EXPLANATORY NOTE

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

This Order amends certain provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the legislatures established by the Order, the Executive Council of the Southern Cameroons, officers in the public services of the Federation and the Regions of Nigeria, powers in relation to prosecutions and the Council of Chiefs of the Southern Cameroons and revokes certain transitional provisions. It also validates the appointment of a judge of the High Court of Lagos.

1958 No. 1522

The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958

Made - - - -	11*th September*, 1958
Laid before Parliament	17*th September*, 1958
Coming into Operation	18*th September*, 1958

At the Court at Balmoral, the 11th day of September, 1958

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. 3) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b), the Nigeria (Constitution) (Amendment) Order in Council, 1958(c), and the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958(d).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, is amended by the deletion of subsection (2).

(4) This Order shall come into operation on the eighteenth day of September, 1958:

Provided that subsection (2) of section 2 shall be deemed to have come into operation on the first day of April, 1958.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).
(c) S.I. 1958/429 (Pt. II, p. 2757, of this volume).
(d) S.I. 1958/1257 (Pt. II, p. 2811, of this volume).

Amendment of Order of 1954

2.—(1) Section 2 of the Nigeria (Constitution) Order in Council, 1954(**a**) (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957(**b**), and subsection (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in subsection (4) after the word "Minister," in sub-paragraph (iii) of paragraph (*b*) of the words "Temporary Minister,".

(2) Section 2 of the principal Order (as amended) is further amended by the insertion in subsection (4) after the words "Regional Minister," in sub-paragraph (iv) of paragraph (*b*) of the words "Parliamentary Secretary to a Regional Minister,".

3. Section 88 of the principal Order (as set out in subsection (1) of section 18 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(*a*) by the deletion from subsection (1) of the word "and" in paragraph (*a*); and

(*b*) by the insertion in subsection (1) after paragraph (*b*) of the following paragraph:—

"and

(*c*) such Temporary Ministers as may be appointed in accordance with section 92 of this Order".

4. The principal Order (as amended) is amended by the insertion after section 91 (as set out in section 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section:—

"Temporary Ministers.

92.—(1) Whenever a Minister is ill or absent from Nigeria, the Governor-General, acting on the recommendation of the Prime Minister, may, by Instrument under the Public Seal, appoint a person from among the members of the House of Representatives to be temporarily a member of the Council of Ministers:

Provided that, if a person is so appointed on account of the illness or absence of a Minister who is a Representative Member of the House of Representatives elected in the Southern Cameroons, that person shall be appointed from among the Representative Members of the House elected in the Southern Cameroons.

(2) Members of the Council of Ministers appointed under this section shall be styled Temporary Ministers.

(3) The seat in the Council of Ministers of a Temporary Minister shall become vacant when he is notified by the Governor-General, acting on the recommendation of the Prime Minister, that the Minister on account of whose illness or absence he was appointed is no longer ill or absent from Nigeria or when the seat in the Council of that Minister becomes vacant.

(**a**) S.I. 1954/1146 (1954 II, p. 2829). (**b**) S.I. 1957/1530 (1957 II, p. 3030).

(4) The provisions of section 91 of this Order shall, subject to the provisions of subsection (3) of this section, apply in relation to a Temporary Minister as they apply in relation to a Minister other than the Prime Minister and the references in sections 7, 97, 98, 100, 102 and 154B of this Order to a Minister shall be construed as if they included references to a Temporary Minister."

5. Section 180E 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 insertion after subsection (2) of the following subsection :—

" (3) Section 180B of this Order shall apply in relation to offices with respect to which the Governor has power to make appointments by virtue of subsection (1) of this section as it applies in relation to offices with respect to which he has power to make appointments by virtue of section 180A of this Order and for that purpose—

(*a*) the references in subsection (1) of section 180B to the Public Service Commission of the Western Region shall be construed as if they were references to the Judicial Service Commission of the Region ;

(*b*) that subsection shall have effect as if for the words ' by such authority or by such officers in the public service of the Region ' there were substituted the words ' by such judge or magistrate or other judicial officer of the Region or by such authority consisting wholly or partly of such officers ' ; and

(*c*) subsection (2) of section 180B shall have effect as if the words ' in the public service of the Western Region ' were deleted and as if for the words ' section 180A ' there were substituted the words ' section 180E '."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Nigeria (Constitution) Order in Council, 1954, as amended, to provide that for the purposes of the Order the office of a Parliamentary Secretary to a Regional Minister shall not be considered to be an office in the public service of a Region, to provide for the appointment of persons to be temporarily members of the Council of Ministers in certain circumstances, and to provide that the Governors of the Western and Eastern Regions may delegate their powers of appointment and dismissal of certain officers connected with the courts of those Regions.