NIGERIA PROTECTORATE

1953 No. 740

The Nigeria (Constitution) (Amendment) Order in Council, 1953

Made - - - -	*30th April*, 1953
Laid before Parliament	*1st May*, 1953
Coming into Operation	*On a date to be appointed by the Governor under section* 1 (3)*

At the Court at Windsor Castle, the 30th day of April, 1953

Present

The Queen's Most Excellent Majesty in Council

Whereas by the Nigeria (Constitution) Order in Council, 1951(a), (hereinafter called "the principal Order") provision is made for the constitution of a Central Legislature and a Council of Ministers for Nigeria and of a Regional Legislature and Regional Executive Council for each of the three Regions of Nigeria.

And Whereas by subsection (1) of section 13 of the principal Order power is reserved to Her Majesty, with the advice of Her Privy Council, to amend the said Order as to Her should seem fit:

And Whereas it is expedient to amend the principal Order in the manner hereinafter appearing:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(b), 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:—

Short titles and commencement

1.—(1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1953, and shall be construed as one with the principal Order.

(2) The principal Order and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1951 and 1953.

(3) This Order shall be published in the Gazette and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.*

(a) S.I. 1951/1172; 1951 II, p. 14. (b) 53 & 54 Vict. c. 37.

* Date appointed, 2.5.53.

Amendment of section 1 (2) *of the principal Order*

2. In subsection (2) of section 1 of the principal Order there shall be inserted, immediately after paragraph (*b*), the following paragraph:—

"(*bb*) any reference to the separate dissolution of a Regional Legislative House shall be construed as a reference to the dissolution of such House by the Lieutenant-Governor of a Region under the provisions of paragraph (*b*) of subsection (1) of section 118 of this Order";

Amendment of section 76 (2) *of the principal Order*

3. In subsection (2) of section 76 of the principal Order there shall be substituted for paragraph (*c*) the following paragraph:—

"(*c*) if, being a Representative Member, he ceases to be a Member of the Regional Legislative House from among the Members of which he was elected to the House of Representatives:

Provided that, if he ceases to be a Member of such Regional Legislative House by reason of a separate dissolution of that House, he shall not on that account vacate his seat in the House of Representatives until—

(i) in the case of a Regional Legislative House in the Northern Region, the Joint Council, after such separate dissolution, has elected the first of the Representative Members to be elected in accordance with the provisions of regulations made under section 75 of this Order;

(ii) in the case of a Regional Legislative House in the Western or Eastern Region, that Regional Legislative House, after such separate dissolution, has elected the first of the Representative Members to be elected in accordance with the provisions of regulations made under section 75 of this Order; or".

Amendment of section 118 *of the principal Order*

4. For subsection (1) of section 118 of the principal Order there shall be substituted the following subsection:—

"(1) The Lieutenant-Governor of a Region—

(*a*) may at any time, by Proclamation published in the Official Gazette of the Region, prorogue the Legislative Houses of such Region or either of them; or

(*b*) may at any time, in like manner, dissolve the Legislative Houses of such Region".

Amendment of section 153 (1) *of the principal Order*

5. For paragraph (*a*) of subsection (1) of section 153 of the principal Order the following paragraph shall be substituted:—

"(*a*) if he ceases to be a Member of the House of Representatives:

Provided that—

(i) if a Minister ceases to be a Member of the House of Representatives by reason of a dissolution of that House, he shall not on that account vacate his seat in the Council until such time as the Governor, after such dissolution, appoints any person to be a Minister in pursuance of section 150 of this Order; and

(ii) if a Minister ceases to be a Member of the House of Representatives in consequence of a separate dissolution of the Regional Legislative House from among the Members of which he was elected to the House of Representatives, he shall not on that account vacate his seat on the Council until such time as the Governor appoints any person to be a Minister from among the Members of the House of Representatives returned by the Region concerned after such separate dissolution in accordance with the provisions of this Order; or ".

Amendment of section 157 (2) *of the principal Order*

6. For paragraph (*a*) of subsection (2) of section 157 of the principal Order the following paragraph shall be substituted:—

"(*a*) in ascertaining the length of time for which any person has been continuously a Minister no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of—

(i) a dissolution of the House of Representatives; or

(ii) a separate dissolution of the Regional Legislative House from among the Members of which he was elected to the House of Representatives;

and the date of his appointment to fill a vacancy in the Council caused by such dissolution; and ".

Power to amend, add to or revoke this Order

7. Her Majesty hereby reserves to Herself, Her Heirs and Successors, power, with the advice of Her or Their Privy Council, to amend, add to or revoke this Order, as to Her or Them shall seem fit.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order in Council, which amends the Nigeria (Constitution) Order in Council, 1951, enables the Lieutenant-Governor of a Region to dissolve at any time the Legislative Houses (or House) of his Region.