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 (Offices of Governor-General and Governors) Order in Council, 1954, as amended, relating to the constitution of offices for the Federation of Nigeria and for the Southern Cameroons, powers of pardon and the discharge of the functions of the Commissioner of the Cameroons.

1958 No. 429

The Nigeria (Constitution) (Amendment) Order in Council, 1958

Made - - - -	14*th March*, 1958
Laid before Parliament	20*th March*, 1958
Coming into Operation	1*st April*, 1958

At the Court at Buckingham Palace, the 14th day of March, 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) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(**b**).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) This Order shall come into operation on the first day of April, 1958:

Provided that—

(*a*) subsection (2) of section 9 of this Order shall come into operation on the day after the dissolution of the Northern House of Assembly next following the commencement of this Order ;

(*b*) sections 17, 18 and 26, subsection (2) of section 27 and section 28 of this Order shall come into operation on the day after the dissolution of the House of Assembly of the Southern Cameroons next following the commencement of this Order ;

(*c*) sections 64, 65, 66, 67, 68, 69 and 71 of this Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons ; and

(**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).

(*d*) so much of section 106 of this Order as relates to the insertion of section 236 in the principal Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons.

Revocation

2. The Nigeria (Electoral Provisions) Order in Council, 1957(**a**), and the Nigeria (Acting Federal Justices) Order in Council, 1958(**b**), are revoked.

Amendment of Order of 1954

3.—(1) 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) is amended—

(*a*) by the deletion of subsection (4) and the substitution of the following subsection:—

"(4) (*a*) In this Order, unless it is otherwise expressly provided or required by the context—

(i) references to officers in the public service of the Federation or in the public service of a Region are references to persons holding offices of emolument in that public service and include references to persons appointed to act in such offices;

(ii) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner;

(iii) references to the public service of the Federation include references to the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons and in respect of the government of Lagos; and

(iv) references to offices in the public service of the Federation include references to the offices of the judges of the courts established for the Federation or the Southern Cameroons or Lagos and the offices of magistrates of the Federation or the Southern Cameroons or Lagos and other judicial offices thereof and references to offices in the public service of a Region include references to the offices of the judges of the courts established for the Region and the office of magistrates of the Region and other judicial offices thereof.

(**a**) S.I. 1957/2060. (**b**) S.I. 1958/260.

(*b*) For the purposes of this Order—

(i) a person shall not be considered to hold an office of emolument under the Crown by reason only that he is in receipt of a pension or other like allowance in respect of services in an office of emolument under the Crown ;

(ii) the offices referred to in subsection (2) of section 8 and subsection (2) of section 8A 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 and the offices referred to in subsection (2) of section 17 of that Order, as amended, shall be offices of emolument in the public service of a Region ;

(iii) the offices of Minister, Parliamentary Secretary to a Minister, member of the House of Representatives, Minister of the Southern Cameroons, member of the House of Assembly of the Southern Cameroons and member of the House of Chiefs of the Southern Cameroons shall not be considered to be offices in the public service of the Federation ; and

(iv) the offices of Regional Minister, Attorney-General of the Western Region, Attorney-General of the Eastern Region, member of a Regional Legislative House and member of the Council of Chiefs of the Northern Region shall not be considered to be offices in the public service of a Region.

(*c*) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office ; and where two or more persons are holding the same office by reason of an appointment made pursuant to this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

(*d*) Where by this Order power is conferred upon the Governor-General or the Governor of a Region to appoint a person to act in any office when the holder of the office is unable to perform the functions of the office, the validity of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office." ; and

(*b*) by the insertion after subsection (4) of the following subsection :—

"(4A) Where by this Order the Governor-General or the Governor of a Region or the Commissioner of the Cameroons is required to act in accordance with the advice or recommendation of, or after consultation with, any person or authority the question whether he has in any matter so acted shall not be called in question in any court."

(2) Until such time as section 65 of this Order comes into operation, subsection (4) of section 2 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "Minister of the Southern Cameroons" in sub-paragraph (iii) of paragraph (*b*) were deleted and the words "member of the Executive Council of the Southern Cameroons" were substituted.

4.—(1) Section 10 of the principal Order (as amended by section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (3) of the words "paragraph (*d*)" in paragraph (*a*) and the substitution of the words "sub-paragraphs (iii) and (iv) of paragraph (*b*)".

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

5. Section 14 of the principal Order is amended by the deletion of the words "or the House of Assembly of the Southern Cameroons" in paragraph (*d*) and the substitution of the words ", the House of Assembly of the Southern Cameroons or the House of Chiefs of the Southern Cameroons".

6. Section 17 of the principal Order is revoked and the following section is substituted—

"Composition of Northern House of Chiefs.

17.—(1) The members of the Northern House of Chiefs shall be—

(*a*) all first-class Chiefs;

(*b*) forty-seven Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 18 of this Order;

(*c*) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly; and

(*d*) an adviser on Moslem law appointed in accordance with section 19 of this Order.

(2) For the purposes of this section—

"Chief" means any person who is for the time being recognised as a Chief by the Governor;

"first-class Chief" means any Chief who is for the time being graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance(a), as from time to time amended, as it applies in relation to the Northern Region or any enactment replacing that Ordinance in its application to the Northern Region.".

7. Section 18 of the principal Order is amended by the deletion of the words "acting in his discretion".

8. Section 20 of the principal Order is revoked and the following section is substituted:—

"President and Deputy President of Northern House of Chiefs.

20.—(1) The Governor shall, by Instrument under the Public Seal, appoint to be President and Deputy President of the Northern House of Chiefs respectively two of the members of the House mentioned in paragraphs (*a*) and (*b*) of subsection (1) of section 17 of this Order.

(2) The President and the Deputy President of the Northern House of Chiefs shall hold their offices during the Governor's pleasure:

(a) Laws of Nigeria, Rev. 1948, Chapter 12.

Provided that the office of the President or the Deputy President, as the case may be, shall in any case become vacant—

(*a*) in the case of the President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as President or to appoint another person as President;

(*b*) in the case of the Deputy President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as Deputy President or to appoint another person as Deputy President;

(*c*) if he ceases to be a member of the Northern House of Chiefs for any reason other than a dissolution of that House;

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

(*e*) if he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.".

9.—(1) Section 21 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (1) of the word "President" and the substitution of the word "Speaker".

(2) Section 21 of the principal Order (as amended) is further amended by the deletion from subsection (1) of the words "one hundred and thirty-one Elected Members" in paragraph (*b*) and the substitution of the words "one hundred and seventy-four Elected Members".

10. Section 23 of the principal Order is amended by the deletion of the word "President" and the words "Deputy President" wherever they occur and the substitution respectively of the word "Speaker" and the words "Deputy Speaker".

11. Section 28 of the principal Order is amended by the insertion in subsection (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (*c*) of the words ", Attorney-General of the Western Region".

12. Section 29 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended—

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

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

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

(*b*) those members of the Executive Council of the Region who are members of the Western House of Chiefs"; and

(*b*) by the insertion after subsection (2) of the following subsection—

"(3) A person appointed as Attorney-General of the Western 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 Western House of Assembly.".

13. Section 30 of the principal Order is revoked.

14. Section 31 of the principal Order is amended—

(*a*) by the deletion from subsection (1) and subsection (2) of the words "paragraphs (*a*) and (*b*)" and the substitution of the words "paragraph (*a*)"; and

(*b*) by the insertion in subsection (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (*c*) of the words ", Attorney-General of the Western Region".

15. Section 32 of the principal Order is amended by the insertion after subsection (2) of the following subsection:—

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

16. Section 33 of the principal Order is amended—

(*a*) by the insertion in subsection (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (*d*) of the words ", Attorney-General of the Eastern Region"; and

(*b*) by the insertion in subsection (5) after the words "becomes a Regional Minister" in paragraph (*c*) of the words ", Attorney-General of the Eastern Region".

17. Section 34 of the principal Order is amended—

(*a*) by the deletion of paragraph (*a*);

(*b*) by the deletion of the words "thirteen Elected Members" in paragraph (*c*) and the substitution of the words "twenty-six Elected Members";

(*c*) by the deletion of paragraph (*d*); and

(*d*) by renumbering the section as subsection (1) of section 34, and by the insertion after that subsection of the following subsection:—

"(2) A person appointed Speaker of the House of Assembly of the Southern Cameroons in pursuance of paragraph (*b*) of subsection (1) of section 35 of this Order shall be deemed to be a member of the House.".

18.—(1) Section 35 of the principal Order is revoked and the following section is substituted:—

"Speaker of House of Assembly of Southern Cameroons.

35.—(1) The Commissioner of the Cameroons, after consultation with the Premier of the Southern Cameroons, may, by writing under his hand, appoint to be Speaker of the House of Assembly of the Southern Cameroons—

(*a*) one of the members of the House mentioned in paragraphs (*b*), (*c*) and (*e*) of subsection (1) of section 34 of this Order; or

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

(2) The Speaker of the House of Assembly shall hold office during the pleasure of the Commissioner of the Cameroons:

Provided that his office shall in any case become vacant—

(*a*) at such time as may be provided by the Instrument by which he is appointed; or

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

(*c*) in the case of a person appointed Speaker in pursuance of paragraph (*a*) of subsection (1) of this section of this Order, if—

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

(ii) he becomes a Minister of the Southern Cameroons.".

(2) Until such time as an appointment of a person to be Speaker of the House of Assembly of the Southern Cameroons is first made under section 35 of the principal Order, as set out in subsection (1) of this section, the Commissioner of the Cameroons may discharge the functions of Speaker, and for that purpose he shall be deemed to be a member of the House.

19. Section 36 of the principal Order is amended by the deletion of the words "The Governor-General, acting in his discretion" and the substitution of the words "The High Commissioner for the Southern Cameroons".

20.—(1) Section 37 of the principal Order is amended by the deletion from subsection (6) of the words "the Governor-General, acting in his discretion," and the substitution of the words "the High Commissioner for the Southern Cameroons".

(2) Any regulations made by the Governor-General under section 37 of the principal Order (including any regulations made under that section as applied by section 2 of the Nigeria (Electoral Provisions) Order in Council, 1957) and in force immediately before the commencement of this Order shall have effect as if they were regulations made by the High Commissioner for the Southern Cameroons under section 37 of the principal Order, as amended by this section.

21.—(1) Section 39 of the principal Order (as amended by section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (3) of the words "paragraph (*d*)" in paragraph (*a*) and the substitution of the words "sub-paragraphs (iii) and (iv) of paragraph (*b*)".

(2) Nothing in subsection (1) of this section shall affect the operation of subsection (2) of section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

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

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

(*b*) by the deletion from subsection (3) of the words " of the Northern and Western Houses of Assembly " and the substitution of the words " of the Northern House of Assembly " ; and

(*c*) by the deletion from subsection (3) of the words " the Governor-General " and the substitution of the words " the High Commissioner for the Southern Cameroons ".

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

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

(*b*) by the deletion from subsection (2) of the words " The Governor-General, acting in his discretion " and the substitution of the words " The High Commissioner for the Southern Cameroons ".

24. Section 43 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the words " or the Western House of Assembly " and the words " President or " ;

(*b*) by the deletion from subsection (2) of the words " and the Western House of Assembly " ; and

(*c*) by the deletion from subsection (2) of the words " the Governor-General " and the substitution of the words " the High Commissioner for the Southern Cameroons ".

25. Section 47 of the principal Order is amended by the deletion of the words " President or " in paragraphs (*b*) and (*c*).

26. Section 48 of the principal Order is revoked.

27.—(1) Section 49 of the principal Order is amended by the deletion from subsection (2) of the words " the Governor-General, acting in his discretion " and the substitution of the words " the High Commissioner for the Southern Cameroons ".

(2) Section 49 of the principal Order is further amended—

(*a*) by the deletion from subsection (2) of the words " or a Native-Authority Member " in paragraph (*a*) and paragraph (*b*) ; and

(*c*) by the deletion from subsection (3) of the words after the words " section 37 of this Order ".

28. Section 50 of the principal Order is amended by renumbering the section as subsection (1) of section 50 and by the insertion after that subsection of the following subsection :—

" (2) Any functions conferred on the Speaker of the House of Assembly of the Southern Cameroons by or under this Order or any other law may, between a dissolution of that House and the first sitting of that House after that dissolution, be performed by such other person, if any, as the Commissioner of the Cameroons, acting in his discretion, may appoint in that behalf.".

29. Section 51 of the principal Order is amended by the deletion from subsection (4) of the words " the Governor-General " and the substitution of the words " the High Commissioner for the Southern Cameroons ".

30. Section 54 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is revoked and the following section is substituted:—

"External trade.

54.—(1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons with respect to trade and commerce between Nigeria and other countries, including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.

(2) A law enacted by the Federal Legislature in pursuance of subsection (1) of this section may make provision for conferring on any authority (including a body corporate incorporated by or under a law enacted by the Federal Legislature) exclusive power—

(*a*) to acquire any commodity for export from Nigeria ;

(*b*) to export any commodity from Nigeria ;

(*c*) to sell any commodity outside Nigeria.

(3) 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 subsection (4), (5), (6) or (7) of this section:

Provided that a law enacted by the Federal Legislature may make provision, in respect of commodities to be exported from Nigeria, for the inspection of such commodities at the port of their shipment from Nigeria and provision for the enforcement of grades and standards of quality in respect of commodities so inspected.

(4) Subject to the provisions of this section, a law enacted by the Legislature of a Region may establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria as aforesaid.

(5) Subject to the provisions of this section, a law enacted by the Legislature of the Southern Cameroons may establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria as aforesaid.

(6) A law enacted by the Legislature of a Region may—

(*a*) make provision for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(i) to acquire any commodity in that Region for export from Nigeria in accordance with the provision of any law enacted by the Federal Legislature;

(ii) to regulate the prices to be paid for commodities so acquired;

(*b*) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria;

(*c*) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria that may have been established by any law enacted by the Federal Legislature.

(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 therein to a Region shall be construed as if they were references to the Southern Cameroons."

31. The principal Order is amended by the insertion after section 56B (as set out in section 12 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section:—

"Evidence. **56C.**—(1) A law enacted by the Federal Legislature may make provision in relation to a Region or the Southern Cameroons with respect to evidence in regard to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) A law enacted by the Legislature of a Region or the Southern Cameroons relating to any matter within the competence of that legislature may make provision with respect to evidence in regard to that matter.

(3) If any law enacted by the Federal Legislature contains any provision with respect to evidence in regard to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List that is inconsistent with any provision with respect to evidence in regard to that matter contained in any law enacted by the Legislature of a Region or the Southern Cameroons, the provision contained in the law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be, shall prevail over the provision contained in the law enacted by the Federal Legislature."

32. Section 57 of the principal Order (as amended by section 13 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after section (5) of the following subsection:—

"(6) The Governor-General may, by Order published in the Official Gazette of the Federation, declare that any existing law shall, in so far as it relates to any matter included in the Concurrent Legislative

List, have effect in relation to each Region and the Southern Cameroons as if it were a law enacted by the Federal Legislature, and that existing law and any law amending that law shall have effect accordingly from the date of publication of the Order or such later date as may be specified therein."

33. Section 58 of the principal Order is amended by the deletion of the words "If any law" in subsection (1) and the substitution of the words "Subject to the provisions of section 56c of this Order, if any law".

34. Section 59 of the principal Order is amended by the deletion from subsection (3) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

35. Section 60 of the principal Order is amended by the insertion in subsection (1) after the words "any Bill" of the words "in that House".

36. Section 61 of the principal Order is amended by the deletion from subsection (3) of the word "President" and the substitution of the word "Speaker".

37. Section 62A of the principal Order (as set out in section 16 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from subsection (8) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

38. Section 63 of the principal Order is revoked.

39. Section 64 of the principal Order is amended—

(*a*) by the deletion of the words "a Region" in subsection (6) and the substitution of the words "the Northern Region"; and

(*b*) by the deletion of subsection (7) and the substitution of the following subsection:—

"(7) The provisions of subsections (1), (2), (3), (4) and (5) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to 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 Official Gazette of the Southern Cameroons.".

40. Section 65 of the principal Order is amended—

(*a*) by the deletion from subsection (5) of the words "a Region" wherever they occur and the substitution of the words "the Northern Region";

(*b*) by the insertion after subsection (5) of the following subsection:—

"(5A) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Western Region

or the Eastern Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(*a*) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, the Legislative Houses of that Region and the Official Gazette of that Region ; and

(*b*) subsection (2) shall have effect as if the words ' acting in his discretion ' were deleted and as if for the proviso there were substituted the following proviso :—

" Provided that, unless he has been authorized by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to the Governor, acting in his discretion—

(*a*) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organization outside Nigeria ;

(*b*) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ; or

(*c*) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria."." ; and

(*c*) by the deletion of subsection (7) and the substitution of the following subsection :—

" (7) The provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(*a*) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the House of Assembly of the Southern Cameroons and the Official Gazette of the Southern Cameroons " ; and

(*b*) subsection (2) shall have effect as if the words " acting in his discretion " were deleted.

41.—(1) Section 66 of the principal Order is amended—

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

" (1) Any law enacted by the Federal Legislature to which the Governor-General has given his assent, any law enacted by the Legislature of the Northern Region to which the Governor has given his assent or any law enacted by the Legislature of the Southern Cameroons to which the High Commissioner for the Southern Cameroons has given his assent may be disallowed by Her Majesty through a Secretary of State." ;

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

"(1A) Any law to which the Governor of the Western Region or the Eastern Region has given his assent may be disallowed by Her Majesty through a Secretary of State if the law contains any provision that appears to Her Majesty—

(*a*) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organization outside Nigeria;

(*b*) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions;

(*c*) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria; or

(*d*) to alter, to the injury of the stock-holders, any provisions relating to stock forming part of the public debt of the Federation that is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 to 1948(a), as from time to time amended, or to involve a departure from the original contract in respect of any such stock."; and

(*c*) by the deletion from subsection (2) of the words "the Governor-General" in paragraph (*c*) and the substitution of the words "the High Commissioner for the Southern 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 Governor-General gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the High Commissioner for the Southern Cameroons has given his assent.

42. Section 67 of the principal Order (as amended by section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is revoked.

43. Section 68 of the principal Order is amended by the deletion from subsection (1) of the words "acting in his discretion".

44. Section 69 of the principal Order is amended—

(*a*) by the deletion of the words "acting in his discretion" wherever they occur; and

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

"Provided that the Northern House of Chiefs or the Western House of Chiefs shall not so elect the President or the Deputy President of that House."

(a) 40 & 41 Vict. c. 59, 55 & 56 Vict. c. 35, 63 & 64 Vict. c. 62, 24 & 25 Geo. 5 c. 47 and 12, 13 & 14 Geo. 6. c. 1.

45. Section 70 of the principal Order is amended—

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

"(*a*) When the Governor of the Northern Region has convened the joint sitting, the President of the Northern House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat, 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.";

(*b*) by the deletion from subsection (2) of the words "the Governor, acting in his discretion" in the proviso to paragraph (*d*) and the substitution of the words "the person presiding";

(*c*) by the deletion from subsection (2) of the words "acting in his discretion" in paragraph (*e*); and

(*d*) by the deletion from subsection (3) of the words "the Governor acting in his discretion" and the substitution of the words "the person presiding".

46. Section 71 of the principal Order is amended by the deletion of subsections (2) and (3) and the substitution of the following subsections:—

"(2) The provisions of subsection (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose—

(*a*) references to the Governor-General shall be construed as if they were references to the Governor; and

(*b*) that subsection shall have effect in relation to the Legislative Houses of the Western Region and the Eastern Region as if the proviso thereto were deleted.

(3) The provisions of subsection (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives and for that purpose—

(*a*) references to the Governor-General shall be construed as if they were references to the High Commissioner for the Southern Cameroons; and

(*b*) that subsection shall have effect as if the words "acting in his discretion" were deleted.".

47. Section 72 of the principal Order is amended by the deletion from subsection (3) of the word "President" wherever it occurs and the substitution of the word "Speaker".

48. Section 75 of the principal Order (as amended by section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended by the deletion of paragraph (ii) of the proviso to paragraph (*a*) and the substitution of the following paragraph:—

"(ii) the members of the Northern House of Chiefs mentioned in paragraph (*c*) of subsection (1) of section 17 of this Order, the members of the Western House of Chiefs mentioned in paragraph (*b*) of subsection (1) of section 24 of this Order and the members of the Western House of Assembly mentioned in paragraph (*b*) of subsection (1) of section 24 of this Order shall not have an original vote."

49. Section 76 of the principal Order is amended by the deletion of subsection (4) and the substitution of the following subsection:—

"(4) The provisions of subsections (1) and (2) of this section shall apply in relation to the members of the House of Assembly of the Southern Cameroons as they apply in relation to the members of the House of Representatives, and for that purpose subsection (2) shall have effect—

(*a*) as if for the words "a judge of such court as the Governor-General may direct" there were substituted the words "such judge or magistrate as the Commissioner of the Cameroons may direct"; and

(*b*) as if after the words "the judge" there were inserted the words "or magistrate".".

50. Section 80 of the principal Order is amended by the insertion in subsection (3) after the words "subsection (1) of this section to" of the words "the Governor-General" and after the words "as if they were references to" of the words "the High Commissioner for the Southern Cameroons".

51. Section 81 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the words "or the House of Assembly of the Southern Cameroons"; and

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

"(3) The High Commissioner for the Southern Cameroons or the Commissioner of the Cameroons, acting in his discretion, may address the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.".

52. Section 82 of the principal Order is amended by the deletion from subsection (4) of the words "The Governor-General, acting in his discretion" and the substitution of the words "The High Commissioner for the Southern Cameroons".

53. Section 89 of the principal Order (as amended by section 20 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(*a*) by the insertion in subsection (2) after the words "the recommendation of" in sub-paragraph (i) of paragraph (*a*) of the words "or after consultation with"; and

(*b*) by the insertion after subsection (3) of the following subsections—

"(4) Where by this Order the Governor-General is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority.

(5) Where by this Order the High Commissioner for the Southern Cameroons is directed to exercise a power on the recommendation of any person or authority he shall exercise that power in accordance with such recommendation, but, save as aforesaid, the High Commissioner shall not be obliged to consult with or act in accordance with the advice of any person or authority in the exercise of the powers conferred upon him by this Order.

(6) In this section references to the powers of the Governor-General do not include references to the powers of the High Commissioner for the Southern Cameroons.".

54. Section 98 of the principal Order (as set out in section 28 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) Nothing in this section shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor-General or on any person or authority other than that Minister.".

55. Section 99 of the principal Order (as amended by section 30 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of subsection (1) and the substitution of the following subsection:—

"(1) The Governor-General may appoint Parliamentary Secretaries from among the Representative Members and Special Members of the House of Representatives to assist Ministers in the discharge of responsibilities assigned to them in pursuance of section 98 of this Order".

56. Section 105 of the principal Order (as amended by section 34 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(*a*) by the insertion in subsection (2) after the words "the recommendation of" in sub-paragraph (i) of paragraph (*a*) of the words "or after consultation with"; and

(*b*) by the insertion after subsection (3) of the following subsection:—

"(4) Where by this Order the Governor of a Region is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.".

57. Section 109 of the principal Order is amended by the deletion of subsection (1) and the substitution of the following subsection:—

(1)—(*a*) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (*a*) and (*c*) of section 24 of this Order or from among the Elected Members of the Western House of Assembly.

(*b*) For the purposes of this subsection a person who is deemed to be a member of the Eastern House of Assembly by virtue of subsection (3) of section 29 of this Order shall be deemed to be an Elected Member of that House.

58. Section 111 of the principal Order is amended—

(*a*) by renumbering subsection (1) as paragraph (a) of subsection (1); and

(*b*) by the insertion after that paragraph of the following paragraph:—

"(*b*) For the purposes of this subsection a person who is deemed to be a member of the Eastern House of Assembly by virtue of subsection (3) of section 32 of this Order shall be deemed to be an Elected Member of that House".

59. Section 119 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the words "a Region" in paragraph (*a*) and paragraph (*b*) and the substitution of the words "the Northern Region";

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

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

(*c*) by the deletion from subsection (2) of the words "each Region" and the substitution of the words "the Northern Region";

(*d*) by the deletion from subsection (2) of the words "a Regional Legislative House" and the substitution of the words "the Legislative Houses of the Region"; and

(*e*) by the insertion after subsection (2) of the following subsection:—

"(3) Nothing in this section shall empower the Governor to confer on any member of the Executive Council of the Northern Region authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or on any other person or authority other than that member.".

60.—(1) The principal Order is amended by the insertion after section 119 of the following sections:—

"Assignment of responsibility to members of Executive Councils of Western and Eastern Regions.

119A.—(1) (*a*) Subject to the provisions of this Order, the Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier of the Region, may by directions in writing charge any Regional Minister with responsibility for any matter or group of matters to which the executive authority of the Region extends:

Provided that, except for the purpose of submitting questions relating to such matters to the Executive Council and conducting government business relating to such matters in the Legislative Houses of the Region, a Regional Minister shall not be charged with responsibility for—

(i) the initiation, conduct and discontinuance of criminal proceedings;

(ii) the audit of the accounts of the Region;

(iii) the making of appointments to offices in the public service of the Region, the dismissal or disciplinary control of officers in that public service and the grant of any benefits in pursuance of subsection (1) of section 190B of this Order;

(iv) the discharge by the courts of the Region of their judicial functions; or

(v) the matters specified in section 18 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

(*b*) Subject to the provisions of this section, the Governor, acting on the recommendation of the Premier of the Region, may charge any Regional Minister with responsibility for any department of government.

(2) Nothing in this section shall empower the Governor to confer on any Regional Minister authority to exercise any power or to discharge any duty that is conferred by

this Order or any other law on the Governor or any person or authority other than that Regional Minister.

Attorney-General of Western and Eastern Regions.

119B.—(1) There shall be an Attorney-General for the Western Region who shall be a person qualified for appointment as a judge of the High Court of the Region and shall be appointed by the Governor.

(2) The office of the Attorney-General shall become vacant—

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

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

(*c*) if he absents himself from Nigeria without written permission given by the Governor;

(*d*) if he ceases to be qualified for appointment as a judge of the High Court of the Region; or

(*e*) if the Governor so directs.

(3) The powers of the Governor under this section shall be exercised by him on the recommendation of the Premier.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.".

(2) The following provisions shall apply in relation to any person holding office immediately before the commencement of this Order as Attorney-General of the Western Region or Attorney-General of the Eastern Region—

(*a*) leave of absence from his duties shall be granted to that person at the commencement of this Order for such period as the Governor, acting in his discretion, may direct, and that period may be extended from time to time at the direction of the Governor, acting in his discretion;

(*b*) the provisions of section 119B of the principal Order, as set out in subsection (1) of this section, shall not apply in relation to that person;

(*c*) there shall be paid to that person a salary and allowances at the same rate as the salary and allowances payable to him immediately before the commencement of this Order, which shall be a charge on the Consolidated Revenue Fund of the Region and shall be statutory expenditure for the purposes of section 154B of the principal Order, as set out in subsection (1) of section 77 of this Order, and his other conditions of service shall not be altered to his disadvantage during his continuance in office;

(*d*) notwithstanding that that person is holding the office of Attorney-General of the Western Region or the Eastern Region, as the case may be, another person may be appointed to the office in pursuance of subsection (1) of section 119B of the principal Order, as set out in subsection (1) of this section, and for the purpose of any function conferred upon the holder of the office the person so appointed to the office shall be deemed to be the sole holder of the office.

61. Section 120 of the principal Order is amended by the deletion of subsection (1) and the substitution of the following subsection:—

"(1) The Governor of a Region may appoint Parliamentary Secretaries from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers to assist Regional Ministers in the discharge of responsibilities assigned to them in pursuance of section 119 or section 119A of this Order.".

62. Section 121 of the principal Order is amended—

(*a*) by the insertion in subsection (1) after the words "any Regional Minister" of the words "of the Northern Region"; and

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

"(1A) Where any Regional Minister of the Western Region or the Eastern Region has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary appointed in accordance with the provisions of section 180I of this Order.".

63. Section 123 of the principal Order (as set out in section 40 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) The Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to the Attorney-General of the Region.".

64. Section 125 of the principal Order is amended—

(*a*) by the insertion after the words "the Executive Council of the Southern Cameroons" of the words "shall be the principal instrument of policy for the Southern Cameroons and"; and

(*b*) by the renumbering of the section as subsection (1) of section 125 and the insertion after that subsection of the following subsection:—

"(2) Save as is otherwise provided by this Order or by any directions given to him by the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons shall—

(*a*) consult with the Executive Council of the Southern Cameroons in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council; or

(ii) powers conferred upon him by any provision of this Order under which any person holds any office during the pleasure of the Commissioner of the Cameroons; and

(*b*) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult the Council.

(3) Where by this Order the Commissioner of the Cameroons is directed to exercise a power on the recommendation of any

person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Commissioner of the Cameroons is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority.".

65. Section 126 of the principal Order is amended—

(*a*) by the deletion of paragraph (*c*) and the substitution of the following paragraph:—

"(*c*) not less than five members appointed in accordance with the provisions of section 127 of this Order, who shall be styled Ministers of the Southern Cameroons."; and

(*b*) by the deletion of paragraph (*d*).

66.—(1) Sections 127, 128 and 129 of the principal Order are revoked and the following sections are substituted:—

"Appointment of Ministers of Southern Cameroons.

127.—(1) Every Minister of the Southern Cameroons shall be appointed by Instrument under the Public Seal of the Southern Cameroons from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (*c*) and (*e*) of subsection (1) of section 34 of this Order.

(2) Of the Ministers of the Southern Cameroons—

(*a*) one, who shall be styled the Premier of the Southern Cameroons, shall be appointed by the High Commissioner for the Southern Cameroons; and

(*b*) the others shall be appointed by the High Commissioner for the Southern Cameroons on the recommendation of the Premier.

(3) Wherever the High Commissioner for the Southern Cameroons has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the House of Assembly of the Southern Cameroons and who is willing to be appointed.

(4) The number of Ministers of the Southern Cameroons who shall be appointed in addition to the Premier shall, subject to the provisions of section 126 of this Order, be such as the High Commissioner for the Southern Cameroons may from time to time prescribe:

Provided that the High Commissioner shall not prescribe a number greater than four unless the Commissioner of the Cameroons, having consulted the other members of the Executive Council of the Southern Cameroons, represents to him that it is desirable to do so.

Tenure of office of Premier.

128. The Premier shall hold his seat in the Executive Council of the Southern Cameroons during the pleasure of the High Commissioner for the Southern Cameroons:

Provided that his seat shall in any case become vacant—

(*a*) when, after any dissolution of the Legislative House from among the members of which he was appointed,

he is informed by the High Commissioner that the High Commissioner is about to re-appoint him as Premier or to appoint another person as Premier; or

(*b*) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House; or

(*c*) if he resigns his seat by writing under his hand addressed to the High Commissioner; or

(*d*) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons, acting in his discretion.

Tenure of office of Ministers of Southern Cameroons.

129. The seat in the Executive Council of the Southern Cameroons of a Minister of the Southern Cameroons other than the Premier shall become vacant—

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

(*b*) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than the dissolution of that House; or

(*c*) if he resigns his seat by writing under his hand addressed to the High Commissioner for the Southern Cameroons; or

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

(*e*) if the High Commissioner for the Southern Cameroons, on the recommendation of the Premier, so directs.".

(2) Until such time as section 17 of this Order comes into operation, subsection (1) of section 127 of the principal Order, as set out in subsection (1) of this section, shall have effect as if the words "paragraphs (*c*) and (*e*)" were deleted and the words "paragraphs (*c*), (*d*) and (*e*)" were substituted.

67. Section 131 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the words "if three or more members of the Council so request in writing" and the substitution of the words "if the Premier requests him in writing to do so"; and

(*b*) by the deletion from subsection (2) of the words "three members" and the substitution of the words "five members".

68. The principal Order is amended by the insertion after section 131 of the following sections:—

"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*) The Commissioner of the Cameroons may, when presiding in the Executive Council of the Southern Cameroons, 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 Executive Council of the Southern Cameroons other than the Commissioner 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.

Assignment of responsibility to members of Executive Council of Southern Cameroons.

131B.—(1) (*a*) Subject to the provisions of this Order, the Commissioner of the Cameroons, may, by directions in writing, charge any member of the Executive Council of the Southern Cameroons with responsibility for any matter or group of matters to which the executive authority of the Southern Cameroons extends.

(*b*) For the purposes of this section the Commissioner of the Cameroons may charge any member of the Executive Council of the Southern Cameroons with responsibility for any department of government.

(*c*) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him in his discretion.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister of the Southern Cameroons but shall vest in the Legal Secretary of the Southern Cameroons:

Provided that a Minister of the Southern Cameroons may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matters in the House of Assembly of the Southern Cameroons.

(3) Nothing in this section shall empower the Commissioner of the Cameroons to confer on any member of the Executive Council of the Southern Cameroons authority to exercise any power or to discharge any duty that is conferred or imposed by this Order or any other law on the Commissioner or on any other person or authority other than that member.

Permanent Secretaries to supervise certain Southern Cameroons departments.

131C.—(1) Where any Minister of the Southern Cameroons has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Commissioner of the Cameroons, acting in his discretion, may, with the approval of the Governor-General, acting in his discretion, select.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government.".

69. The principal Order is amended by the insertion after section 132 of the following section:—

"Leave of absence for Ministers of Southern Cameroons.

132A.—(1) The Commissioner of the Cameroons, acting in his discretion, may grant leave of absence from his duties to the Premier of the Southern Cameroons.

(2) The Commissioner of the Cameroons, acting on the recommendation of the Premier, may grant leave of absence from his duties to a Minister of the Southern Cameroons other than the Premier.".

70. Section 134 of the principal Order is revoked and the following section is substituted:—

"Determination of questions as to membership of Executive Council of Southern Cameroons.

134. Any question whether any person is a member of the Executive Council of the Southern Cameroons shall be referred to, and determined by, the High Commissioner for the Southern Cameroons.".

71. The principal Order is amended by the insertion after section 134 of the following section:—

"Performance of functions of Premier of Southern Cameroons.

134A.—(1) Whenever the Premier of the Southern Cameroons is ill or absent from Nigeria, the Commissioner of the Cameroons may, by writing under his hand, authorise one of the other Ministers of the Southern Cameroons to perform the functions conferred upon the Premier by this Order (other than the function conferred by subsection (3) of this section) and any Minister so authorised may perform those functions.

(2) The Commissioner of the Cameroons may, by writing under his hand, revoke any direction given under this section.

(3) The powers conferred upon the Commissioner of the Cameroons by this section shall be exercised by the Commissioner, acting in his discretion, if in the opinion of the Commissioner it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised on the recommendation of the Premier.".

72. Section 136 of the principal Order (as amended by section 43 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion in subsection (2) after the words "the Governor-General" of the words "or upon any officer or authority of the Southern Cameroons without the consent of the Commissioner of the Cameroons".

73. Section 137 of the principal Order is amended by the deletion from subsection (1) of the words "The Governor-General, acting in his discretion," and the substitution of the words "The High Commissioner for the Southern Cameroons".

74. Section 139 of the principal Order is amended—

(*a*) by the insertion in subsection (3) after the words "to act as a Federal Justice" in paragraph (*b*) of the words "and any person so appointed shall continue to act until his appointment is revoked by the Governor-General".

(*b*) by the deletion from subsection (4) of the words "and acting Federal Justices shall hold office during the Governor-General's pleasure"; and

(*c*) by the deletion from subsection (4) of the words "any judge of the Federal Supreme Court" and the substitution of the words "the Chief Justice or a Federal Justice".

75. Section 142 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is amended—

(*a*) by the deletion of the words "a Region" wherever they occur and the substitution of the words "the Northern Region"; and

(*b*) by the insertion in subsection (2) after the words "to act as a judge of the High Court" in sub-paragraph (ii) of paragraph (*cc*) of the words "and any person so appointed shall continue to act until his appointment is revoked by the Governor.".

76.—(1) The principal Order is amended by the insertion after section 142 of the following sections:—

"High Courts of Western and Eastern Region.

142A.—(1) There shall be a High Court of Justice for the Western Region.

(2) The High Court of the Western Region shall consist of the Chief Justice of the Region, who shall be President of the Court, and six other judges or such greater number as may be prescribed by or under any law enacted by the Legislature of the Region:

Provided that the office of a judge shall not be abolished during his continuance in office.

(3) The Chief Justice of the Western Region shall be appointed by the Governor, after consultation with the Chief Justice of the Federation.

(4) The judges of the High Court of the Western Region other than the Chief Justice shall be appointed by the Governor on the recommendation of the Judicial Service Commission of the Region.

(5) (*a*) A person shall be qualified to be appointed a judge of the High Court of the Western Region if he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court and no other person shall be qualified to be so appointed.

(*b*) In computing, for the purposes of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(6) (*a*) If the office of Chief Justice of the Western Region is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court of the Region as the Governor, acting in his discretion, may appoint for that purpose.

(*b*) If the office of a judge of the High Court of the Western Region other than the Chief Justice is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, after consultation with the Chief Justice, may appoint a person to act as a judge of the High Court, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Chief Justice.

(*c*) The provisions of subsection (5) of this section shall not apply to a person appointed to act as a judge of the High Court of the Western Region under paragraph (*b*) of this subsection but any person so appointed shall be a person with such qualifications if any, as may be prescribed by any law enacted by the Legislature of the Region.

(7) No person shall enter upon his duties as a judge of the High Court of the Western Region unless he has taken before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Legislature of the Region.

(8) (*a*) There shall be paid to the judges of the High Court of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of a judge and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(*b*) The salaries and allowances of the judges of the High Court of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(9) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of office of judges of High Court of Western or Eastern Regions.

142B.—(1) Subject to the provisions of section 142C of this Order, a judge of the High Court of the Western Region or the Eastern Region shall hold office until he attains the age of sixty-two years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Governor; and

(*b*) the Governor, acting in his discretion, may permit a judge who has attained the age of sixty-two years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a judge of the High Court of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of judge of High Court of Western or Eastern Regions.

142C.—(1) A judge of the High Court of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) A judge of the High Court of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (3) of this section, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833(a), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing a judge of the High Court of the Region from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a Court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such Court;

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(*c*) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) If the question of removing a judge of the High Court of the Western Region or the Eastern Region from office has been referred to a tribunal under subsection (3)

(a) 3 & 4 Will. 4. c. 41.

of this section, the Governor, acting in his discretion, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect—

(*a*) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee ; or

(*b*) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

Courts of Western and Eastern Region.

142D. A law enacted by the Legislature of the Western Region or the Eastern Region may establish courts of justice for the Region in addition to the High Court of the Region ".

(2) The High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as constituted immediately before the commencement of this Order under section 142 of the principal Order, shall after the commencement of this Order be deemed respectively to be the High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and accordingly—

(*a*) the persons holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Western Region or Chief Justice of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as Chief Justice of the Western Region or the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section, and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in subsection (1) of this section ;

(*b*) any law enacted by any legislature in Nigeria and in force immediately before the commencement of this Order shall, in so far as its provisions are consistent with the provisions of the principal Order, as from time to time amended, and subject to the provisions of any Order made under section 110 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order and to the judges of that High Court were references to the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section and to the judges of that High Court ;

(*c*) any cause or matter or any appeal or case stated from another court that is pending or part-heard before the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section; and

(*d*) any appeal or reference from the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order to the Federal Supreme Court or to Her Majesty in Council that is pending or part-heard may be continued, completed and determined as if it were an appeal or reference from the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in subsection (1) of this section, and that High Court may give effect to any judgment or order of the Federal Supreme Court or any Order of Her Majesty in Council given or made in the appeal as if it were the court from which the appeal or reference had been made.

77.—(1) The principal Order is amended by the insertion after section 154 of the following sections:—

"Consolidated Revenue Fund.

154A.—(1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys allocated by law for specific purposes) shall form one Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation or other public funds of the Federation except upon the authority of a warrant under the hand of the Governor-General or the Minister responsible for finance, and no such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure unless that expenditure has been authorized by a law enacted by the Federal Legislature.

Authorisation of expenditure.

154B.—(1) The Minister responsible for finance shall cause to be prepared in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year which, when approved by the Governor-General, shall be laid before the House of Representatives.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the House of Representatives by means of an appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(*a*) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the appropriation law relating to that year; or

(*b*) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year

upon any service not provided for by the appropriation law relating to that year,

a supplementary appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the House of Representatives.

(4) Statutory expenditure, which shall not be submitted to the vote of the House of Representatives for the purposes of this section, means—

(*a*) the expenditure charged on the Consolidated Revenue Fund of the Federation by any provision of this Order; and

(*b*) such other expenditure as may by law be charged on the Consolidated Revenue Fund or the general revenue and assets of the Federation, or on the other public funds of the Federation, as the case may be.

(5) A law enacted by the Federal Legislature may make provision for making moneys available in advance of appropriation as aforesaid for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

Application of sections 154A and 154B to Regions and Southern Cameroons.

154C.—(1) The provisions of sections 154A and 154B of this Order shall apply in relation to a Region as they apply in relation to the Federation, and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to a Region, to the Governor of the Region, to a Regional Minister, to the Legislative Houses of the Region and to the Legislature of the Region:

Provided that subsection (1) of section 154B shall have effect in relation to the Western Region and the Eastern Region as if the words "when approved by the Governor-General" were deleted.

(2) The provisions of sections 154A and 154B of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to the Southern Cameroons, to the Commissioner of the Cameroons, to a member of the Executive Council of the Southern Cameroons, to the House of Assembly of the Southern Cameroons and to the Legislature of the Southern Cameroons.

Public debt.

154D.—(1) The public debt of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and the other public funds and assets of the Federation.

and shall in addition be a charge on the Consolidated Revenue Funds of each Region and the Southern Cameroons and the other public funds and assets of the Regions and the Southern Cameroons:

Provided that a debt to a Region shall not be a charge on the funds and assets of that Region and a debt to the Southern Cameroons shall not be a charge on the funds and assets of the Southern Cameroons.

(2) The public debt of a Region shall be a charge on the Consolidated Revenue Fund of the Region and the other public funds and assets of the Region.

(3) The public debt of the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Southern Cameroons and the other public funds and assets of the Southern Cameroons.

(4) In this section references to the public debt of the Federation or a Region or the Southern Cameroons include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Audit of accounts.

154E.—(1) The accounts of the Federal Supreme Court, the High Court of Lagos, all departments of Government of the Federation, the Public Service Commission of the Federation, the Police Service Commission of the Federation and all other offices and authorities of the Federation (including the offices of Clerk to the House of Representatives and Secretary to the Council of Ministers) shall be audited annually by the Director of Federal Audit, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Federation relating to those accounts, and the Director of Federal Audit shall make annual reports to the Governor-General concerning the audit of those accounts, which the Governor-General shall cause to be laid before the House of Representatives.

(2) The accounts of the High Court of each Region, all departments of government of the Region, the Public Service Commission and the Judicial Service Commission (if any) of the Region and all other offices and authorities of the Region (including the offices of Clerk to a Regional Legislative House and Secretary of the Executive Council of the Region) shall be audited annually by the Director of Audit of the Region, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Region relating to those accounts, and the Director of Audit shall make annual reports to the Governor concerning the audit of those accounts, which the Governor shall cause to be laid before the Legislative Houses of the Region.

(3) The accounts of the High Court of the Southern Cameroons, all departments of Government of the Southern Cameroons and all other offices and authorities of the Southern Cameroons (including the offices of Clerk to the House of Assembly of the Southern Cameroons and Secretary

to the Executive Council of the Southern Cameroons, shall be audited annually by the Director of Audit of the Southern Cameroons, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Southern Cameroons relating to those accounts, and the Director of Audit shall make annual reports to the Commissioner of the Cameroons concerning the audit of those accounts, which the Commissioner shall cause to be submitted to the High Commissioner for the Southern Cameroons and laid before the House of Assembly of the Southern Cameroons.

(4) In the exercise of their functions under this section, the Director of Federal Audit, the Director of Audit of a Region and the Director of Audit of the Southern Cameroons shall not be subject to the direction or control of any other person or authority.".

(2) During the period beginning at the commencement of this Order and ending on the thirty-first day of July, 1958—

(*a*) section 154A of the principal Order, as set out in subsection (1) of this section, shall have effect as if there were inserted in subsection (2) after the words "the Federal Legislature" the words "or by a resolution of the House of Representatives"; and

(*b*) section 154B of the principal Order, as set out in subsection (1) of this section, shall have effect as if—

(*a*) for the words "the next following financial year" in subsection (1) there were substituted the words "that financial year"; and

(*b*) there were inserted in subsection (5) after the words "the Federal Legislature" the words "or a resolution of the House of Representatives".

78. Section 155 of the principal Order is amended—

(*a*) by the insertion after the words "the Regions" in subsection (1) of the words "and the Southern Cameroons"; and

(*b*) by the insertion after paragraph (*c*) of that subsection of the following paragraph:—

"(*d*) to the Southern Cameroons, one per cent.".

79. Section 156 of the principal Order is amended—

(*a*) by the deletion from subsection (3) of the words after the words "allowed for"; and

(*b*) by the inclusion after subsection (4) of the following subsection:—

"(5) In this section "Region" includes the Southern Cameroons".

80. Section 157 of the principal Order is amended—

(*a*) by the deletion from subsection (3) of the words after the words "allowed for"; and

(*b*) by the insertion after subsection (5) of the following subsection:—

"(6) In this section "Region" includes the Southern Cameroons."

81. Section 158 of the principal Order is amended—

(*a*) by the deletion from paragraph (*a*) of subsection (2) of the words after the words " allowed for " ; and

(*b*) by the insertion after subsection (4) of the following subsection :—

" (5) In this section " Region " includes the Southern Cameroons."

82. Section 159 of the principal Order is amended—

(*a*) by the insertion after the words " a Region " of the words " or the Southern Cameroons " ; and

(*b*) by the insertion after the words " that Region " of the words " or the Southern Cameroons, as the case may be ".

83. Section 160 of the principal Order is amended by the insertion after subsection (3) of the following subsection :—

" (4) In this section " Region " includes the Southern Cameroons."

84. Section 161 of the principal Order is amended by the insertion after subsection (4) of the following subsection :—

" (5) In this section " Region " includes the Southern Cameroons."

85. Section 162 of the principal Order is amended by the insertion after subsection (2) of the following subsection :—

" (3) In this section " Region " includes the Southern Cameroons."

86. Section 163 of the principal Order is revoked.

87. Section 164 of the principal Order is amended—

(*a*) by the insertion after subsection (4) of the following subsection :—

" (4A) The Southern Cameroons shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons." ; and

(*b*) by the insertion in subsection (5) after paragraph (*b*) of the following paragraph :—

" (*c*) In subsections (1), (2) and (3) of this section " Region " includes the Southern Cameroons."

88. Sections 165, 166 and 167 of the principal Order are revoked.

89. The principal Order is amended by the deletion of section 168 and the substitution of the following section :—

" Sums charged on Consolidated Revenue Funds.

168. Any payments that are required by this Chapter to be made by the Federation to a Region or the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Federation and any payments that are so required to be made by a Region or the Southern Cameroons to the Federation shall be a charge on the Consolidated Revenue Fund of that Region or the Southern Cameroons, as the case may be.".

90. Section 169 of the principal Order is amended—

(*a*) by the deletion from subsection (2) of the words " or the Southern Cameroons " ; and

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

" (3) The foregoing provisions 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 and to the Governor of a Region shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons."

91. Section 170 of the principal Order is amended by the deletion of subsection (3) and the substitution of the following subsection:—

" (3) In this section " Region " includes the Southern Cameroons.".

92. Section 172 of the principal Order is amended—

(*a*) by renumbering the section as subsection (1) of section 172 ; and

(*b*) by the insertion after that subsection of the following subsection:

" (2) For the avoidance of doubts it is declared that any power conferred by this Chapter upon the Governor-General or the Governor of a Region to make appointments to any public office includes power to appoint persons to act in that office.".

93. Section 175 of the principal Order is amended by the addition to subsection (1) of the following proviso:—

" Provided that the Governor-General shall not refer to the Federal Commission any question that, in his opinion, affects solely the police of the Federation or any member or members of the police force of the Federation.".

94. Section 177 of the principal Order is amended by the insertion after the words " the Federal Commission " in paragraph (*f*) the words " (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission, misconduct by members of the Commission, the giving of false information to the Commission and the improper disclosure of information obtained in the course of the work of the Commission) ".

95.—(1) The principal Order is amended by the insertion after section 177 of the following sections:—

" Police Service Commission.

177A.—(1) There shall be for the Federation a Police 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 177C of this Order.

(2) The members of the Police Service Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Police Service 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 177C of this Order.

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

Police Service Commission to advise Governor-General.

177B.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Police Service Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, being an office in the police service of the Federation, or the dismissal or disciplinary control of persons holding or acting in any such office or any other matter (not being a matter relating to the use or operational control of the police) that, in his opinion, affects the police of the Federation.

(2) It shall be the duty of the Police Service Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Police Service Commission.

Application of sections 176 and 177 to Police Service Commission.

177C. Sections 176 and 177 of this Order shall apply in relation to the Police Service Commission of the Federation as they apply in relation to the Federal Commission.

Emoluments of members of Federal Commission and Police Service Commission.

177D.—(1) The members of the Federal Commission and the Police Service Commission of the Federation shall be paid such salaries as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be provided by or under any such law:

Provided that the salary of a member of the Federal Commission or the Police Service Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(2) The salaries and allowances of the members of the Federal Commission and the Police Service Commission of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation.".

(2) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 177D of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and the other members of the Federal Commission and the Chairman and the other members of the Police Service Commission of the Federation salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

96. Section 178 of the principal Order (as amended by section 8 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended by the deletion from subsection (1) and subsection (2) of the words "a Region" and the substitution of the words "the Northern Region".

97. Section 179 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the words "each Region" and the substitution of the words "the Northern Region";

(*b*) the deletion from subsection (1) of the words "(in this Chapter referred to in relation to a Region as "the Regional Commission")"; and

(*c*) by the deletion from subsections (2), (3) and (4) of the words "a Regional Commission" and the substitution of the words "the Commission".

98. Section 180 of the principal Order is amended—

(*a*) by the deletion of the words "a Region" and the substitution of the words "the Northern Region"; and

(*b*) by the deletion of the words "the Regional Commission" and the substitution of the words "the Public Service Commission of the Region".

99.—(1) The principal Order is amended by the insertion after section 180 of the following sections:—

"Appointment etc. of officers in public service of Western Region.

180A.—(1) Subject to the provisions of this Order, power to make appointments (including appointments on promotion and transfer) to offices in the public service of the Western Region and to dismiss and to exercise disciplinary control over officers in that public service shall vest in the Governor acting on the recommendation of the Public Service Commission of the Region.

(2) Before making any appointment to an office in the audit service of the Western Region (not being an office below the rank of Assistant Auditor) the Governor shall consult the Director-General of the Overseas Audit Service.

Exercise of Governor's powers by other officer or authority.

180B.—(1) The Governor of the Western Region, acting on the recommendation of the Public Service Commission of the Region, may by Instrument under the Public Seal direct that, subject to such conditions as may be specified in that Instrument, power to make appointments (including appointments on promotion or transfer) to such offices, being offices to which this section applies, as may be specified in that Instrument and to dismiss and exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such authority or by such officer in the public service of the Region as may be specified in that Instrument.

(2) The offices to which this section applies are offices in the public service of the Western Region with respect to which the Governor has power to make appointments by virtue of the provisions of section 180A of this Order the holders of which are for the time being in receipt of annual emoluments that do not exceed £600.

(3) The emoluments referred to in subsection (2) of this section include in relation to any office only such classes of emoluments as would be taken into account, if the holder

of the office were eligible for a pension in respect of his service in the office, in the computation of that pension under the pensions law governing the grant of that pension.

Public Service Commission of Western Region.

180C.—(1) There shall be for the Western Region a Public Service Commission.

(2) The members of the Commission shall be a Chairman and not less than two and not more than four other members, who shall be appointed by the Governor by Instrument under the Public Seal.

(3) A person shall not be qualified for appointment as a member of the Commission if he is a member of a Legislative House, or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Federal Commission, the Police Service Commission of the Federation or the Public Service Commission of any other Region or (unless the Governor otherwise directs) if he is a party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the government of the Western Region:

Provided that the Governor may appoint a person who is not an officer in the public service of the Region to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(4) The office of a member of the Commission shall become vacant—

(*a*) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed;

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

(*c*) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such; or

(*d*) if the Governor directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (*a*) There shall be paid to members of the Commission such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(*b*) The salaries and allowances of the members of the Commission shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) A person who has been appointed under subsection (2) of this section to be a member of the Public Service Commission of the Western Region (other than a member performing only part-time duties, shall not thereafter be appointed to any other office in the public service of the Region.

(8) The powers of the Governor under this section shall be exercised by him after consultation with the Premier of the Western Region.

(9) The Public Service Commission shall make annual reports to the Governor on the exercise of its functions under this Order, which the Governor shall cause to be laid before the Legislative Houses of the Region.

Regulations regarding Public Service Commission of Western Region.

180D. Subject to the provisions of this Order, the Governor of the Western Region after consultation with the Public Service Commission of the Region, may make regulations for giving effect to the provisions of sections 180A to 180C of this Order 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, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(*b*) consultation by the Commission with persons other than members of the Commission;

(*c*) the organisation of the work of the Commission;

(*d*) the delegation to any member of the Commission of any or all of the functions of the Commission;

(*e*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

Appointment etc. of certain officers connected with courts of Western Region.

180E.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices to which this section applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission of the Western Region.

(2) This section applies to the office of magistrate of the Western Region, the office of Chief Registrar or Registrar of the High Court of the Region, the office of Registrar of any magistrate's court established for the Region and to such other offices connected with the courts of the Region as may be prescribed by any law enacted by the Legislature of the Region.

Judicial Service Commission of Western Region.

180F.—(1) There shall be for the Western Region a Judicial Service Commission.

(2) The members of the Commission shall be—

(*a*) the Chief Justice of the Region, who shall be the Chairman of the Commission :

(*b*) such judge of the High Court of the Region as the Governor, after consultation with the Chief Justice, may from time to time select ;

(*c*) the Chairman of the Public Service Commission of the Region ; and

(*d*) one other member appointed in accordance with the provisions of subsection (3) of this section.

(3) The Governor may by Instrument under the Public Seal appoint to be a member of the Commission a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court.

(4) The office of a member of the Commission appointed under subsection (3) of this section shall become vacant—

(*a*) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed ;

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

(*c*) if the Governor so directs.

(5) If the office of the member mentioned in paragraph (*d*) of subsection (2) of this section is vacant or that member is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as such a member to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (*a*) A member of the Commission appointed under subsection (3) of this section may be paid such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of any such member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(*b*) The salary and allowances of a member of the Commission appointed under subsection (3) of this section shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) The powers of the Governor under subsections (3) and (4) of this section shall be exercised by him in his discretion.

Regulations regarding Judicial Service Commission of Western Region.

180G. The provisions of section 180D of this Order shall apply in relation to the Judicial Service Commission of the Western Region as they apply in relation to the Public Service Commission of the Region, and for that purpose references to the Public Service Commission of the Region shall have effect as if they were references to the Judicial Service Commission of the Region.

Appointments etc. of personal staff of Governor of Western Region.

180H.—(1) Power to make appointments (including appointments on promotion and transfer) to the offices for the time being prescribed under subsection (2) of section 224 of this Order as offices constituting the personal staff of the Governor of the Western Region and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion.

(2) Before exercising any of the powers conferred upon him by this section the Governor shall consult the Public Service Commission of the Region:

Provided that he shall not be obliged to consult the Commission in respect of the exercise of any such power in relation to any person who immediately before his appointment as a member of the personal staff of the Governor was not an officer in the public service of the Region if that person is not eligible to receive a pension in respect of his service as a member of that staff.

Appointments of Permanent Secretaries etc. to Western Region.

180I.—(1) Power to make appointments to any office of Permanent Secretary in the Western Region (including appointments on promotion and transfer) shall vest in the Governor.

(2) The powers of the Governor under this section shall be exercised by him acting in his discretion after consultation with the Premier of the Region and the Public Service Commission of the Region:

Provided that appointments to any office of Permanent Secretary upon transfer from another office of Permanent Secretary carrying the same emoluments shall be made by the Governor on the recommendation of the Premier.

(3) The foregoing provisions of this section shall apply in relation to the office of Secretary to the Premier and Executive Council of the Western Region as they apply in relation to the office of Permanent Secretary in the Region.

Reconsideration by Commission.

180J. Before acting on any recommendation made to him by the Public Service Commission or the Judicial Service Commission of the Western Region the Governor, acting in his discretion, may refer the recommendation back to the Commission once for reconsideration.

Application of sections 180A to 180J to Eastern Region.

180K. Section 180A to 180J of the Order shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose—

(*a*) references to the Western Region shall be construed as if they were references to the Eastern Region; and

(*b*) the reference in subsection (3) of section 180I to the office of Secretary to the Premier and Executive Council of the Western Region shall be construed as if it were a reference to the office of Chief Secretary to the Premier of the Eastern Region and the office of Secretary to the Executive Council of that Region.

Provisions of Fifth Schedule to apply to Public Service and Judicial Service Commissions of Western and Eastern Regions.

180L. The provisions contained in the Fifth Schedule to this Order shall have effect with respect to the Public Service Commission and the Judicial Service Commission of the Western Region and the Public Service Commission and the Judicial Service Commission of the Eastern Region.",

(2) The persons holding office as members of the Public Service Commission of the Western Region or members of the Public Service Commission of the Eastern Region immediately before the commencement of this Order shall vacate their offices at the commencement of this Order.

(3) Until such time as provision in that behalf is made in pursuance of subsection (6) of section 180c of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region, as the case may be, established by section 179 of the principal Order.

100. Sections 181 to 187 of the principal Order are revoked.

101. Section 189 of the principal Order is amended—

(*a*) by the deletion from subsection (2) of the words "the Governor of a Region" wherever they occur and the substitution of the words "the Governor of the Northern Region"; and

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

"(3) The powers of the Governor of the Western Region or the Eastern Region under sections 190B, 195 and 197 of this Order shall be exercised by him in his discretion."

102.—(1) The principal Order is amended by the insertion after section 190 of the following sections:—

"Grant of pensions to officers of Western and Eastern Regions on abolition of office, etc.

190A. If an officer in the public service of the Western Region or the Eastern Region retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the department to which he belongs by which greater economy or efficiency may be effected—

(*a*) in the case of an officer who may be granted a pension under any pensions law enacted by the Legislature

of the Region, he may be granted at his option either such benefits as may be granted to him under that law or an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each complete period of three years' pensionable service:

Provided that an additional pension granted to any officer under this section—

(i) shall not exceed ten sixtieths ; and

(ii) shall not exceed the pension for which that officer would have been eligible if he had continued to hold the office held by him at the date of his retirement until he had reached the age of fifty-five years, or, in the case of a judge of the High Court of the Region, sixty-two years, and had then retired having been granted all increments of salary for which he would have been eligible by that date ; and

(*b*) in the case of an officer holding an office that is a pensionable office for the purposes of a pensions law enacted by the Legislature of the Region who has not completed the minimum period of qualifying service required by that law to render him eligible for the grant of a pension, he may be granted at his option either such benefits as may be granted to him under that law or—

(i) a gratuity at the rate of one month's pensionable emoluments for each complete six months of public service ; or

(ii) a pension or gratuity equal to the pension or gratuity that could have been granted to him under that law if that law had not required him to have been in qualifying service for any period to render him eligible for the grant of a pension.

Grant of pensions, etc., to officers of Western and Eastern Regions.

190B.—(1) Subject to the provisions of this section, power to grant benefits under section 190A of this Order, any regulations made under Part 2 of this Chapter or any pensions law enacted by the Legislature of the Region to officers in the public service of the Western Region or the Eastern Region on their retirement or to grant benefits thereunder to any person on the death of any officer in that public service shall vest in the Governor.

(2) If any circumstances arise in which any benefits that may in pursuance of subsection (1) of this section be granted to any person by the Governor of the Western Region or the Eastern Region under any pensions law may, under the provisions of that law, be suspended, reduced in amount or withheld altogether, the Governor, after consultation with the Public Service Commission of the Region, may suspend, reduce or withhold those benefits accordingly and may also in like manner suspend, reduce or withhold any benefits that may be granted under any regulations made under Part 2 of this Chapter or under section 190B of this Order:

Provided that nothing in this section shall empower the Governor to suspend, reduce or withhold any benefits on the ground that a judge of the High Court of the Region has been guilty of misconduct or negligence or any other irregularity.

(3) Subject to the provisions of sections 191 and 191A of this Order, any benefits granted by the Governor of the Western Region or the Eastern Region in pursuance of subsection (1) of this section shall be a charge on the Consolidated Revenue Fund of the Region."

(2) The provisions of subsection (3) of section 190B of the principal Order, as set out in subsection (1) of this section, shall apply in relation to any benefits granted before the commencement of this Order under any regulations made under Part 2 of this Chapter or any pensions law enacted by the Legislature of the Western Region or the Eastern Region as they apply in relation to benefits granted in pursuance of subsection (1) of section 190B of the principal Order.

103. Section 191 of the principal Order (as amended by section 47 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) Any sum that is payable under this section by the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and any sum that is so payable by a Region shall be a charge on the Consolidated Revenue Fund of the Region".

104. Section 191A of the principal Order (as set out in section 48 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) Any sum that is payable under this section by the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and any sum that is so payable by a Region shall be a charge on the Consolidated Revenue Fund of the Region."

105. Section 221 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is amended—

(*a*) by the deletion from subsection (1) of the words after the words "a liability of the Federation" in paragraph (*a*) and the substitution of the words "and accordingly shall form part of the public debt of the Federation";

(*b*) by the deletion from subsection (2) of the words after the words "the Northern Region" in paragraph (*a*) and the substitution of the words "and accordingly shall form part of the public debt of that Region";

(*c*) by the deletion from subsection (2) of the words after the words "the Western Region" in paragraph (*b*) and the substitution of the words "and accordingly shall form part of the public debt of that Region"; and

(*d*) by the deletion of the words after the words "the Eastern Region" in paragraph (*c*) and the substitution of the words "and accordingly shall form part of the public debt of that Region".

106.—(1) The principal order is amended by the insertion after section 222 (as set out in section 51 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following sections :—

"Compulsory acquisition of property.

223.—(1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in a Region except by or under the provisions of a law which, of itself or when read with any other law in force in the Region—

(*a*) requires the payment of adequate compensation therefor;

(*b*) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court of the Region;

(*c*) gives to any party to proceedings in the High Court of the Region relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(2) (*a*) Nothing in this section shall affect the operation of any existing law.

(*b*) In this subsection the expression "existing law" means a law in force on the thirty-first day of March, 1958, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not,

(i) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired ; or

(ii) add to the purposes for which or circumstances in which such property may be taken possession of or acquired ; or

(iii) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owning or interested in the property ; or

(iv) deprive any person of any right such as is mentioned in paragraph (*b*) or paragraph (*c*) of subsection (1) of this section.

(3) Nothing in this section shall be construed as affecting any general law—

(*a*) for the imposition or enforcement of any tax, rate or due ; or

(*b*) for the imposition of penalties or forfeitures for breach of the law whether under civil process or after conviction of an offence ; or

(*c*) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts ; or

(*d*) relating to the vesting and administration of the property of persons adjudged bankrupt or otherwise declared insolvent, of persons of unsound mind, of deceased persons, and of companies, other corporate bodies and unincorporate societies in the course of being wound up; or

(*e*) relating to the execution of judgments or orders of courts; or

(*f*) providing for the taking of possession of property which is in a dangerous state or is injurious to the health of human beings, plants or animals; or

(*g*) relating to enemy property; or

(*h*) relating to trusts and trustees; or

(*i*) relating to the limitation of actions; or

(*j*) relating to property vested in statutory corporations; or

(*k*) relating to the temporary taking of possession of property for the purposes of any examination, investigation or inquiry; or

(*l*) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply to the compulsory taking of possession of property, movable or immovable, and the compulsory acquisition of rights over and interests in such property by or on behalf of the Crown.

(5) The provisions of this section shall apply in relation to the Southern Cameroons and Lagos as they apply in relation to a Region and for that purpose references in subsection (1) to a Region shall be construed as if they were references to the Southern Cameroons or to Lagos, as the case may be.

Emoluments of Governors of Western and Eastern Regions etc.

224.—(1) There shall be paid to the Governor and the Deputy Governor of the Western Region or the Eastern Region such salaries and allowances as may be prescribed by any law enacted by the Legislature of the Region:

Provided that the salary, allowances and other conditions of service of a Governor or a Deputy Governor shall not be altered to his disadvantage during his continuance of office.

(2) The Governor of the Western Region or the Eastern Region may, with the concurrence of the Premier of the Region, prescribe by Order published in the Official Gazette of the Region the offices that are to constitute the personal staff of the Governor, the emoluments to be paid to the members of the personal staff of the Governor and the other sums to be paid in respect of the expenditure attaching to the office of Governor.

(3) Any salaries or other sums prescribed under subsection (1) or subsection (2) of this section shall be a charge on the Consolidated Revenue Fund of the Region.

(4) For the purposes of subsection (1) of this section "Governor" means the person holding the office of

Governor and "Deputy Governor" means the person holding the office of Deputy Governor and includes any person lawfully discharging the functions of that office.

Director of Audit of Western and Eastern Regions.

225.—(1) There shall be a Director of Audit for the Western Region, who shall be appointed by the Governor after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service.

(2) If the office of Director of Audit of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Premier and the Public Service Commission.

(3) (*a*) There shall be paid to the Director of Audit of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(*b*) The salary and allowances of the Director of Audit of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of office of Director of Audit of Western and Eastern Regions.

226.—(1) Subject to the provisions of section 227 of this Order, the Director of Audit of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Governor; and

(*b*) the Governor, after consultation with the Premier of the Region and the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Audit of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of Director of Audit of Western or Eastern Regions.

227.—(1) The Director of Audit of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) The Director of Audit of the Western Region or the Eastern Region may be removed from office by the Governor by Order under the Public Seal if the Governor, after consultation with the Premier of the Region, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

Director of Public Prosecutions of Western and Eastern Regions.

228.—(1) There shall be a Director of Public Prosecutions for the Western Region, who shall be appointed by the Governor on the recommendation of the Public Service Commission of the Region.

(2) A person shall be qualified to be appointed Director of Public Prosecutions of the Western Region if he is qualified to be appointed a judge of the High Court of the Region and no other person shall be qualified to be so appointed.

(3) If the office of Director of Public Prosecutions of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting on the recommendation of the Public Service Commission of the Region, may appoint a person who is qualified to act as a judge of the High Court of the Region to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, acting on the recommendation of the Public Service Commission.

(4)—(*a*) There shall be paid to the Director of Public Prosecutions of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law:

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(*b*) The salary and allowances of the Director of Public Prosecutions of the Western Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of office of Director of Public Prosecutions of Western and Eastern Regions.

229.—(1) Subject to the provisions of section 230 of this Order, the Director of Public Prosecutions of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Governor; and

(*b*) the Governor, after consultation with the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Public Prosecutions of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of Director of Public Prosecutions of Western or Eastern Region.

230.—(1) The Director of Public Prosecutions of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) The Director of Public Prosecutions of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under subsection (3) of this section and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing the Director of Public Prosecutions of the Region from office for inability as aforesaid or misbehaviour ought to be investigated then—

(*a*) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(*b*) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the question of removing the Director of Public Prosecutions of the Western Region or the Eastern Region from office has been referred to a tribunal under subsection

(3) of this section, the Governor, acting in his discretion, may suspend the Director from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

Powers of Attorney-General of Federation in relation to prosecutions.

231.—(1) The Attorney-General of the Federation shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in a Region in respect of any offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177C of this Order alleged to have been committed by that person;

(*b*) to institute and undertake criminal proceedings against any person before any civil court in any part of Nigeria other than a Region in respect of any offence alleged to have been committed by that person;

(*c*) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(*d*) to discontinue at any stage before judgment is delivered any criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Federation under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Northern Region or the Director of Public Prosecutions of the Western Region or the Eastern Region may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Federation may by writing under his hand confer a general or special authority upon the Attorney-General of the Northern Region, or the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section, in relation to prosecutions before the courts of those Regions.

(4) The Attorney-General of the Federation may by writing under his hand authorize the Legal Secretary of the Southern Cameroons to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section in relation to prosecutions before the courts of the Southern Cameroons.

(5) An authority given under subsection (3) or subsection (4) of this section may be revoked by the Attorney-General of the Federation at any time.

(6) The powers conferred upon the Attorney-General by paragraphs (*c*) and (*d*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(7) In the exercise of the powers conferred upon him by this section the Attorney-General of the Federation shall not be subject to the direction or control of any other person or authority.

Powers of Attorney-General of Northern Region in relation to prosecutions.

232.—(1) The Attorney-General of the Northern Region shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order, alleged to have been committed by that person;

(*b*) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(*c*) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Northern Region under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Northern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section.

(4) An authority given under subsection (3) of this section may be revoked by the Attorney-General of the Northern Region at any time.

(5) The powers conferred upon the Attorney-General of the Northern Region by paragraphs (*b*) and (*c*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at

the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Attorney-General of the Northern Region shall not be subject to the direction or control of any other person or authority.

Powers of Director of Public Prosecutions in Western and Eastern Regions.

233.—(1) The Director of Public Prosecutions of the Western Region or the Eastern Region shall have power, in any case in which he considers it desirable so to do—

(*a*) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order, alleged to have been committed by that person;

(*b*) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(*c*) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecutions of the Western Region or the Eastern Region under subsection (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Director of Public Prosecutions of the Western Region or the Eastern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by subsection (1) of this section.

(4) An authority given under subsection (3) of this section may be revoked by the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, at any time.

(5) The powers conferred upon the Director of Public Prosecutions of the Western Region or the Eastern Region by paragraphs (*b*) and (*c*) of subsection (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Director of Public Prosecutions of the Western Region or the Eastern Region shall not be subject to the direction or control of any other person or authority.

Establishment of Provincial Administrations in Northern Region.

234.—(1) The Governor of the Northern Region may, by Instrument under the Public Seal, establish for any Province of that Region a Provincial Administration.

(2) A Provincial Administration established under this section shall have such functions as may be prescribed by the Instrument by which it is established or by or under any law and shall consist of—

(*a*) a Provincial Administrator, who shall be an officer in the public service of the Region;

(*b*) a Provincial Authority, which shall consist of the Provincial Administrator, who shall be the Chairman, and such other members as may be prescribed in that Instrument; and

(*c*) a Provincial Council, which shall consist of such members as may be prescribed in that Instrument.

Northern Council of Chiefs.

235.—(1) There shall be, for the Northern Region, a Council of Chiefs, which shall be styled the Northern Council of Chiefs.

(2) The members of the Northern Council of Chiefs shall be—

(*a*) the Premier of the Northern Region;

(*b*) those Regional Ministers who have been appointed as such from among the members of the Northern House of Chiefs;

(*c*) the persons for the time being co-opted as members of the Council in accordance with subsection (3) of this section.

(3) Whenever any matter is about to be discussed in the Northern Council of Chiefs, the Governor, after consultation with those members of the Council who are Regional Ministers, shall co-opt four persons from among the members of the Northern House of Chiefs mentioned in paragraphs (*a*) and (*b*) of section 7 of this Order to be members of the Council for the purpose of discussing that matter.

(4) The Governor shall preside at meetings of the Northern Council of Chiefs and, subject to the provisions of subsection (5) of this section, shall decide in his discretion what business is to be proposed from time to time for transaction in the Council.

(5) The Governor shall consult with the Northern Council of Chiefs in the exercise of all powers conferred upon him with respect to—

(*a*) the appointment, approval of the appointment or recognition of a person as a Chief;

(*b*) the grading of a Chief;

(*c*) the deposition of a Chief ;

(*d*) the removal of a Chief or a person who was formerly a Chief from any part of the Northern Region ; and

(*e*) the exclusion of a Chief or any person who was formerly a Chief from any part of the Northern Region.

House of Chiefs of Southern Cameroons.

236.—(1) There shall be, for the Southern Cameroons, a House of Chiefs, which shall be styled the House of Chiefs of the Southern Cameroons.

(2) The members of the House of Chiefs of the Southern Cameroons shall be—

(*a*) the Commissioner of the Cameroons who shall be the President of the House ;

(*b*) not less than eighteen members selected for membership of the House in accordance with regulations made under subsection (4) of this section ; and

(*c*) those members of the Executive Council of the Southern Cameroons who are members of the House of Assembly of the Southern Cameroons.

(3) The number of members of the House of Chiefs of the Southern Cameroons to be selected under paragraph (*b*) of subsection (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner of the Cameroons, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner of the Cameroons, acting in his discretion, may by regulation—

(*a*) make provision for the selection of persons to be members of the House of Chiefs of the Southern Cameroons in accordance with the foregoing provisions of this section ;

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

(*c*) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House ;

(*d*) make provision for the regulation and orderly conduct of the proceedings of the House.

(5) (*a*) The House of Chiefs of the Southern Cameroons may consider and discuss any Bill introduced in the House of Assembly of the Southern Cameroons, not being a Bill that the Commissioner of the Cameroons, acting in his discretion, certifies in writing to be a money Bill, or the draft of any such Bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such Bill or draft Bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly of the Southern Cameroons.

(*b*) In this subsection " a money Bill " means a Bill that, in the opinion of the Commissioner, contains only provisions

dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.".

(2) The persons holding office immediately before the commencement of this Order as Director of Audit of the Western Region and Director of Audit of the Eastern Region shall be deemed to have been appointed as such at the commencement of this Order under section 225 of the principal Order, as set out in subsection (1) of this section.

(3) Until such time as provision in that behalf is made in pursuance of subsection (1) of section 224 of the principal Order or subsection (3) of section 225 of the principal Order, as set out in subsection (1) of this section, there shall be paid to the Governor and the Deputy Governor of the Western Region and the Director of Audit of that Region and the Governor and the Deputy Governor of the Eastern Region and the Director of Audit of that Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

107. 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, and section 50 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from Part II of item 9.

108. The Fourth Schedule to the principal Order (as amended by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and section 52 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of the words "(or in the case of a judge of the High Court sixty-two years)" in the proviso to paragraph 2 and the substitution of the words "(or in the case of a judge of the Federal Supreme Court sixty-five years or in the case of a judge of the High Court of the Northern Region or the High Court of Lagos sixty-two years)".

109. The principal Order is amended by the insertion after the Fourth Schedule of the provisions set out in the Schedule to this Order.

Adaptation of existing laws

110.—(1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions: and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

W. G. Agnew.

Section 109

THE SCHEDULE

PROVISIONS TO BE INSERTED AS FIFTH SCHEDULE TO NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1954

"Section 180L

FIFTH SCHEDULE

OFFENCES CONNECTED WITH PUBLIC SERVICE AND JUDICIAL SERVICE COMMISSIONS OF WESTERN AND EASTERN REGIONS

Supplying false information

1. Any person who, in connection with any application by any person for employment or promotion in the public service of the Region or with any matter upon which it is the duty of the Commission to advise the Governor, wilfully gives to the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any member thereof, or to any person or body of persons appointed by any regulation to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence.

Unauthorised disclosure or use of information

2.—(1) Neither the Chairman nor any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region nor any other person shall, otherwise than in the execution of his official duties or with the written permission of the Governor, publish or disclose to any person other than a public officer in the course of his duties as such the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in respect of any matter referred to the Commission.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of sub-paragraph (1) of this paragraph publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution or proceedings under this Schedule, he shall be guilty of an offence.

Improper influence

3. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever improperly influences or attempts to influence the Chairman or any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any person upon whom a power is conferred under section 180B of this Order shall be guilty of an offence:

Provided that nothing in this paragraph shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance at the request of the Commission.

Improperly receiving gifts

4. If the Chairman or any other member of the Public Service Commission or Judicial Service Commission of the Western Region or the Eastern Region receives any gift, or accepts the promise of any gift, of any kind whatsoever in connection with the performance of his duties he shall be guilty of an offence.

Penalties

5. Any person guilty of an offence under this Schedule shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment."

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, in a number of respects in order to give effect to certain recommendations of the Nigeria Constitutional Conference held in London in May and June, 1957.

1958 No. 1257

The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958

Made - - - -	30*th July*, 1958
Laid before Parliament	7*th August*, 1958
Coming into Operation	8*th August*, 1958

At the Court at Buckingham Palace, the 30th day of July, 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. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957(b), and the Nigeria (Constitution) (Amendment) Order in Council, 1958(c).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 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).