the committee.

President.

46. (1) The president shall be the principal officer of the registered society and shall be responsible for ensuring that the Law, rules and bye-laws are observed by all other officers and members and that all decisions and directions of the general meeting are given effect to.

(2) Unless otherwise specified in the standing rules approved by the registrar the president shall preside at general meetings and committee meetings and shall ensure that meetings are summoned as prescribed in the rules and bye-laws.

(3) The president or in his absence the chairman of the committee shall sign all authorities for the disbursement of funds in accordance with decisions of the committee.

Division
and amal-
gamation.

47. (1) (a) Any registered society may, at a general meeting specially called for the purpose after due notice, resolve to divide itself into two or more societies.

(b) A copy of such resolution shall be forwarded to the registrar who may issue a winding-up order and appoint a liquidator under section 43 of the Law and shall issue such instructions as he may consider necessary for the protection of members and creditors and for the division of the society's assets and liabilities.

(2) Where at least one-third of the members of a registered society apply to withdraw from the society with the consent of the general meeting in order to establish a new society, the assets and liabilities of the society may be divided in such manner as the registrar may approve.

(3) (a) Two or more registered societies may at general meetings specially called for the purpose after due notice resolve to amalgamate into one society.

(b) A copy of each such resolution shall be forwarded to the registrar who may issue winding-up orders and appoint a liquidator under section 43 and shall issue such instructions as he may consider necessary for the protection of members and creditors.

(4) Under this rule the registrar may revalue shares in accordance with rule 11 before any division or amalgamation.

(5) Nothing in this rule shall prevent a member of a society which is being divided or amalgamated from withdrawing from membership in accordance with rule 9 and the bye-laws.

(6) Any decision or instruction by the registrar under this rule shall be taken only after due consultation with the members of the society or societies concerned.

48. (1) The maximum rate of interest on members' savings which may be charged in the income and expenditure account of a society shall not exceed $2\frac{1}{2}$ per cent: Deposit interest.

Provided that additional interest not exceeding $7\frac{1}{2}$ per cent. may be paid in accordance with rule 12 (9).

(2) The rate of interest on deposits and savings shall not exceed 10 per cent.

49. (1) Where the bye-laws of a registered society provide for a Council of Inspection or for scrutinizers, such Council of Inspection or scrutinizers shall be elected at the annual general meeting after the election of the officers and committee and no member of the committee may be elected or may vote for any person at their election. Council of Inspection and scrutinizers.

(2) The Council of Inspection or any member thereof or any scrutinizer shall at all times have free access to all books, papers and documents of the society and the committee and officers of the registered society shall whenever called upon render an account or supply information to the Council or scrutinizers and produce the cash in hand and other assets of the registered society for their inspection.

(3) The Council of Inspection or scrutinizers shall prepare at such intervals as the bye-laws may prescribe a report on the management and financial position of the society and shall submit it to the committee who shall place it before the next general meeting.

(4) The Council of Inspection or scrutinizers may summon a general meeting at any time when it or they consider that members should be informed immediately of the position of the society and shall in any event summon a general meeting if the committee fail to summon a general meeting within one month of their submitting their report under (3).

(5) The provisions of rules 24 and 25 shall apply to scrutinizers and members of the Council of Inspection *mutatis mutandis*.

Inspection
of records
and fees
therefor.

50. (1) Any person shall be permitted on payment of two shillings and sixpence for each occasion of inspecting, to inspect in the office of the registrar for any lawful purpose the following documents—

- (a) the register of societies;
- (b) the registered bye-laws of a society and amendments affected in such bye-laws;
- (c) a winding-up order or an order of cancellation of registration;
- (d) the annual statements of a society.

(2) The fee prescribed for the issue of a certified copy of a registration certificate shall be 5s.

(3) The fees prescribed for certified copies of any of the documents listed in (1) shall be at the rate of four shillings for each hundred words of the copy of extract or part thereof.

Exemption from Duties and Fees

This exemption was made under the provisions of section 33 of the repealed (within Eastern Nigeria) Co-operative Societies Ordinance, Chapter 39 of the Laws of Nigeria, 1948. It is saved under the provisions of section 64 of this Law, being in force at the commencement of the Law and capable of having been made under its section 60.

Government
Notice
No. 690
of 1940.

In exercise of the powers conferred upon him by section 33 of the Co-operative Societies Ordinance the Officer Administering the Government has been pleased to exempt all instruments executed by or on behalf of a registered society or by any officer or member of a registered society relating to the business of such society from payment of stamp duties chargeable under the Stamp Duties Ordinance and from registration fees payable under any Ordinance relating to the registration of instruments for the time being in force.

*The Stamp Duties Ordinance is now Chapter 120 of this edition of the Law.

E.N.L.N.
167 of 1961.

Co-operative Societies (Removal of Exemption) Order
made under section 59

Citation. 1. This order may be cited as the Co-operative Societies (Removal of Exemption) Order.

Removal of exemption. 2. For the purposes of income tax assessment, the exemption from disclosure granted to registered societies by section 59 of the Law shall cease to have effect in relation to Co-operative Produce Marketing Societies.

Annual returns. 3. (1) These societies shall submit to the Tax Assessment Authority in their area an annual return in form as set out in the Schedule duly completed.

(2) The first return in respect of the year ending 31st March, 1961, shall be submitted on or before the 30th of September, 1961, and thereafter subsequent returns shall be submitted on or before the 30th of June in each year.

SCHEDULE

Return of Produce transactions with members during the year to 31st March,.....

Name of Society.....

Address.....

| Name of Member or Non-Member | Address | (a) Tonnage sold to Society during current year | (b) Payment made | (c) Bonus |
|------------------------------|---------|--|---------------------|--------------|
| | | | | |

Date..... Signed.....Secretary

CERTIFICATE

I CERTIFY that the information given in the foregoing return is a correct record of the transactions with members and non-members as shown in the books of the Society.

Date.....*President of the Society.*

NOTES

- (a) *The quantity of each type of produce, should be shown separately.*
- (b) *The total amount paid at time of purchase, including any commission, share of Block Buying Allowance, etc., should be inserted, showing the amount paid in respect of each type of produce separately.*
- (c) *The bonus should be the actual amount paid in cash or credited to members during the year in respect of which the return is made, even though the bonus was in respect of the previous year's trading.*

CHAPTER 29
CORONERS LAW

Arrangement of Sections

Section

1. Short title.
2. Interpretation.
3. Who may hold inquests.
4. When inquest to be held.
5. Power to order exhumation.
6. Inquest on all prisoners and on persons in police custody.
7. Inquest to be held by coroner of place where body lying.
8. Inquest where body destroyed or irrecoverable.
9. Coroner may postpone burial or cremation till after inquest.
10. Notice of death.
11. Duty of administrative officer, police officer or council.
12. Coroner may direct post-mortem examinations.
13. Medical practitioner to make an examination and report.
14. Coroner to take evidence on oath.
15. Provisions regarding the viewing of body.
16. Coroner may summon witnesses.
17. Coroner not bound by rules of evidence.
18. Evidence how recorded.
19. Power to take evidence of witness unable to attend.
20. Commissions.
21. Inquest on Sunday or public holiday or in private.
22. Adjournment of inquest.
23. Staying of inquest and its resumption.
24. Issue of summons or warrant.
25. The inquisition.
26. Where guilty party unknown.
27. Where guilty party cannot be found.
28. Return of inquisitions and powers of review by High Court.
29. Powers of High Court on application by or under authority of Attorney-General.
30. Delegation of powers by the Attorney-General.
31. The coroner to transmit particulars of death and his finding thereon to registrar.

Section

32. Penalty where body is buried without authority.
 33. Obstructing medical practitioner or authority.
 34. Power to make rules.
 35. Forms.

SCHEDULE

CHAPTER 29

L. of N.
 1948,
 Cap. 41.
 N. 16 of
 1950.
 N.L.N. 131
 of 1954.
 N.L.N. 47
 of 1955.

A Law to regulate the Appointment, Powers and Duties of Coroners.

[1st June, 1945]

PART I.—PRELIMINARY

- Short title. 1. This Law may be cited as the Coroners Law.
- Interpreta- 2. In this Law—
 tion.
 “coroner” means any person empowered to hold inquests under this Law;
 “local government council” means a council established under the Local Government Law;
- (Cap. 79)
 “medical practitioner” means any person registered or licensed as a medical practitioner under the Medical Practitioners and Dentists Act;
- (Fed. Cap. 116)

PART II.—GENERAL PROVISIONS

- Who may hold inquests. 3. (1) Every magistrate may hold inquests under this Law.
 (2) The Governor may, by notice in the *Eastern Nigeria Gazette*, empower any other fit person to hold inquests under this Law within any area specified in such notice.
 (3) Any inquest commenced by a coroner may be continued, resumed, or reopened in the manner provided by this Law by such coroner or by his successor in office.

4. Whenever a coroner is informed that the body of a deceased person is lying within his jurisdiction and that there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or that such person has died whilst confined in a lunatic asylum, or in any place or circumstances which, in the opinion of the coroner, makes the holding of an inquest necessary or desirable, such coroner shall, subject as hereinafter in this section provided, hold an inquest on such body as soon as is practicable:

When inquest to be held.

Provided that—

- (a) whenever it shall appear to the coroner, either from the report of a medical practitioner rendered under section 12 or otherwise, that the death is due to natural causes, and that the body shows no appearance of death being attributable to or of having been accelerated by violence or by any culpable or negligent conduct either on the part of the deceased or of any other person, it shall thereupon be lawful for the coroner at his discretion (except in the cases specified in section 6) to dispense with the holding of an inquest, and, in the case of a registrable death he shall notify the registrar appointed under the provisions of the Births, Deaths and Burials Law; (Cap. 14)
- (b) where the coroner is informed that criminal proceedings have been or are about to be instituted against any person already in custody or about to be arrested in respect of such death, the inquest shall not be commenced, or if commenced shall not be continued or resumed, until such proceedings have been concluded.

5. Notwithstanding any law or custom to the contrary enacted or obtaining, whenever it shall appear to any coroner that the body of any person, who has died in circumstances requiring the holding of an inquest thereon, has been buried without being viewed or without such inquest having been held, or where such inquest, although held, has been quashed or reopened, it shall be lawful for such coroner by his warrant as in Form A set out in the First Schedule to order the exhumation of such body; and he shall after such exhumation proceed to hold an inquest on such body and

Power to order exhumation.

Form A.

thereupon direct the reinterment thereof; and the expenses of such exhumation and reinterment shall be paid, upon the coroner's order, out of the general revenue:

Provided that such exhumation shall not be ordered in any case where in the opinion of the coroner it would be injurious to public health, or where there is no reasonable probability of a satisfactory result being obtained thereby.

Inquest on all prisoners and on persons in police custody.

6. Whenever any prisoner, or any person in police custody, shall die from any cause whatsoever, a coroner of the district in which such death has occurred shall hold an inquest and, where such death is in execution of a judgment of death, the inquest shall be held within four hours thereafter.

Inquest to be held by coroner of place where body lying.

7. The coroner only within whose jurisdiction the body of any person, upon whose death an inquest ought to be held, is lying, shall hold the inquest, notwithstanding that the cause of death arose elsewhere; and if any body is found in the sea, or in any river, creek, or in any inland waters, the inquest shall be held by the coroner within whose jurisdiction the body is first brought to land:

Provided that where it appears to a coroner by whom an inquest has been commenced that, owing to special circumstances to be entered upon the record of the inquest, it is expedient for the inquest to be continued by another coroner in Eastern Nigeria, he shall after viewing the body (if such view is necessary in accordance with the provisions of section 15 (1)) and making such entry upon the record as is required to be made under the provisions of section 15 (4), refer the record to such other coroner; and such other coroner shall thereupon, subject to any directions in that behalf which may be given by the High Court and which the High Court is hereby empowered to give, continue the inquest and conclude the same in accordance with the provisions of this Law.

Inquest where body destroyed or irrecoverable.

8. Where a coroner has reason to believe that a death has occurred in the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may, if he considers

it desirable so to do, hold an inquest touching the death, and the law relating to inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of a body lying within the coroner's jurisdiction.

9. A coroner may prohibit the burial or cremation of any body lying within his jurisdiction until an inquest shall have been held.

Coroner may postpone burial or cremation till after inquest.

10. (1) When any body is found or a person has died in such circumstances as to make the holding of an inquest under this Law necessary or desirable it shall be the duty of any person finding the body or becoming aware of the death forthwith to inform the nearest local government council or administrative officer or police officer and upon receiving any such information such local government council or administrative officer or police officer shall notify the coroner having jurisdiction to hold an inquest. Any person who fails without good cause to inform the local government council or administrative officer or police officer as required by this section shall be guilty of an offence and on conviction shall be liable to a fine of twenty pounds.

Notice of death.

(2) In the case of a death occurring to which the provisions of section 6 apply it shall be the duty of the person in charge of the premises forthwith to notify the coroner having jurisdiction to hold an inquest. Any such person who fails so to notify the said coroner shall be guilty of an offence and on conviction shall be liable to a fine of twenty pounds.

11. (1) On information being given to a local government council or administrative officer or police officer in pursuance of subsection (1) of section 10, such local government council or administrative officer or police officer or a person authorized in that behalf by such administrative officer or police officer, hereinafter referred to as the authority, shall proceed to the place where the body of the deceased person is lying and shall make a full investigation into the circumstances surrounding the death of the deceased and the probable cause thereof, and may arrest any person reasonably suspected of having caused the death.

Duty of administrative officer, police officer or council.

(2) The authority shall without delay cause notice of the death as in Form B (or a translation thereof in such written

Form B.

language as the authority understands) set out in the First Schedule to be sent to a coroner having jurisdiction to hold an inquest stating any particulars concerning the cause of death disclosed by the investigation and giving an opinion as to whether or not the death was due to any unlawful act or omission.

(3) In any case where the death is believed by the authority not to be due to any unlawful act or omission, such authority shall, if the dead body is not already buried, view the body and authorize its interment, but in all other cases the authority shall cause the body to be taken to the nearest hospital or other place appointed for the reception of dead bodies unless the authority certifies to the coroner that the requirements of this subsection cannot reasonably be complied with, having regard to the condition of the body, the weather and the distance to be travelled.

PART III.—POST-MORTEM EXAMINATION

Coroner may direct post-mortem examinations.

Form C.

12. If any coroner considers it necessary with a view to investigating the circumstances of the death of any person, to obtain a medical report on the appearance of the body of such person, and as to the conclusions to be drawn therefrom, he may, by written order as in Form C set out in the First Schedule, require any Government medical officer or, in the absence of such officer, any other medical practitioner within his jurisdiction to make an examination of the body and to report thereon.

Medical practitioner to make an examination and report.

Form D.

13. Every medical practitioner upon the receipt of such order shall, unless he procures the services of some other medical practitioner to perform the duty, immediately make an examination of the body, with a view to determining therefrom the cause of death, and to ascertaining the circumstances connected therewith, and shall make a report in writing to the coroner describing the appearance of the body, and the conclusions which he draws therefrom touching the death of such person. The examination shall extend, when the medical practitioner considers it necessary but not otherwise, to such dissection of the body, with or without an analysis of the contents of the stomach or intestines, as he may think requisite. The report shall be as in Form D set out in the First Schedule, and shall state the cause of death, and shall be signed and dated by the medical practitioner. Such

report on being read at the inquest by the coroner shall be *prima facie* evidence of the facts therein stated without further proof, unless it is proved that the medical practitioner purporting to sign the report did not in fact sign it.

PART IV.—PROCEDURE AT INQUEST

14. At every inquest the coroner shall take on oath such evidence as is procurable as to the identity of the deceased, and the time, place and manner of his death.

Coroner to take evidence on oath.

15. (1) At or before the first sitting of an inquest on a body, the coroner shall view the body or shall satisfy himself that the body has been viewed by an administrative officer, a police officer, medical practitioner or local government council:

Provisions regarding the viewing of body.

Provided that, when an inquest on the body has been previously opened, it shall not be necessary upon a resumed, continued, or subsequent inquest for the body to be viewed a second time.

(2) An order authorizing the burial of a body upon which it has been decided to hold an inquest may be issued at any time after the body has been viewed.

(3) If the body has been buried and has not been viewed in the manner provided in subsection (1), the coroner shall order the exhumation of the body for the purpose of a view in the manner provided by section 5 unless he certifies that in his opinion such exhumation would be injurious to the public health or that no satisfactory result would be obtained thereby.

(4) In any case in which the coroner himself has viewed the body he shall certify the fact upon the record of the inquest, and in other cases he shall record evidence, if any, of the view of the body by an administrative officer, a police officer, medical practitioner or local government council.

16. (1) A coroner holding an inquest shall have and may exercise all the powers of a magistrate with regard to summoning and compelling the attendance of witnesses and requiring them to give evidence, and with regard to the production of any document or thing at such inquest.

Coroner may summon witnesses. Form F.

(2) Every summons and warrant of arrest and summons to produce shall be in writing signed by the coroner.

(3) Where the inquest concerns the death of a person executed in pursuance of a death warrant the medical practitioner who was present at the execution shall be an essential witness at such inquest.

(4) The provisions of any law in force relating to summonses, warrants and summonses to produce issued by a magistrate shall apply to summonses, warrants and summonses to produce issued by a coroner.

Coroner not bound by rules of evidence.

17. A coroner holding an inquest shall not be bound by any rules of evidence which may pertain to civil or criminal proceedings, but if any witness objects to answer any question on the ground that it will tend to incriminate him, he shall not be required to answer the question nor be liable to any penalty for refusing so to answer.

Evidence how recorded. (Cap. 31)

18. The evidence of every witness shall be taken down and recorded in the form of a deposition in the manner prescribed for preliminary inquiries under the provisions of the Criminal Procedure Law.

Power to take evidence of witness unable to attend.

19. Where any person within the coroner's jurisdiction who is able to give material evidence in respect of any inquest is, owing to illness or other cause which appears satisfactory to the coroner, unable to attend at the place where the coroner usually sits, it shall be lawful for the coroner to take the deposition of such person in the place where such person is.

Commissions.

20. (1) Whenever in the course of any inquest it appears to the coroner that any person without the jurisdiction of the coroner is able to give material evidence in respect of the inquiry and that the attendance of such person cannot be procured without an amount of delay, expense or inconvenience, which, in the circumstances of the case, would be unreasonable, the coroner shall apply to the High Court, giving the reasons for the application, and the High Court may—

- (a) issue a commission to any magistrate, (whether exercising jurisdiction in Eastern Nigeria or another Region of Nigeria) within the local limits of whose jurisdiction such person resides, to take the evidence of such person, or
- (b) reject the application.

(2) The magistrate to whom the commission is issued shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in a preliminary inquiry held under the provisions of the Criminal Procedure Law.

(Cap. 31)

(3) Any interested party may appear before such magistrate by advocate or in person, and may examine, cross-examine and re-examine, as the case may be, such witness.

(4) After such commission has been duly executed it shall be returned, together with the deposition of the witness examined thereunder, to the High Court, who shall forward the commission, the return thereto and the deposition to the coroner who made the application therefor.

(5) On the receipt thereof by the said coroner such commission, return thereto, and deposition shall be filed with and form part of the inquest proceedings relating thereto.

21. (1) A coroner may lawfully hold inquests on any Sunday or public holiday.

Inquest on
Sunday or
public
holiday
or in private.

(2) If the coroner thinks it expedient in the interests of justice that any inquest should be held in private, he shall hold the same in private.

(3) Whenever an inquest is held in private, the coroner shall record his reasons for so holding it.

22. A coroner holding an inquest in any place may adjourn the inquest to another day and may order the adjourned inquest to be held in the same or any other place.

Adjourn-
ment of
inquest.

23. (1) If in the course of an inquest, the coroner is of opinion that sufficient grounds have been disclosed for instituting criminal proceedings in connexion with the death against any person already in custody or whose arrest is contemplated, the coroner shall stay the inquest until the trial of the person to be charged is concluded or he is discharged under the provisions of section 73 or section 325 of the Criminal Procedure Law or the charge is dismissed under the provisions of section 299 of that Law or it appears improbable that such person will be found.

Staying of
inquest
and its
resumption.

(Cap. 31)

(2) Where an inquest is stayed in pursuance of subsection (1), the coroner may resume and conclude the inquest after the conclusion of the criminal proceedings if he is of opinion

that public benefit is likely to result from his so doing; but, if he is of opinion that no public benefit is likely to result from his so doing, he shall certify his opinion to that effect and transmit to the Attorney-General a copy of the inquest proceedings:

Provided that, if in the course of the criminal proceedings any person has been charged upon information, then upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted on such information or contain any finding which is inconsistent with the determination of any matter by the result of those proceedings.

(3) Notwithstanding the provisions of subsection (2) where an inquest is stayed in pursuance of subsection (1), and it is ascertained that the person to be charged cannot be found, the coroner shall resume and conclude the inquest.

"criminal proceedings"

(4) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a magistrate's court and before any court to which the accused person is committed for trial or is charged or before which an appeal from the conviction of that person is heard, and criminal proceedings shall not be deemed to be concluded until no further appeal can, without an extension of time being granted by any court to which an appeal lies, be made in the course thereof.

Issue of summons or warrant.

24. If, during the course or at the close of any inquest, the coroner is of opinion that sufficient grounds are disclosed for making a charge against any person in connexion with the death, he may issue a summons or warrant to secure the attendance of such person before any magistrate's court having jurisdiction, and may bind over any witness who has been examined by or before him on a recognizance with or without surety to appear and give evidence before such court.

The inquisition.
Form E.

25. After the view (if any) of the body and hearing the evidence, the coroner holding the inquest shall give his verdict and certify it by an inquisition in writing as in Form E set out in the First Schedule, showing, so far as such particulars have been proved to him, who the deceased was, and how, when and where the deceased came by his death:

Provided that, where the inquest concerns the death of a person executed in pursuance of a death warrant the verdict

and inquisition shall include a finding as to whether the death was instantaneous and the person executed was the person mentioned in such warrant. Such inquisition and verdict shall be made and signed in duplicate and one of the originals shall be delivered to the sheriff.

26. If, at the close of any inquest, the coroner is of opinion that there is ground for suspecting that some person is guilty of an offence in respect of the matter inquired into, but cannot ascertain who such person is, he shall certify his opinion to that effect and transmit a copy of the proceedings to the superintendent of police of the province in which the inquest is held.

Where guilty party unknown.

27. Where a copy of the proceedings upon any inquest has been transmitted to a superintendent of police under section 26 and the guilty person remains undiscovered, and if, in the opinion of the superintendent of police, there is no probability that such person will be discovered, he shall certify his opinion to that effect and transmit the copy of the proceedings to the Attorney-General.

Where guilty party cannot be found.

28. (1) Every inquisition, including the depositions and the recognizances of the witnesses, if any, shall be transmitted by the coroner, with all convenient despatch to the judicial division of the High Court in which the inquisition took place and the registrar of such division shall take charge of such proceedings.

Return of inquisitions and powers of review by High Court.

(2) The High Court may examine the record of any such proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding or verdict and as to the regularity of such proceedings.

(3) Where the High Court by reason of such examination is not satisfied as to the correctness, legality or propriety of any finding or verdict it may, after affording the Attorney-General or his representative an opportunity of being heard therein, exercise any of the powers conferred upon it by subsection (1) of section 29.

(4) Where the High Court by reason of such examination is not satisfied as to the regularity of the proceedings, it may

take such action, not involving an alteration of the finding or verdict, as it may think necessary to cure such irregularity.

Powers of High Court on application by or under authority of Attorney-General.

29. (1) Where the High Court, upon an application made by the Attorney-General, in the judicial division of the court in which an inquest has been held or would fall to be held, is satisfied that it is necessary or desirable to do so, it may—

- (a) order an inquest to be held touching the death of any person;
- (b) direct any inquest to be reopened for the taking of further evidence, or for the inclusion in the proceedings thereof and consideration with the evidence, already taken, of any evidence taken in any judicial proceeding which may be relevant to any issue determinable at such inquest, and the recording of a fresh verdict upon the proceedings as a whole;
- (c) quash the verdict in any inquest substituting therefor some other verdict which appears to be lawful and in accordance with the evidence recorded or included as hereinbefore in this section provided; or
- (d) quash any inquest, with or without ordering a new inquest to be held.

(2) The provisions of this section shall apply to all inquests and the verdicts therein, whether or not such inquests and verdicts are in pursuance of the provisions of this Law.

“judicial proceeding”.

(3) For the purpose of this section the expression “judicial proceeding” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath.

Delegation of powers by the Attorney-General.

30. The Attorney-General may order in writing that all or any of the powers vested in him by sections 27 and 31 be vested for the time being in the Solicitor-General or a State Counsel and the exercise of those powers by the Solicitor-General or a State Counsel shall then operate as if they had been exercised by the Attorney-General:

Provided that the Attorney-General may in writing revoke any order made by him under this section.

PART V.—MISCELLANEOUS PROVISIONS

31. Where a death is required by law to be registered and an inquest is held, the coroner shall inquire of the particulars required to be registered concerning the death, and his finding thereon shall be attached to and form part of the inquisition; and the coroner shall send to the registration authority within five days after the finding is given, a certificate under his hand, giving information concerning the death and specifying his finding with regard to the said particulars and to the cause of death, and stating also the time and place at which the inquest was held.

The coroner to transmit particulars of death and his finding thereon to registrar.

32. (1) Any person who without lawful authority or excuse interments or cremates any body, the burial or cremation of which has been prohibited under section 9, or the body of any person who has died in police custody or in any prison, or of any person who has died in any of the circumstances mentioned in section 4, shall be guilty of an offence and on conviction shall be liable to a fine of fifty pounds.

Penalty where body is buried without authority.

(2) Where any person is charged with having committed an offence under this section the onus of proving that he had lawful authority or excuse shall be on the person charged.

33. Any person who obstructs an administrative officer, a medical practitioner, a police officer or a local government council in the execution of any duty imposed upon him by this Law shall be guilty of an offence and upon conviction shall be liable to a fine of twenty-five pounds.

Obstructing medical practitioner or authority.

34. (1) The Executive Council may make rules prescribing the scale of fees to be paid to medical practitioners for any examination, autopsy or other service required of them under this Law.

Power to make rules.

(2) The rules in the Second Schedule shall be deemed to have been made under the power herein conferred.

Second Schedule.

35. The forms set out in the First Schedule shall be used for the several matters to which they relate with such variations as circumstances may require. The Minister may from time to time by order published in the *Eastern Nigeria Gazette* amend, revoke or add to the said Schedule.

Forms, First Schedule.

FIRST SCHEDULE

Section 5.

FORM A

CORONERS LAW

(Chapter 29)

ORDER FOR EXHUMATION

.....District.

To.....
.....

Whereas it appears that.....has died in circumstances requiring the holding of an inquest upon his body and that the body of the said.....has been buried at.....without such inquest being held (or without the said body being viewed) (or that the inquest held at.....on the.....day of.....was insufficient):

These are to charge and command you that you forthwith cause the said body to be taken up (and viewed) (or, and safely conveyed to.....in the above-named district) that I may proceed to inquire into the cause of the death of the said.....(or as the case may be).

Herein fail not.

Given under my hand at.....this.....day of.....

.....
Coroner

Section 11.

FORM B

CORONERS LAW

(Chapter 29)

DEATH REPORT TO CORONER

Particulars of deceased, etc.

1. Name, sex and approximate age of deceased.....
.....
2. Nationality or Tribe.....
3. Occupation.....
4. Date, hour and place of death.....
.....
5. Supposed cause of death.....
.....
6. Person who found body or gave first information of death.....
.....

Coroners

FIRST SCHEDULE — continued

- 7. Date and hour first information received by police or local government council.....
- 8. Circumstances of death and names of persons who can give information thereof.....
- 9. Name of authority making first investigation.....
- 10. Date and time of investigation.....
- 11. Describe where and how body found.....
- 12. Marks of violence (if any).....
- 13. Circumstances of suspicion (if any).....
- 14. Date and hour when report sent to coroner.....

Having made full inquiries I have the honour to report that*—

- (a) there are no suspicious circumstances surrounding the death nor are there any marks of violence on the body;
- (b) in my opinion an inquest ought to/need not be held;
- (c) the body has been viewed by me and buried at.....
I am satisfied that the body viewed by me was the body of.....
- (d) the body has been sent by me to.....
- (e) the following persons have been arrested (or are about to be arrested) in connexion with the death on the charges stated hereunder—

Station.....

Authority

I order that an inquest be opened at.....on the.....day of....., 19.....

(or) I do not consider that an inquest is necessary or desirable.

Date.....

Coroner

*Strike out the statements of fact which are not applicable.

FIRST SCHEDULE—continued

Section 12.

FORM C

CORONERS LAW

(Chapter 29)

ORDER FOR POST-MORTEM EXAMINATION

To Dr.

Whereas I am credibly informed that one..... has died in circumstances which may require the holding of an inquest under the Coroners Law, you are hereby authorized and required to make a post-mortem examination of the body of the said.....

..... which will be delivered to you by..... and to make a report to me thereon:

Given under my hand at..... this..... day of....., 19.....

Coroner

Section 13.

FORM D

CORONERS LAW

(Chapter 29)

REPORT OF MEDICAL PRACTITIONER

1. Date and hour of receipt of corpse at mortuary.....
2. Condition of corpse on arrival.....
3. Mode in which packed.....
4. Date and hour of holding examination.....
5. Name of deceased (if known).....
6. By whom identified.....
7. Approximate age.....
8. Sex.....
9. Height, colour of hair, eyes, peculiar clothing and any other marks or means of identity.....
10. Probable date of death.....
11. Medical Report.....

I certify the cause of death in my opinion to be.....

Date..... (Signed).....

Qualifications

Coroners

FIRST SCHEDULE—continued

FORM E
CORONERS LAW
(Chapter 29)
THE INQUISITION

Section 25.

An inquisition taken at.....in the district
of.....in Eastern Nigeria, the.....day of....., 19.....
before....., on the view of the body of one.....
then and there lying dead.

Now I,.....charged to inquire when, where, how
and after what manner the said.....came
to his/her death say that the following particulars have been disclosed—

- 1. Name of deceased.....
- 2. Residence and occupation.....
- 3. Means of identity.....
- 4. Where found, when and under what circumstances.....
- 5. Date of death.....
- 6. Cause of death.....
- 7. Offence (if any) to which death attributable.....

And I, the said.....do say that
my verdict is.....

In witness whereof I have to this inquisition set my hand the.....
day of....., 19.....

Station.....

Coroner

FORM F
CORONERS LAW
(Chapter 29)
SUMMONS TO WITNESS

Section 16.

To.....

Whereas I am credibly informed that you can give evidence concerning
the death of.....

Coroners

FIRST SCHEDULE—*continued*

Now, therefore, you are hereby required to attend at.....
on the.....day
 of....., 19....., at.....of the clock in the
noon, in order to give evidence before me touching the death
 of the said.....and
 herein fail not.

Dated this.....day of....., 19.....

.....
 Coroner

Section 34.
 O. in C. 5 of
 1949.
 Rules 9 of
 1951.

SECOND SCHEDULE
 CORONERS (POST-MORTEM FEES) RULES

Citation.

1. These rules may be cited as the Coroners (Post-mortem Fees) Rules.

Where
 inquest
 dispensed
 with.

2. A medical practitioner required by order of the Coroner to examine and report upon a body and upon whose report the Coroner shall dispense with an inquest shall be entitled to a fee of one pound and one shilling for such report and a further fee of one pound and one shilling if he shall have made a dissection:

Provided that where the report is made on the body of a person whom it was the duty of a medical practitioner in the service of the Government to attend, such medical practitioner shall only be entitled to the said fee of one pound and one shilling for any dissection made.

Where
 inquest held
 and medical
 evidence not
 required.

3. A medical practitioner required by order of the Coroner to examine and report upon a body upon which an inquest is held and who is not summoned to give evidence in support of such report shall be entitled to a fee of one pound and one shilling for such report and a further fee of one pound and one shilling if he shall have made a dissection:

Provided that where the report is made on the body of a person whom it was the duty of a medical practitioner in the service of the Government to attend, such medical practitioner shall only be entitled to the said fee of one pound and one shilling for any dissection made.

Where
 medical
 officer sum-
 moned to
 give
 evidence.

4. A medical practitioner summoned by the Coroner to give evidence at any inquest in support of his examination and report shall be entitled to a fee of one pound and one shilling for the first day and further like fee for each day after the first:

Provided that where the inquest held is upon the body of a person whom it was the duty of a medical practitioner in the service of the Government to attend, such medical practitioner shall not be entitled to any fee for attending to give evidence as aforesaid,

SECOND SCHEDULE—*continued*

5. Any medical practitioner who is required to superintend the exhumation of a body shall be entitled to a fee of three pounds and three shillings in addition to any other fees to which he may be entitled under the provisions of these rules. Exhumation.

6. Any reasonable travelling expenses, to be assessed by the Coroner which have been incurred by any medical practitioner in complying with any service ordered to be performed by him shall be payable to such medical practitioner. Travelling expenses.

7. No benefits shall accrue and no payments shall be made under these rules to a medical practitioner who is in receipt of staff pay. Medical practitioner in receipt of staff pay.

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(No subsidiary legislation)

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