1959 No. 1049

The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959

Made - - - -	15*th June*, 1959
Laid before Parliament	19*th June*, 1959
Coming into Operation	20*th June*, 1959

At the Court at Buckingham Palace, the 15th day of June, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(b), and the Nigeria (Constitution) (Amendment) Order in Council, 1959(c).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1958, the Nigeria (Constitution) (Amendment) Order in Council, 1959, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1959.

(3) Section 1 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, is amended by the deletion of subsection (2).

(4) This Order shall come into operation on the twentieth day of June, 1959:

Provided that section 24 shall be deemed to have come into operation on the fifteenth day of March, 1959.

Amendment of Order of 1954

2. Section 2 of the Nigeria (Constitution) Order in Council, 1954, (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, subsection (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 2 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, subsection (1) of section 2 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958, and section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended—

(*a*) by the deletion from subsection (1) of the words "or the Eastern House of Assembly" in the definition of "Regional Legislative

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1257, 1522, 1958 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030; 1958 II, pp. 2757, 2811, 2822, 2825). (c) S.I. 1959/368 (Pt. II, p. 3195, of this vol.).

House " and the substitution of the words " the Eastern House of Chiefs or the Eastern House of Assembly ";

(*b*) by the deletion from subsection (2) of paragraph (*b*) and paragraph (*c*);

(*c*) by the deletion from subsection (4) of the word " and " after the words " High Court of the Southern Cameroons " in sub-paragraph (iv) of paragraph (*a*); and

(*d*) by the insertion in subsection (4) after the words " as the case may be " in sub-paragraph (iv) of paragraph (*a*) of the words " and references to the offices of members of the Nigeria Police Force ".

3. Section 5 of the principal Order is amended by the deletion of subsection (4) and the substitution of the following subsection :—

" (4) There shall be, for the Eastern Region, two Legislative Houses, which shall be styled, respectively, the Eastern House of Chiefs and the Eastern House of Assembly."

4. Section 10 of the principal Order (as amended by subsection (1) of section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and subsection (1) of section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in subsection (1) after the words " Northern House of Chiefs " in paragraph (*f*) of the words " or the Eastern House of Chiefs ".

5. Section 29 of the principal Order (as amended by section 12 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words " members of the Western House of Chiefs " in paragraph (*b*) and the substitution of the words " not Elected Members of the House ".

6.—(1) The principal Order is amended by the insertion after section 31 of the following sections :—

'Composition of Eastern House of Chiefs.

31A.—(1) The members of the Eastern House of Chiefs shall be—

(*a*) all first-class Chiefs;

(*b*) fifty-five Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 31B of this Order;

(*c*) those members of the Executive Council who are Elected Members of the Eastern House of Assembly;

(*d*) Such Special Members as may be appointed in accordance with section 31C of this Order; and

(*e*) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) For the purposes of this section—

" Chief " means any person who is for the time being recognised as a Chief under the Recognition of Chiefs Law, 1956(a), as from time to time amended, or any Law replacing that Law.

" first-class Chief " means any traditional Ruler mentioned in section 4 of the Classification of Chiefs

(a) Law No. 19 of 1956 of the Eastern Region.

Law, 1959(a), and any Chief who is the representative of any Province of the Eastern Region by virtue of the provisions of that Law, as from time to time amended, or any Law replacing that Law.

(3) A person elected as President of the Eastern House of Chiefs in pursuance of paragraph (*b*) of subsection (1) of section 31D of this Order shall be deemed to be a member of the House.

Selection of Chiefs as members of Eastern House of Chiefs.

31B. Subject to the provisions of this Order, the Governor may by regulation—

(*a*) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Eastern House of Chiefs in accordance with section 31A of this Order;

(*b*) prescribe qualifications for selection as aforesaid;

(*c*) prescribe conditions on which any person as aforesaid shall hold his seat in the Eastern House of Chiefs.

Special Members of Eastern House of Chiefs.

31C. The Governor, acting on the recommendation of the Premier of the Eastern Region, may, by Instrument under the Public Seal, appoint persons (whether or not those persons are for the time being recognised as Chiefs under the Recognition of Chiefs Law, 1956, as from time to time amended) to be Special Members of the Eastern House of Chiefs if he considers that they possess qualifications enabling them to make a particular contribution to the work of the House:

Provided that the number of such members shall not at any time exceed five.

President and Deputy President of Eastern House of Chiefs.

31D.—(1) When the Eastern House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(*a*) one of the members of the House mentioned in paragraphs (*a*), (*b*) and (*d*) of subsection (1) of section 31A of this Order; or

(*b*) a person who is not a member of the House.

(2) When the Eastern House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (*a*), (*b*) and (*d*) of subsection (1) of section 31A of this Order.

(3) As often as the office of the President or the Deputy President falls vacant otherwise than when the Eastern House of Chiefs first sits after any dissolution thereof, the members of the House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section.

(4) The offices of the President or the Deputy President of the Eastern House of Chiefs shall become vacant—

(*a*) when the House first sits after any dissolution thereof; or

(a) Law No. 14 of 1959 of the Eastern Region.

(*b*) if he resigns his office by writing under his hand addressed to the House; or

(*c*) in the case of a person elected to be President in pursuance of paragraph (*a*) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister, Attorney-General of the Eastern Region or a Parliamentary Secretary to a Regional Minister.'

(2) When the Eastern House of Chiefs first meets after the commencement of this Order, the Governor shall appoint a person qualified for election as President of the House under subsection (1) of section 31D of the principal Order (as amended) to be President of that House, and the provisions of the principal Order shall apply in relation to the person so appointed as if he had been elected as President under that subsection.

7. Section 32 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended—

(*a*) by the deletion of subsection (1) and the substitution of the following subsection:—

"(1) The members of the Eastern House of Assembly shall be—

(*a*) eighty-four Elected Members elected in accordance with regulations made under section 37 of this Order; and

(*b*) those members of the Executive Council of the Eastern Region who are not Elected Members of the House."; and

(*b*) by the deletion of subsection (3) and the substitution of the following subsection:—

"(3) A person appointed as Attorney-General of the Eastern Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Eastern House of Assembly."

8. Section 40 of the principal Order (as amended by section 9 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 22 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the deletion from subsection (1) of the words "or the Western House of Chiefs" and the substitution of the words "the Western House of Chiefs or the Eastern House of Chiefs";

(*b*) by the deletion of subsection (2) and the substitution of the following subsection:—

"(2) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion."; and

(*c*) by the deletion from subsection (3) of the words "The foregoing provisions of this section" and the substitution of the words "The provisions of subsection (1) of this section".

9. Section 41 of the principal Order (as amended by section 10 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and

section 23 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the deletion from subsection (1) of the words " or the Western House of Chiefs " in paragraph (*a*) and the substitution of the words " the Western House of Chiefs or the Eastern House of Chiefs "; and

(*b*) by the deletion from subsection (1) of paragraph (*b*) and the substitution of the following paragraph :—

" (*b*) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion ".

10. Section 44 of the principal Order is amended by the insertion after the words " the Western House of Chiefs " of the words " or the Eastern House of Chiefs."

11. The principal Order is amended by the insertion after section 46 of the following section :—

" Tenure of seats by Chiefs in Eastern House of Chiefs.

46A. The seat in the Eastern House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 31B of this Order shall become vacant—

(*a*) upon a dissolution of the House ; or

(*b*) if he becomes a first-class Chief for the purposes of section 31A of this Order ; or

(*c*) if he becomes a member of the House of Representatives ; or

(*d*) in such circumstances (if any) as may be prescribed by such regulations."

12. Section 60 of the principal Order (as amended by section 14 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 35 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 9 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended—

(*a*) by the deletion from subsection (2) of paragraphs (*a*) and (*b*) and the substitution of the following paragraphs: —

" (*a*) A Bill other than a money Bill may be introduced in either the House of Chiefs or the House of Assembly of a Region.

(*b*) A money Bill shall not be introduced in the House of Chiefs of a Region " ; and

(*b*) by the deletion from subsection (2) of the words " a Bill that, in the opinion of the Governor," in paragraph (*c*) and the substitution of the words " in relation to the Legislative Houses of a Region a Bill that, in the opinion of the Speaker of the House of Assembly of the Region."

13. Section 68 of the principal Order (as amended by section 43 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) of the words " or the Western Region ".

14. Section 69 of the principal Order (as amended by section 44 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words " or the Western House of Chiefs ".

15. Section 70 of the principal Order (as amended by section 45 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words " and whenever the Governor of the Western Region has convened the joint sitting, the President of the Western House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat " in paragraph (*a*).

16. The principal Order is amended by the insertion after section 70 of the following sections :—

" Restrictions of powers of Western and Eastern Houses of Chiefs as to money Bills.

70A.—(1) If a money Bill, having been passed by the House of Assembly of the Western Region or the Eastern Region and sent to the House of Chiefs of that Region at least one month before the end of the session, is not passed by the House of Chiefs within one month after it is so sent to that House, the Bill, with any amendments that are certified by the Speaker to have been made by the House of Chiefs and agreed to by the House of Assembly, shall, unless the House of Assembly otherwise resolves, be deemed thereupon to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) There shall be endorsed on every money Bill when it is sent to the House of Chiefs of the Western Region or the Eastern Region from the House of Assembly of the Region the certificate of the Speaker of the House of Assembly signed by him that it is a money Bill ; and there shall be endorsed on any money Bill that is presented to the Governor for his assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him that it is a money Bill and the provisions of that subsection have been complied with.

(3) In this section the expression " money Bill " has the meaning assigned to it by section 60 of this Order.

Restrictions of powers of Western and Eastern Houses of Chiefs as to Bills other than money Bills.

70B.—(1) If any Bill other than a money Bill is passed by the House of Assembly of the Western Region or the Eastern Region in two successive sessions (whether or not the Legislature of that Region is dissolved between those sessions) and, having been sent to the House of Chiefs of Region at least one month before the end of the session, is rejected by the House of Chiefs in each of those sessions, that Bill shall on its rejection for the second time by the House of Chiefs, unless the House of Assembly otherwise resolves, be deemed to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly:

Provided that the foregoing provisions of this subsection shall not have effect unless—

(*a*) in the case of the Western Region, one year has elapsed between the date on which the Bill is passed by the House of Assembly in the first session and the date on which it is passed by that House in the second session ; or

(*b*) in the case of the Eastern Region, six months have so elapsed.

(2) For the purposes of this section a Bill that is sent to the House of Chiefs of the Western Region or the Eastern Region from the House of Assembly of the Region in any session shall be deemed to be the same Bill as a former Bill sent to the House of Chiefs in the preceding session if, when it is sent to the House of Chiefs, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Assembly to be necessary owing to the time that has elapsed since the date of the former Bill, or to represent any amendments that have been made by the House of Chiefs in the former Bill in the preceding session.

(3) The House of Assembly of the Western Region or the Eastern Region may, if it thinks fit, on the passage through the House of a Bill that is deemed to be the same Bill as a former Bill sent to the House of Chiefs of the Region in the preceding session, 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 made by the House of Chiefs and agreed to by the House of Assembly; but the exercise of this power by the House of Assembly shall not affect the operation of this section in the event of the rejection of the Bill by the House of Chiefs.

(4) There shall be inserted in any Bill that is presented to the Governor for assent in pursuance of subsection (1) of this section any amendments that are certified by the Speaker of the House of Assembly of the Western Region or the Eastern Region, as the case may be, and have been made by the House of Chiefs of the Region in the second session and agreed to by the House of Assembly.

(5) There shall be endorsed on any Bill that is presented to the Governor for assent in pursuance of subsection (1) of this section the certificate of the Speaker of the House of Assembly of the Western Region or the Eastern Region, as the case may be, signed by him that the provisions of this section have been complied with.

(6) In this section the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

Provisions relating to ss. 70A and 70B.

70C.—(1) For the purposes of section 70B of this Order, a Bill shall be deemed to be rejected by the House of Chiefs of a Region if—

(*a*) it is not passed by the House of Chiefs without amendment; or

(*b*) it is passed by the House of Chiefs with any amendment that is not agreed to by the House of Assembly of the Region.

(2) Any certificate of the Speaker of the House of Assembly of a Region under section 70A or 70B of this Order shall be conclusive for all purposes and shall not be questioned in any Court.

(3) Before giving any certificate under section 70A or 70B of this Order the Speaker of the House of Assembly of a Region shall consult the Attorney-General of the Region or, if the Attorney-General is absent from the seat of government of the Region, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.'

17. Section 75 of the principal Order (as amended by section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 48 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 13 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended—

(*a*) by the deletion of the word " and " in sub-paragraph (ii) of the proviso to paragraph (*a*); and

(*b*) by the insertion after the words " section 29 of this Order " in that sub-paragraph of the words " the members of the Eastern House of Chiefs mentioned in paragraph (*c*) of subsection (1) of section 31A of this Order and the members of the Eastern House of Assembly mentioned in paragraph (*b*) of subsection (1) of section 32 of this Order ".

18. Section 81 of the principal Order (as amended by section 51 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words " in the case of the Northern Region or the Western Region ".

19. Section 82 of the principal Order (as amended by section 52 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the deletion from subsection (2) of the words " the Northern Region or the Western Region " and the substitution of the words " a Region "; and

(*b*) by the deletion of subsection (3).

20. Section 84 of the principal Order is revoked.

21. Section 88A of the principal Order (as set out in section 19 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion in subsection (1) after the words " House of Representatives " of the words " mentioned in paragraphs (*c*) and (*d*) of section 6 of this Order ".

22. Section 109 of the principal Order (as amended by section 37 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 57 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 15 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the insertion in subsection (1) after the words " paragraphs (*a*) and (*c*) " in paragraph (*a*) of the words " of subsection (1) ".

23. Section 111 of the principal Order (as amended by section 38 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 58 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the insertion in subsection (1) after the words "Public Seal" of the words "either from among the members of the Eastern House of Chiefs mentioned in paragraphs (*a*), (*b*) and (*d*) of subsection (1) of section 31A of this Order or"; and

(*b*) by the insertion in subsection (2) after paragraph (*b*) of the following proviso:—

"Provided that if the Premier is a member of the Eastern House of Assembly not more than two of the other Ministers may be appointed from among the members of the Eastern House of Chiefs, and if the Premier is not a member of the Eastern House of Assembly not more than one of the other Ministers may be appointed from among the members of the Eastern House of Chiefs."

24. Section 142A of the principal Order (as set out in subsection (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by subsection (1) of section 29 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended by the deletion of subsection (9) and the substitution of the following subsection:—

"(9) The provisions of subsections (1), (2), (5), (6), (7), and (8) of this section shall apply in relation to Lagos as they apply in relation to a Region, and for that purpose—

(*a*) references to a Region, the Governor, the Legislature of a Region and the Consolidated Revenue Fund of a Region shall be construed as if they were references to Lagos, the Governor-General, the Federal Legislature and the Consolidated Revenue Fund of the Federation; and

(*b*) subsection (2) shall have effect as if the word 'six' were deleted and the word 'five' were substituted."

25. Section 180F of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) Order in Council, 1958, and as amended by section 55 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended by the insertion after subsection (7) of the following subsection:—

"(8) The provisions of section 180D of this Order shall apply in relation to the Judicial Service Commission of a Region as they apply in relation to the Public Service Commission of a Region, and for that purpose that section shall have effect as if for the words 'the Public Service Commission' there were substituted the words 'the Judicial Service Commission' and for the words 'sections 180A to 180C' there were substituted the words 'sections 180E and 180F'."

26. Section 180J of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Western Region" and the substitution of the words "a Region".

27. Section 180K of the principal Order (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

28. Section 222 of the principal Order (as set out in section 51 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is revoked.

29. The principal Order is amended by the insertion after section 236 (as set out in subsection (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) of the following sections :—

Establishment of Nigeria Police Force.

237.—(1) There shall be a police force for Nigeria, which shall be styled the Nigeria Police Force.

(2) Subject to the provisions of this Order, the Nigeria Police Force shall be organised and administered in accordance with such provision as may be made in that behalf by any law enacted by the Federal Legislature, and members of the Force shall have such powers and duties as may be conferred upon them by any law in force in Nigeria.

(3) No police forces other than the Nigeria Police Force shall be established for Nigeria or any part thereof:

Provided that—

(*a*) a law enacted by the Federal Legislature may make provision for police forces forming part of the armed forces of the Crown or for the protection of harbours, waterways, railways and airfields or for the maintenance by any local authority within Lagos of a police force for employment within Lagos; and

(*b*) a law enacted by the Legislature of a Region or the Southern Cameroons may make provision for the maintenance by any native authority or local-government authority established for a Province or any part of a Province of a police force for employment within that Province.

(4) In this section " Province " means any area that was a Province at the Commencement of this Order.

Control of Nigeria Police Force.

238.—(1) The Nigeria Police Force shall be under the command of the Inspector-General of the Nigeria Police.

(2) Any contingents of the Nigeria Police Force stationed in a Region shall, subject to the authority of the Inspector-General of the Nigeria Police, be under the command of the Commissioner of Police of that Region.

(3) Any contingents of the Nigeria Police Force stationed in the Southern Cameroons shall, subject to the authority of the Inspector-General of the Nigeria Police, be under the command of such officer of the Force as the Inspector-General may, with the approval of the Governor-General, acting in his discretion, designate for that purpose.

(4) The Governor-General, acting in his discretion, may give to the Inspector-General of Police such directions with respect to the use and operational control of the Nigeria Police Force as he may decide are desirable.

(5) The Inspector-General of Police shall comply with any directions given to him under subsection (4) of this section or cause them to be complied with.

(6) The Commissioner of Police of a Region shall carry out the requirements of the Governor of the Region concerning the use and operational control of the police under the command of the Commissioner for the purpose of maintaining and securing public safety and public order within the Region :

Provided that, before carrying out any such requirement, the Commissioner may ask the Governor to obtain confirmation from the Governor-General that the Commissioner should carry out the requirement.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region, the Governor and the Commissioner of Police of the Region shall be construed as if they were references to the Southern Cameroons, the Commissioner of the Cameroons and the officer for the time being designated under subsection (3) of this section.

(8) The question whether any, and if so what, directions have been given under subsection (3) of this section shall not be enquired into in any court.

Police Council of Federation.

239.—(1) There shall be, for the Federation, a Police Council.

(2) The members of the Police Council shall be—

(*a*) the Governor-General;

(*b*) a Minister;

(*c*) a Regional Minister of each Region;

(*d*) a Minister of the Southern Cameroons; and

(*e*) the Chairman of the Police Service Commission.

(3) For the purposes of subsection (2) of this section—

"Minister" means the Prime Minister or the Minister responsible for public safety and public order;

"Regional Minister" in relation to any Region means the Premier of that Region or the Regional Minister of that Region responsible for public safety and public order;

"Minister of the Southern Cameroons" means the Premier of the Southern Cameroons or the Minister of the Southern Cameroons responsible for public safety and public order.

Summoning of Police Council, quorum etc.

240.—(1) The Police Council shall not be summoned except by the authority of the Governor-General, acting in his discretion:

Provided that the Governor-General shall summon the Council to meet at least four times in each year.

(2) No business shall be transacted in the Police Council if objection is taken by any member present that, in addition to the Governor-General or other member presiding, there are present less than three members.

(3) Any proceedings of the Police Council shall be valid notwithstanding that some person who was not entitled to do so took part in the proceedings.

(4) The Inspector-General of the Nigeria Police or such other officer of the Nigeria Police Force as the Inspector-General may designate shall attend the meetings of the

Police Council and (save for the purpose of voting) may take part in the proceedings.

(5) The Commissioner of Police of a Region or the Southern Cameroons may, if so requested by the Governor-General or other member presiding, attend any meeting of the Police Council and (save for the purpose of voting) may take part in the proceedings.

Presiding in Police Council and voting.

241.—(1) There shall preside at meetings of the Police Council—

(*a*) the Governor-General; or

(*b*) in the absence of the Governor-General, the Minister present.

(2) Where any matter is dependent on the decision of the Police Council, any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(3) (*a*) The Governor-General may, when presiding in the Police Council, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(*b*) A member of the Police Council other than the Governor-General shall have an original vote and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Functions of Police Council.

242.—(1) Subject to the provisions of this section, the Police Council shall be responsible for the organisation and administration of the Nigeria Police Force and all other matters relating thereto, not being matters relating to the use and operational control of the Force or the appointment, dismissal and disciplinary control of members of the Force.

(2) The Governor-General shall refer to the Police Council for their advice all questions relating to the matters for which the Police Council is responsible.

(3) It shall be the duty of the Police Council to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section; and, subject to the provisions of subsection (5) of this section, he shall act in accordance with the advice given to him by the Council.

(4) The Governor-General shall keep the Governors of the Regions and the Commissioner of the Cameroons informed concerning the advice given to him by the Police Council.

(5) The Governor-General may, if he considers it expedient to do so, act otherwise than in accordance with any advice given to him by the Police Council; but in any such case he shall cause a statement of that advice, together with his reasons for acting otherwise than in accordance with that advice, to be laid before the House of Representatives.

(6) The question whether any, and if so, what advice has been given to the Governor-General by the Police Council shall not be enquired into in any court.

Niger Delta Development Board.

243.—(1) There shall be for the Niger Delta a Board, which shall be styled the Niger Delta Development Board.

(2) The members of the Niger Delta Development Board shall be—

(*a*) a person appointed by the Governor-General, who shall be Chairman;

(*b*) a person appointed by the Governor of the Western Region;

(*c*) a person appointed by the Governor of the Eastern Region; and

(*d*) such other persons as may be appointed in pursuance of regulations made under subsection (5) of this section to represent the inhabitants of the Niger Delta.

(3) The Niger Delta Development Board shall be responsible for advising the Governments of the Federation, the Western Region and the Eastern Region with respect to the physical development of the Niger Delta, and in order to discharge that responsibility the Board shall—

(*a*) cause the Niger Delta to be surveyed in order to ascertain what measures are required to promote its physical development;

(*b*) prepare schemes designed to promote the physical development of the Niger Delta, together with estimates of the cost of putting such schemes into effect;

(*c*) submit to the Governments of the Federation, the Western Region and the Eastern Region an initial report describing the survey of the Niger Delta and the measures that appear to the Board to be desirable in order to promote the physical development thereof, having regard to the information derived from the survey, and subsequent annual reports describing the work of the Board and the measures taken in pursuance of its advice.

(4) The Niger Delta Development Board shall have such powers and duties as may be conferred upon it for the purposes of the due discharge of its responsibilities by or under any regulations made under subsection (5) of this section or, subject to the provisions of such regulations, by or under any other law.

(5) The Governor-General may make regulations for giving effect to the provisions of this section and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say:—

(*a*) the appointment of members of the Niger Delta Development Board for the purposes of paragraph (*d*) of subsection (2) of this section;

(*b*) the tenure of office and terms of service of members of the Board;

(*c*) the appointment, tenure of office and terms of service of staff to assist the Board in the performance of its functions;

(*d*) the organisation of the work of the Board.

(6) The salaries and allowances of the members of the Niger Delta Development Board shall be such as may be prescribed by any law enacted by the Federal Legislature, or, subject to the provisions of any such law, by regulations made under subsection (5) of this section, and shall be paid out of moneys provided by the Federal Legislature.

(7) Regulations made under this section for the purposes of paragraph (*d*) of subsection (2) of this section shall, so far as is practicable, provide that the inhabitants of the respective parts of the Niger Delta comprised in the Western Region and the Eastern Region shall be represented in proportion to the populations of those respective parts.

(8) For the purposes of this section "the Niger Delta" means such part of the Western Region and such part of the Eastern Region as the Governor-General may by Proclamation published in the Official Gazette of the Federation prescribe.

(9) This section shall cease to have effect on the first day of July, 1969 or such later date as may be appointed by the Governor-General by Proclamation published in the Official Gazette of the Federation.

(10) In the exercise of the powers conferred upon him by this section, the Governor-General shall, save as otherwise provided by any instructions under Her Majesty's Sign Manual and Signet consult with the Council of Ministers and shall act in accordance with their advice, and in exercise of the powers conferred upon him by subsections (5), (8) and (9) of this section he shall also consult with the Governor of the Western Region and the Eastern Region but shall not be obliged to act in accordance with their advice.'

30. The First Schedule to the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955, section 16 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 50 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 107 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 73 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended by the deletion from Part II of Item 18A.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to explain its general purport.)

This Order amends the Nigeria (Constitution) Order in Council, 1954, as amended, in order to make fresh provision in relation to the police. It also provides for the establishment of a House of Chiefs for the Eastern Region and a Niger Delta Development Board, and amends the provisions of the Order relating to the Western House of Chiefs and the High Court of Lagos.