1959 No. 1981

The Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959

Made - - - -	*20th November*, 1959
Laid before Parliament	*20th November*, 1959
Coming into Operation	*21st November*, 1959

At the Court at Buckingham Palace, the 20th day of November, 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. 4) Order in Council, 1959, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1958(**b**), the Nigeria (Constitution) (Amendment) Order in Council, 1959(**c**), the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959(**d**), and the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959(**e**).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1958, the Nigeria (Constitution) (Amendment) Order in Council, 1959, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, the Nigeria (Constitution) (Amendment No. 3) 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 No. 3) Order in Council, 1959, is amended by the deletion of subsection (2).

(4) This Order shall come into operation on the twenty-first day of November, 1959.

Provided that—

(*a*) sections 2, 39 and 43 shall come into operation on such date as may be fixed by the High Commissioner for the Southern Cameroons by notice published in the Official Gazette of the Southern Cameroons;

(*b*) each of the following subsections, namely, subsections (2), (3) and (4) of section 4 and subsections (2), (3), (4) and (5) of section 25, shall come into operation on such later date as may be fixed in like manner in relation to that subsection; and

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(**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.).
(**d**) S.I. 1959/1049 (Pt. II, p. 3215, of this vol.).
(**e**) S.I. 1959/1772 (Pt. II, p. 3229, of this vol.).

(*c*) sections 29, 30 and 31 shall come into operation on the date on which subsection (2) of section 25 comes into operation.

Amendment of Order of 1954

2. 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), subsection (1) of section 3 of the Nigeria (Constitution) Amendment) Order in Council, 1958(c), section 2 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958(d), subsection (1) of section 2 of the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958(e), section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, and section 3 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

(*a*) by the insertion in subsection (1) after the word " Region " in the definition of " public office " of the words " or the public service of the Southern Cameroons " ;

(*b*) by the insertion in subsection (1) after the definition of " the public service of a Region " of the following definition:—

" ' the public service of the Southern Cameroons ' means the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons ; " ;

(*c*) by the insertion in subsection (4) after the word " Region " in sub-paragraph (i) of paragraph (*a*) of the words " or in the public service of the Southern Cameroons " ;

(*d*) by the deletion from subsection (4) of the words " in respect of the Government of the Southern Cameroons and " in sub-paragraph (iii) of paragraph (*a*) ;

(*e*) by the deletion from subsection (4) of sub-paragraph (iv) of paragraph (*a*) and the substitution of the following sub-paragraph:—

" (iv) References to offices in the public service of the Federation include references to the offices of the judges of the Federal Supreme Court, the High Court of Lagos and the High Court of the Southern Cameroons, and references to the offices of members of all other courts of the Federation or Lagos, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Federation and references to the offices of members of the Nigeria Police Force ; references to offices in the public service of a Region include references to the offices of the judges of the High Court of the Region and references to the offices of the members of all other courts of the Region, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or other public funds of the Region ; and references to offices in the public service of the Southern Cameroons include references to the offices of members of all courts of the Southern Cameroons, other than the High Court, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or other public funds of the Southern Cameroons." ;

(a) S.I. 1954/1146 (1954 II, p. 2829). (b) S.I. 1957/1530 (1957 II, p. 3030).
(c) S.I. 1958/429 (1958 II, p. 2757). (d) S.I. 1958/1522 (1958 II, p. 2822).
(e) S.I. 1958/1958 (1958 II, p. 2825).

(*f*) by the deletion of sub-paragraph (ii) of paragraph (*b*) of subsection (4) and the insertion of the following sub-paragraph—

"(ii) The offices referred to in subsection (2) of section 8 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, shall be offices in the public service of the Federation; the offices referred to in subsection (2) of section 8A of that Order shall be offices in the public service of the Southern Cameroons; and the offices referred to in subsection (2) of section 17 of that Order shall be offices in the public service of a Region;";

(*g*) by the insertion in sub-paragraph (iii) of paragraph (*b*) of subsection (4) after the words "public service of the Federation" of the words "or the public service of the Southern Cameroons, as the case may be";

(*h*) by the insertion in paragraph (*c*) of subsection (4) after the words "Governor of a Region" of the words "or the Commissioner of the Cameroons"; and

(*i*) by the insertion in paragraph (*d*) of subsection (4) after the words "Governor of a Region" of the words "or the Commissioner of the Cameroons".

3.—(1) 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, subsection (1) of section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 4 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959, and section 12 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the insertion in subsection (3) at the end of paragraph (*c*) of the following proviso:—

"Provided that the office of a member of any body corporate incorporated directly by the Native Authority Ordinance (**a**), as it applies in relation to the Southern Cameroons, the Native Authority Law, 1954, of the Northern Region(**b**), the Western Region Local Government Law, 1952, or the Local Government Law, 1957, of the Western Region(**c**), or the Eastern Region Local Government Law, 1955, of the Eastern Region(**d**), as from time to time amended, or any law replacing any of those enactments shall not be regarded as an office under the Crown."

(2) Subsection (1) of this section shall be deemed to have come into operation on the thirtieth day of August, 1957, and accordingly no person shall be deemed to have been disqualified for election to the House of Representatives, or to have vacated his seat in that House, by reason only that he has at any time since the twenty-ninth day of August, 1957, received or been entitled to receive emoluments in respect of any such office as is mentioned in the proviso to paragraph (*c*) of subsection (3) of section 10 of the principal Order, as set out in subsection (1) of this section.

4.—(1) Section 34 of the principal Order (as amended by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 9 of the Nigeria (Constitution) (Amendment No. 2) Order in

(**a**) Laws of Nigeria, Rev. 1948, Chapter 140. (**b**) Law No. 4 of 1954.
(**c**) Laws Nos. 1 of 1953 and 12 of 1957. (**d**) Law No. 26 of 1955.

Council, 1958) is amended by the deletion from subsection (1) of paragraph (*b*) and the substitution of the following paragraph:—

"(*b*) the Deputy Commissioner of the Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons".

(2) Section 34 of the principal Order (as amended by subsection (1) of this section) is further amended by the deletion from subsection (1) of the words "the Deputy Commissioner of the Cameroons".

(3) Section 34 of the principal Order (as amended) is further amended by the deletion from subsection (1) of the words "the Attorney-General of the Southern Cameroons" in paragraph (*b*).

(4) Section 34 of the principal Order (as amended) is further amended by the deletion from subsection (1) of the words "and the Financial Secretary of the Southern Cameroons" in paragraph (*b*).

5. Section 35 of the principal Order (as set out in subsection (1) of section 18 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 10 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the deletion from subsection (1) of the words "by writing under his hand" and the substitution of the words "by instrument under the Public Seal of the Southern Cameroons".

6. Section 36 of the principal Order (as amended by section 19 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons, acting in his discretion,".

7.—(1) Section 39 of the principal Order (as amended by subsection (1) of section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, subsection (1) of section 21 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 24 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the insertion in subsection (3) at the end of paragraph (*c*) of the following proviso:—

"Provided that the office of a member of any body corporate incorporated directly by the Native Authority Ordinance, as it applies in relation to the Southern Cameroons, the Native Authority Law, 1954, of the Northern Region, the Western Region Local Government Law, 1952, or the Local Government Law, 1957, of the Western Region, or the Eastern Region Local Government Law, 1955, of the Eastern Region, as from time to time amended, or any law replacing any of those enactments shall not be regarded as an office under the Crown."

(2) Subsection (1) of this section shall be deemed to have come into operation on the thirtieth day of August, 1957, and accordingly no person shall be deemed to have been disqualified for election to the House of Assembly of a Region or the Southern Cameroons, or to have vacated his seat in that House, by reason only that he has at any time since the twenty-ninth day of August, 1957, received or been entitled to receive emoluments in respect of any such office as is mentioned in the proviso to paragraph (*c*) of subsection (3) of section 39 of the principal Order, as set out in subsection (1) of this section.

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 by the deletion from subsection (3) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons, acting in his discretion,".

9. Section 41 of the principal Order (as amended by section 10 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 23 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 9 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) is amended by the deletion from subsection (2) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons, acting in his discretion,".

10. Section 43 of the principal Order (as amended by section 24 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons ".

11. Section 49 of the principal Order (as amended by section 27 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 26 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (2) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons, acting in his discretion,".

12. Section 51 of the principal Order (as amended by section 29 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 27 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (4) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons ".

13.—(1) Section 57 of the principal Order (as amended by section 13 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 32 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (6).

(2) For the purposes of section 57 of the principal Order, as amended, the enactments specified in the Schedule to this Order shall, in so far as they relate to any matter included in the Concurrent Legislative List, have effect in relation to each Region and the Southern Cameroons as if they had been enacted by the Federal Legislature.

14. Section 59 of the principal Order (as amended by section 34 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of subsection (3) and the substitution of the following subsection:—

" (3) Subject to the provisions of this Order, the Legislature of the Southern Cameroons shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions given to the Commissioner of the Cameroons in pursuance of any Instructions under Her Majesty's Sign Manual and Signet as may from time to time be addressed to the High Commissioner for the Southern Cameroons in that behalf.".

15. Section 62A of the principal Order (as set out in section 10 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, and as amended by section 32 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is revoked and the following section is substituted—

"Application of s. 62 to House of Assembly of Southern Cameroons.

62A. The provisions of section 62 of this Order shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to a Federal Legislative House, and for that purpose references to a Secretary of State, the Governor-General, and a Federal Legislative House shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons, and the House of Assembly of the Southern Cameroons."

16. Section 64 of the principal Order (as amended by section 39 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 11 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, and section 33 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (7) of the words "the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons" and the substitution of the words "the Secretary of State, the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons".

17. Section 65 of the principal Order (as amended by section 40 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 12 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, and section 34 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

(*a*) by the deletion from paragraph (*a*) of subsection (7) of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons"; and

(*b*) by the deletion from subsection (7) of paragraph (*b*).

18.—(1) Section 66 of the principal Order (as amended by section 41 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (1) and subsection (2) of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons".

(2) Section 66 of the principal Order, as amended by subsection (1) of this section, shall apply in relation to laws enacted by the Legislature of the Southern Cameroons to which the High Commissioner for the Southern Cameroons gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the Commissioner of the Cameroons has given his assent.

19. Section 71 of the principal Order (as amended by section 46 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 14 of the Nigeria (Constitution) (Amendment) Order in Council, 1959, and section 37 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended—

(*a*) by the deletion from subsection (3) of the words "High Commissioner for the Southern Cameroons" in paragraph (*a*) and the

substitution of the words " Commissioner of the Cameroons "; and

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

20. Section 76 of the principal Order (as amended by section 49 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 41 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (3) of the words " and the Speaker " and the substitution of the words " and the President or Speaker ".

21. Section 79 of the principal Order (as amended by section 44 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (2) of the words " Legal Secretary " in paragraph (*c*) and the substitution of the words " Attorney-General ".

22. Section 80 of the principal Order (as amended by section 50 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 14 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and section 45 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (3) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons ".

23. Section 82 of the principal Order (as amended by section 52 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 47 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959) is amended by the deletion from subsection (4) of the words " High Commissioner for the Southern Cameroons " and the substitution of the words " Commissioner of the Cameroons ".

24. Section 125 of the principal Order (as amended by section 64 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and Section 16 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the insertion in subsection (2) after sub-paragraph (i) of paragraph (*a*) of the following sub-paragraph:—

" (*ia*) powers conferred upon him by paragraph (*a*) of subsection (2) of section 127 of this Order; or ".

25.—(1) Section 126 of the principal Order (as amended by section 65 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 17 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is revoked and the following section is substituted:—

" Composition of Executive Council of Southern Cameroons.

126. The members of the Executive Council of the Southern Cameroons shall be—

(*a*) the Commissioner of the Cameroons;

(*b*) the Deputy Commissioner of the Cameroons, the Attorney-General of the Southern Cameroons and the Financial Secretary of the Southern Cameroons; and

(*c*) not less than five nor more than eight members appointed in accordance with the provisions of section 127 of this Order, who shall be styled Ministers of the Southern Cameroons ".

(2) Section 126 of the principal Order (as set out in subsection (1) of this section) is further amended by the deletion of paragraph (*a*).

(3) Section 126 of the principal Order is further amended by the deletion of the words " the Deputy Commissioner of the Cameroons " in paragraph (*b*).

(4) Section 126 of the principal Order is further amended by the deletion of the words "the Attorney-General of the Southern Cameroons" in paragraph (*b*).

(5) Section 126 of the principal Order (as amended) is further amended by the deletion of the words "and the Financial Secretary of the Southern Cameroons" in paragraph (*b*).

26. Section 127 of the principal Order (as substituted by section 66 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the deletion of the words "High Commissioner for the Southern Cameroons" wherever they occur and the substitution of the words "Commissioner of the Cameroons"; and

(*b*) by the deletion of subsection (4).

27. Section 128 of the principal Order (as set out in section 66 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 18 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended—

(*a*) by the deletion of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons";

(*b*) by the deletion of the words "High Commissioner" wherever it occurs in the proviso and the substitution of the word "Commissioner"; and

(*c*) by the deletion of the words "of the Cameroons" in paragraph (*d*) of the proviso.

28. Section 129 of the principal Order (as set out in section 66 of the Nigeria (Constitution) (Amendment) Order in Council, 1958), is amended by the deletion of the words "High Commissioner for the Southern Cameroons" wherever they occur and the substitution of the words "Commissioner of the Cameroons".

29. Section 130 of the principal Order is revoked and the following section is substituted:—

"Presiding in Executive Council of Southern Cameroons.

130. There shall preside at meetings of the Executive Council of the Southern Cameroons—

(*a*) the Premier; or

(*b*) in the absence of the Premier, such other Minister of the Southern Cameroons as the Premier may appoint.".

30. Section 131 of the principal Order (as amended by section 67 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted:—

"Summoning of Executive Council of Southern Cameroons and quorum therein.

131.—(1) The Executive Council of the Southern Cameroons shall not be summoned except by the authority of the Premier of the Southern Cameroons.

(2) No business shall be transacted in the Executive Council of the Southern Cameroons if objection is taken by any member present that, in addition to the Premier or other member presiding, there are present less than three members."

31. Section 131A of the principal Order (as set out in section 68 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted:—

"Voting in Executive Council of Southern Cameroons.

131A.—(1) Where any matter is dependent on the decision of the Executive Council of the Southern Cameroons 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.

(2) A member of the Executive Council of the Southern Cameroons shall have an original vote in the Council and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided."

32. Section 131B of the principal Order (as set out in section 68 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from subsection (2) of the words "Legal Secretary" and the substitution of the word "Attorney-General".

33. The principal Order is amended by the insertion after section 131B (as set out in section 68 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) of the following section—

"Parliamentary Secretaries to Ministers of Southern Cameroons.

131BA.—(1) The Commissioner of the Cameroons may appoint Parliamentary Secretaries from amongst the members of the House of Assembly of the Southern Cameroons who are eligible for appointment as Ministers of the Southern Cameroons to assist such Ministers in the discharge of the responsibilities assigned to them in pursuance of section 131B of this Order.

(2) The number of Parliamentary Secretaries who may be appointed shall not exceed three.

(3) The office of a Parliamentary Secretary shall become vacant—

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

(*b*) if he ceases to be a member of the House of Assembly of the Southern Cameroons; or

(*c*) if he resigns his office in writing under his hand addressed to the Commissioner of the Cameroons; or

(*d*) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons; or

(*e*) if the Commissioner of the Cameroons so directs.

(4) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him on the recommendation of the Premier.".

34. Section 131C of the principal Order (as set out in section 68 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(*a*) by the deletion from subsection (1) of the words ", with the approval of the Governor-General, acting in his discretion,"; and

(*b*) by the deletion from subsections (1) and (2) of the word "Federation" and the substitution of the words "Southern Cameroons".

35. Section 132 of the principal Order is amended by the deletion of the words "except in the case of the Commissioner of the Cameroons".

36. Section 134 of the principal Order (as set out in section 70 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "High Commissioner for the Southern Cameroons" and the substitution of the words "Commissioner of the Cameroons, acting in his discretion".

37. Section 172 of the principal Order (as amended by section 45 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, section 92 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 20 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the insertion in subsection (2) after the word "Region" of the words "or the Commissioner of the Cameroons".

38. Section 173 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment) Order in Council, 1956(a), and section 46 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (2) of the words "the Commissioner of the Cameroons or any other" in paragraph (*a*) and the substitution of the word "any".

39. The principal Order is amended by the insertion after section 180L (as set out in subsection (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) of the following sections:—

"Appointment etc. of public officers in the Southern Cameroons.

180M.—(1) Power to make appointments to offices in the public service of the Southern Cameroons (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in the public service of the Southern Cameroons shall vest in the Commissioner of the Cameroons.

(2) (*a*) Subject to the provisions of paragraph (*b*) of this subsection the Commissioner of the Cameroons may delegate (in such manner and on such conditions as he may think fit) to any officer in the public service of the Southern Cameroons any of the powers conferred on the Commissioner of the Cameroons by subsection (1) of this section:

(*b*) The Commissioner of the Cameroons shall not—

(i) delegate any such power unless he has obtained the consent of the High Commissioner for the Southern Cameroons to such delegation; or

(ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by the High Commissioner for the Southern Cameroons.

(*c*) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such classes of emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(a) S.I. 1956/836 (1956 II, p. 2953).

(3) The provisions of this section shall be subject to the provisions of any directions that may be issued by the High Commissioner for the Southern Cameroons under section 137 of this Order, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such directions.

Public Service Commission for Southern Cameroons.

180N.—(1) There shall be for the Southern Cameroons a Public Service Commission which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order, as applied by section 180P of this Order.

(2) The members of the Commission shall be appointed by the Commissioner of the Cameroons.

(3) The Commissioner of the Cameroons may terminate the appointment of any member of the Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order, as applied by section 180P of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Commission if he is, or becomes, a member of a Legislative House.

Application of ss. 175, 176 and 177 to Public Service Commission of Southern Cameroons.

180P. Sections 175 to 177 of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose shall have effect as if the references to the Governor-General, the Federal Commission and the public service of the Federation were references to the Commissioner of the Cameroons, the Public Service Commission of the Southern Cameroons and the public service of the Southern Cameroons; as if the references to section 173 of this Order in subsection (1) of section 176 were a reference to section 180M of this Order; and as if the reference to sections 173 to 176 of this Order in section 177 were a reference to sections 180M and 180N of this Order and sections 175 and 176 of this Order as applied by this section."

40. Section 189 of the principal Order (as amended by section 101 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, section 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and section 60 of the Nigeria (Constitution) (Amendment) Order in Council, 1959) is amended by the insertion of the following subsection after subsection (3):—

"(4) Subsection (1) of this section shall apply in relation to the Commissioner of the Cameroons as it applies in relation to the Governor-General, and for that purpose shall have effect as if the references therein to the Governor-General, the Federal Commission and the Council of Ministers were references to the Commissioner of the Cameroons, the Public Service Commission of the Southern Cameroons and the Executive Council of the Southern Cameroons.".

41. Section 231 of the principal Order (as set out in section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 34 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the deletion from subsection (4) of the words "Legal Secretary" and the substitution of the word "Attorney-General".

42. Section 238 of the principal Order (as set out in section 29 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959) is amended by the deletion from subsection (8) of the words " subsection (3) " and the substitution of the words " subsection (4) ".

Transitional provisions

43.—(1) Every office in the public service of the Federation for which specific provision was made in the estimates of the revenue and expenditure of the Southern Cameroons for the financial year beginning on the first day of April, 1959, as approved by the Commissioner of the Cameroons, shall, subject to such exceptions as the High Commissioner for the Southern Cameroons may prescribe by notice published in the Official Gazette of the Southern Cameroons, become an office in the public service of the Southern Cameroons at the commencement of this section.

(2) Every officer who being a native of the Southern Cameroons is holding or acting in an office in the public service of the Federation at the time when that office becomes an office in the public service of the Southern Cameroons under subsection (1) of this section shall become an officer in the public service of the Southern Cameroons.

(3) Every officer who becomes an officer in the public service of the Southern Cameroons under subsection (2) of this section shall, subject to the provisions of the principal Order, as amended, and this section, continue to enjoy and be subject to all the terms and conditions of service that applied to him immediately before the appointed day, including any rights or liabilities that may accrue to him under those terms, so, however, that he may accept any other terms and conditions that are subsequently brought into force with respect to the public service of the Southern Cameroons and that are applicable to his case.

(4) The terms and conditions of service that are from time to time applied to an officer in the public service of the Southern Cameroons who becomes such an officer under subsection (2) of this section shall not be less favourable to him than the terms and conditions of service that apply to him immediately after the commencement of this section by virtue of subsection (3) thereof.

(5) Any contract made before the commencement of this section between any native of the Southern Cameroons and the Government of the Federation to serve that Government for a specified period in an office in the public service of the Federation which becomes an office in the public service of the Southern Cameroons under subsection (1) of this section shall have effect as if it had been made with the Government of the Southern Cameroons and references in such contract to the Government of the Federation or to any officer of that Government shall be construed, and in such contract shall be enforceable, accordingly.

(6) The cost of any pensions, gratuity or other like benefit (in this section referred to as " the pension ") that may be payable under any pension law to an officer in the public service of the Southern Cameroons who became such an officer under subsection (2) of this section or the dependants of any such officer shall be shared by the Federation, each Region in the public service of which the officer has served and the Southern Cameroons, so that each shall pay such amount of the pension as is proportionate to the aggregate amount

of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation, that Region and the Southern Cameroons, as the case may be.

(7) The Governor-General or the Governor of a Region may, for the purpose of giving effect to such arrangements as may be agreed between the Government of the Federation or that Region, as the case may be, and the Government of the Southern Cameroons, require any officer in the public service of the Federation or the public service of that Region, as the case may be, to serve on secondment in the public service of the Southern Cameroons until any date not later than the first day of October, 1960, or (with the consent of that officer) until a later date on terms and conditions that are not less favourable to him than those that apply to him immediately before he is so required to serve; and every officer in the public service of the Federation (not being a native of the Southern Cameroons) who is holding or acting in an office in the public service of the Federation at the time when that office becomes an office in the public service of the Southern Cameroons under subsection (1) of this section and every officer in the public service of a Region who is so holding or acting in such an office shall (subject to such exceptions, if any, as may be agreed between the Government of the Federation or that Region, as the case may be, and the Government of the Southern Cameroons) be deemed to have been required at the commencement of this section so to serve.

(8) In this section—

"dependants" mean in relation to any person the widow, children, dependants and personal representatives of that person;

"native of the Southern Cameroons" means any person one of whose parents was a member of any tribe indigenous to the Southern Cameroons or any descendant of any such person;

"pensions law" means a law that governs the grant of pensions, gratuities and other like benefits.

(9) For the purposes of this section service in the former public service of Nigeria shall be deemed to be service in the public service of the Federation.

Amendment of Order of 1959

44. The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect, and shall be deemed always to have had effect, as if the provisions of the Order specified in the first column of the Second Schedule to this Order were amended in the manner specified in the second column of that Schedule.

Construction of s. 73 *of Order of* 1959

45. Section 73 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959, shall have effect as if the references to an existing law included references to any law coming into force or otherwise taking effect at any time during the period beginning on the twenty-fourth day of October, 1959, and ending on the thirty-first day of December, 1959.

W. G. Agnew.

THE FIRST SCHEDULE

Section 13.

1. The Dangerous Drugs Ordinance(a).
2. The Labour Code Ordinance(b).
3. The Legal Practitioners Ordinance(c), Part II.
4. The Medical Practitioners and Dentists Ordinance(d).
5. The Pharmacy Ordinance(e), Parts I, II and III, section 49 and subsection (1) of section 69.
6. The Prisons Ordinance(f).
7. The Quarantine Ordinance(g).
8. The Registration of Business Names Ordinance(h).
9. The Trade Unions Ordinance(i).
10. The Trades Disputes (Arbitration and Inquiry) Ordinance(j).
11. The Workmen's Compensation Ordinance(k).
12. The West African Cocoa Research Institute Ordinance(l).
13. The West African Institute for Trypanosomiasis Research Ordinance(m).
14. The West African Institute for Oil Palm Research Ordinance(n).
15. The West African Examinations Council Ordinance(o).
16. The Survey Ordinance(p), Parts II and III.
17. The Veterinary Surgeons Ordinance(q).
18. The Antiquities Ordinance(r).
19. The West African Council for Medical Research Ordinance(s).

THE SECOND SCHEDULE

Section 44

SECTION 3		
Subsection (1)	...	Re-letter the paragraphs (*d*) and (*e*) set out in paragraph (*c*) as paragraph (*e*) and paragraph (*f*) respectively.
SECTION 20	...	Re-number as section 21.
SECTION 21	...	Re-number as section 20 and transpose this section and section 21 (as re-numbered).
SECTION 58	...	Insert the word "(1)" before the words "Section 148 of the principal Order is revoked".
SECTION 63	...	(*a*) Delete the words "(as amended by section 84 of the Nigeria (Constitution) (Amendment) Order in Council, 1958)" and substitute the words "(as set out in section 39 of the Nigeria (Constitution) (Amendment) Order in Council, 1959)". (*b*) Delete the word "(6)" and substitute the word "(7)".

(a) Laws of Nigeria, Rev. 1948, Chapter 50.
(b) Laws of Nigeria, Rev. 1948, Chapter 98.
(c) Laws of Nigeria, Rev. 1948, Chapter 110.
(d) Laws of Nigeria, Rev. 1948, Chapter 130.
(e) Laws of Nigeria, Rev. 1948, Chapter 169.
(f) Laws of Nigeria, Rev. 1948, Chapter 177.
(g) Laws of Nigeria, Rev. 1948, Chapter 188.
(h) Laws of Nigeria, Rev. 1948, Chapter 195.
(i) Laws of Nigeria, Rev. 1948, Chapter 218.
(j) Laws of Nigeria, Rev. 1948, Chapter 219.
(k) Laws of Nigeria, Rev. 1948, Chapter 234
(l) Ordinance No. 6 of 1950.
(m) Ordinance No. 36 of 1950.
(n) Ordinance No. 20 of 1951.
(o) Ordinance No. 27 of 1952.
(p) Ordinance No. 29 of 1952.
(q) Ordinance No. 30 of 1952.
(r) Ordinance No. 17 of 1953.
(s) Ordinance No. 18 of 1954.

EXPLANATORY NOTE

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

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, relating to the Southern Cameroons, the qualifications for election to certain Legislative Houses in Nigeria and the operation of certain legislation enacted before the Federation was established.

1959 No. 1304

The Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959

Made - - - -	28*th July*, 1959
Laid before Parliament	4*th August*, 1959
Coming into Operation	5*th August*, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Alexandra of Kent

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred on Her Majesty by the Foreign Jurisdiction Act, 1890(**a**), and of all other powers enabling Her Majesty in that behalf,

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