NIGERIA

# 1955 No. 432

# The Nigeria (Constitution) (Amendment) Order in Council, 1955

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| *Made* - - - - | 17*th March*, 1955 |
| *Laid before Parliament* | 22*nd March*, 1955 |
| *Coming into Operation* | 23*rd March*, 1955 |

At the Court at Buckingham Palace, the 17th day of March, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this 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) Order in Council, 1955, and shall be construed as one with the Nigeria (Constitution) Order in Council, 1954(**b**).

(2) The Nigeria (Constitution) Order in Council, 1954, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 and 1955.

(3) This Order shall come into operation on the twenty-third day of March, 1955.

*Amendment of Nigeria (Constitution) Order in Council*, 1954

**2.** The Nigeria (Constitution) Order in Council, 1954, 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 Schedule to this Order were amended in the manner specified in the second column of that Schedule.

*W. G. Agnew.*

SCHEDULE

SECTION 9

*Subsection* (1) ... Delete the words "or, having been so elected, shall sit or vote in that House".

SECTION 38

*Subsection* (1) ... Delete the words "or, having been so elected, shall sit or vote in any such House".

(**a**) 53 & 54 Vict. c. 37. (**b**) S.I. 1954/1146 (1954 II, p. 2829).

SECTION 52

*Subsection* (1) ... (*a*) Delete the words " The Legislature of a Region may, by law enacted under this Order," and substitute the words " A law enacted by the Legislature of a Region may ";

(*b*) Delete the words " Federal Legislative List " and substitute the words " Exclusive Legislative List ".

SECTION 53

*Subsection* (1) ... Delete the words " The Federal Legislature may, by law enacted under this Order," and substitute the words " A law enacted by the Federal Legislature may ".

*Subsection* (2) ... Delete the words " The Legislature of a Region may, by law enacted under this Order," and substitute the words " A law enacted by the Legislature of a Region may ".

*Subsection* (3) ... Delete the words " The Legislature of the Southern Cameroons may, by law enacted under this Order," and substitute the words " A law enacted by the Legislature of the Southern Cameroons may ".

SECTION 54

*Subsection* (1) ... Delete the words " the Federal Legislature may make laws " and substitute the words " a law enacted by the Federal Legislature may make provision ".

*Subsection* (2) ... Delete the words " The Federal Legislature may, by law enacted under this Order," and substitute the words " A law enacted by the Federal Legislature may ".

*Subsection* (3) ... Delete the words " The Federal Legislature may, by law enacted under this Order," and substitute the words " A law enacted by the Federal Legislature may ".

*Subsection* (4) ... Delete this subsection and substitute:—

" (4) The powers conferred by the foregoing provisions of this section shall not extend to any matter with respect to which provision may be made by law enacted by the Legislature of a Region or by law enacted by the Legislature of the Southern Cameroons in pursuance of subsections (5), (6) and (7) of this section."

*Subsection* (5) ... (*a*) Delete the words " the Legislature of a Region may, by law enacted under this Order," in paragraph (*a*) and substitute the words " a law enacted by the Legislature of a Region may ";

(*b*) Delete the words " the Legislature of the Southern Cameroons may, by law enacted under this Order," in paragraph (*b*) and substitute the words " a law enacted by the Legislature of the Southern Cameroons may ".

*Subsection* (6) ... Delete the words " The Legislature of a Region may, by law enacted under this Order— " and substitute the words " A law enacted by the Legislature of a Region may—".

SECTION 55 ... Delete the words " The Federal Legislature or the Legislature of a Region or the Southern Cameroons may, by law enacted under this Order," and substitute the words " A law enacted by the Federal Legislature or the Legislature of a Region or the Southern Cameroons may ".

SECTION 56 ... Delete the words "The Legislature of the Southern Cameroons may, by law enacted under this Order," and substitute the words "A law enacted by the Legislature of the Southern Cameroons may".

SECTION 77

*Subsection* (1) ... Delete the words "The Federal Legislature may, by law enacted under this Order," and substitute the words "A law enacted by the Federal Legislature may".

SECTION 142

*Subsection* (1) ... Delete the words "the Legislature of a Region may, by law enacted under this Order," and substitute the words "a law enacted by the Legislature of a Region may".

SECTION 143

*Subsection* (1) ... Delete the words "the Legislature of the Southern Cameroons may, by law enacted under this Order," and substitute the words "a law enacted by the Legislature of the Southern Cameroons may".

SECTION 144 ... (*a*) Insert the words "Subject to the provisions of this section," at the beginning of the section, and renumber the section as subsection (1);

(*b*) Insert the following subsection as subsection (2):—

"(2) A law enacted by the Federal Legislature may confer jurisdiction, subject to such limitations and conditions, if any, as may be specified therein, upon any court established for a Region or the Southern Cameroons or Lagos with respect to any of the matters mentioned in paragraphs (*a*), (*b*), (*c*) and (*d*) of subsection (1) of this section."

SECTION 146 ... Delete the words "The Federal Legislature may, by law enacted under this Order," and substitute the words "A law enacted by the Federal Legislature may".

SECTION 147

*Subsection* (1) ... Delete the words "as the Federal Legislature may, by law enacted under this Order confer upon it" in paragraph (*b*) and substitute the words "as may be conferred upon it by any law enacted by the Federal Legislature".

SECTION 150

*Subsection* (2) ... Delete the words "in pursuance of section 151 of this Order" in paragraphs (*a*) and (*c*).

*Subsection* (3) ... Delete the words "The Legislature of a Region, by law enacted under this Order," and substitute the words "A law enacted by the Legislature of a Region".

*Subsection* (4) ... Delete the words "The Legislature of the Southern Cameroons may, by law enacted under this Order," and substitute the words "A law enacted by the Legislature of the Southern Cameroons may".

*Subsection* (5) ... Delete the words "The Federal Legislature may, by law enacted under this Order" and substitute the words "A law enacted by the Federal Legislature may".

SECTION 151

*Subsection* (1) ... Delete the words " The Federal Legislature may, by law enacted under this Order, make provision with respect to any of the matters referred to in " and substitute the words " A law enacted by the Federal Legislature may make provision for the Federal Supreme Court with respect to any of the matters with respect to which rules of court may be made under ".

*Subsection* (2) ... (*a*) Delete the words " The Federal Legislature may, by law enacted under this Order," in paragraph (*a*) and substitute the words " A law enacted by the Federal Legislature may ";

(*b*) Delete the words " The Legislature of a Region " in paragraph (*b*) and substitute the words " A law enacted by the Legislature of a Region ";

(*c*) Delete the words " The Legislature of the Southern Cameroons " in paragraph (*c*) and substitute the words " A law enacted by the Legislature of the Southern Cameroons ".

SECTION 193

*Subsection* (1) ... Delete the words " or of any pensions law " in paragraph (*c*).

SECTION 194

*Subsection* (1) ... Insert after the words " not less than one year " in paragraph (*c*) the words " and has been permitted to retire under regulations made in pursuance of paragraph (*a*) or paragraph (*b*) of this section " and delete the words " or of any pensions law " in that paragraph.

SECTION 221

*Subsection* (1) ... Delete this subsection and substitute:—

" (1) The outstanding public debt of Nigeria shall become a liability of the Federation but shall be secured on the revenues and assets of the Regions and the Southern Cameroons in addition to the revenues and assets of the Federation."

FIRST SCHEDULE

*Part I.*

Item 7 ... ... Delete the words " or of Lagos ".

Item 8 ... ... Delete the words " or of Lagos ".

Item 25 ... ... Delete the words " The Nigeria Museum, Lagos ".

Item 39 ... ... Insert at the end of the item the words " or a Region and Lagos ".

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## EXPLANATORY NOTE

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

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the jurisdiction of the Federal Supreme Court of Nigeria and the outstanding public debt of Nigeria. It also amends the Exclusive Legislative List set out in the First Schedule and removes a number of verbal inconsistencies from the provisions of the Order.