NIGERIA

The Nigeria (Constitution) Order in Council, 1951

1951 No. 1172

Made - - - -	*29th June*, 1951
Laid before Parliament	*29th June*, 1951
Coming into Operation	
Provisions referred to in subsection (2) of section 3 - - -	*30th June*, 1951
Remainder—	*On a date or dates to be appointed by the Governor under section 3.**

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At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by the Nigeria (Legislative Council) Orders in Council, 1946 to 1949(a), there is established a Legislative Council in and for the Colony and the Protectorate of Nigeria, and the Cameroons under United Kingdom Trusteeship (which territories are hereinafter together referred to as " Nigeria "):

And Whereas an Executive Council is established in and for the Colony of Nigeria by the Nigeria Letters Patent, 1946 to 1949(b), and it is provided by the Nigeria (Protectorate and Cameroons) Order in Council, 1946(c) (as amended by the Nigeria (Protectorate and Cameroons) Order in Council, 1948(d), and the Nigeria (Protectorate and Cameroons) Order in Council, 1949)(e) that the said Council shall also be the Executive Council of the Protectorate and the Cameroons:

And Whereas it is expedient to make other provision for the matters aforesaid and generally for the Government of Nigeria:

And Whereas it is intended that there should be a Lieutenant-Governor in and over each of the three Regions of Nigeria as defined by, or in pursuance of, this Order:

Now, therefore, His Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(f), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

CHAPTER I

PRELIMINARY

PART 1.—INTERPRETATION, COMMENCEMENT AND REVOCATIONS

Interpretation

1.—(1) In this Order, unless it is otherwise expressly provided, or required by the context—

" the Cameroons " means the Cameroons under United Kingdom Trusteeship as defined by the Protectorate and Cameroons Order or any Order of His Majesty in Council amending or replacing that Order;

" Central Bill " means a Bill introduced in the House of Representatives;

" Central law " means any enactment of the Central Legislature;

" the Central Legislature " means the authority empowered by Part 1 of Chapter IV of this Order to make laws for the peace, order and good government of Nigeria;

" the Colony " means the Colony of Nigeria;

(a) S.R. & O. 1946 (No. 1370) I, p. 576, S.I. 1949 (No. 2001) I, p. 1853.
(b) S.R. & O. 1946, I, p. 2344, S.I. 1949, p. 4748.
(c) S.R. & O. 1946 (No. 1352) I, p. 572.
(d) S.I. 1948 (No. 2072) I, p. 1343. (e) S.I. 1949 (No. 2003) I, p. 1856.
(f) 53 & 54 Vict. c. 37.

" Division " means an area declared to be a Division by Proclamation issued under Section 6 of this Order or by any Proclamation or declaration having effect as if it had been issued or made under that section ;

" election " means an election of members to a House of Assembly and, in the case of an indirect election, includes any stage of such election ;

" elector " means a person who is an elector for the purposes of any election ;

" the existing Executive Council " means the Executive Council established by the Nigeria Letters Patent, 1946 to 1949 ;

" the Gazette " means the official Gazette of Nigeria ;

" the Governor " means the Governor and Commander-in-Chief of Nigeria and includes the Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy ;

" House of Chiefs " and " House of Assembly " mean, respectively, a House of Chiefs and a House of Assembly established by Chapter II of this Order ;

" meeting " means any sitting or sittings of the House of Representatives or of any Regional Legislative House, commencing when the House first meets after being summoned at any time and terminating when the House is adjourned *sine die* or at the conclusion of a session ;

" Minister " means a person appointed as such under Chapter VI, and " Regional Minister " means a person appointed as such under Chapter V, of this Order ;

" Nigeria " means the Colony and Protectorate together with the Cameroons ;

" the Protectorate " means the Protectorate of Nigeria as defined by the Protectorate and Cameroons Order or any Order of His Majesty in Council amending or replacing that Order ;

" the Protectorate and Cameroons Order " means the Nigeria (Protectorate and Cameroons) Order in Council, 1946, as amended by the Nigeria (Protectorate and Cameroons) Order in Council, 1948, and the Nigeria (Protectorate and Cameroons) Order in Council, 1949 ;

" public office " means any office of emolument in the public service ;

" public officer " means the holder of any public office and includes any person appointed to act in any such office ;

" the Public Seal " means the Public Seal of Nigeria ;

" the public service " means the service of the Crown in respect of the Government of Nigeria or any part thereof ;

" Province " means any area declared to be a Province by Proclamation issued under section 6 of this Order or by any Proclamation or declaration having effect as if it had been issued or made under that section ;

" Region " means a Region of Nigeria as defined by or under Section 5 of this Order ;

" Regional Bill " means a Bill introduced in any Regional Legislative House ;

" Regional law " means any enactment of a Regional Legislature ;

" Regional Legislative House " means a House of Chiefs or a House of Assembly ;

" Regional Legislature " means an authority empowered by Part 2 of Chapter IV of this Order to make laws for the peace, order and good government of a Region and any reference to the legislature of a Region shall be construed as a reference to the Regional Legislature established for that Region ;

" Representative Member " means a Representative Member of the House of Representatives ;

" Secretary of State " means one of His Majesty's Principal Secretaries of State ;

" session " means the sittings of the House of Representatives or of any Regional Legislative House commencing when the House first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the House is prorogued or is dissolved without having been prorogued ;

" sitting " means a period during which the House of Representatives or any Regional Legislative House is sitting continuously without adjournment, and includes any period during which the House is in committee ;

" the township of Calabar " means the township of Calabar as delimited under the Townships Ordinance or any law amending or replacing that ordinance ; and

" the town of Lagos " means the town of Lagos as delimited under the Lagos Local Government Ordinance, 1950, or any law amending or replacing that ordinance.

(2) In this Order, unless it is otherwise expressly provided, or required by the context—

(*a*) any reference to His Majesty's dominions shall be construed as including a reference to all territories under His Majesty's protection or in which His Majesty has for the time being jurisdiction ;

(*b*) any reference to the Legislative Houses of a Region—

(i) in the case of the Northern or Western Region, shall be construed as a reference to the Regional Legislative Houses established in and for that Region ; and

(ii) in the case of the Eastern Region shall (notwithstanding that such reference may be an express reference to both of such Legislative Houses) be construed as a reference to the Eastern House of Assembly ;

(*c*) 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 ;

(*d*) any reference to the commencement of Chapters II to IV, or to the commencement of Chapters V to VII, of this Order shall be construed as a reference to the commencement of those provisions of the said Chapters which are to be brought into operation by the Governor under Section 3 of this Order ;

(*e*) any reference to the Lieutenant-Governor of a Region shall, if that office has been established by His Majesty, be construed as a reference to the person for the time being holding, or acting in, that office, and shall, if that office has not been so established, be construed as a reference to such public officer as the Governor, acting in his discretion, may by Order appoint to discharge the functions of Lieutenant-Governor of such Region ;

(*f*) the expression "Lieutenant-Governor", when used in relation to any Region, or in relation to any body or office established in and for any Region, or in relation to any person who is a member of a body, or holds or is acting in an office, established in and for any Region, shall be construed as a reference to the Lieutenant-Governor of such Region.

(3) Until such time as a Public Seal has been provided for any Region and the Governor has directed that such Seal should be used, any reference in this Order to the Public Seal of such Region shall be construed as a reference to such stamp or other mark as may be approved by the Governor for use as the Public Seal of such Region.

(4) For the purposes of this Order an Elected Member of a House of Assembly shall be held to represent a Province or Division in such House if he has been elected thereto either in respect of such Province or Division as a whole or in respect of any part of such Province or Division.

(5) (*a*) For the purposes of this Order 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 service under the Crown; and if it shall be declared by any law in force in Nigeria that an office shall not be an office of emolument under the Crown for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted therein.

(*b*) For the purposes of this Order a person shall not be considered to be a public officer or otherwise to hold office of emolument under the Crown by reason of the fact that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of the office of Minister, Regional Minister, President of the Northern or Western House of Assembly or Vice-President of the Eastern House of Assembly.

(6) For the avoidance of doubts it is hereby declared that any person, whose seat in any legislative house, council or other body established by this Order has become vacant, may, if qualified, again be appointed or elected as a member of such house, council or other body from time to time.

(7) This Order shall be construed—

(*a*) as if subsection (1) of Section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(*b*) as if subsection (2) of Section 3 of the British Nationality Act, 1948(**b**) (as interpreted by subsection (1) of Section 3 of the Ireland Act, 1949)(**c**) and subsection (2) of Section 3 of the Ireland Act, 1949(**c**), applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(8) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(**d**), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

(**a**) 12, 13 & 14 Geo. 6. c. 92.
(**b**) 11 & 12 Geo. 6. c. 56.
(**c**) 12, 13 & 14 Geo. 6. c. 41.
(**d**) 52 & 53 Vict. c. 63.

Short title

2. This Order may be cited as the Nigeria (Constitution) Order in Council, 1951.

Commencement

3.—(1) Save as otherwise provided by subsection (2) of this section, this Order shall come into operation on such date as the Governor, acting in his discretion, may by Proclamation appoint:

Provided that

(*a*) the Governor may appoint one date for the commencement of Chapters II to IV (other than the provisions thereof which are mentioned in subsection (2) of this section) and a later date for the commencement of Chapters V to VII (other than the provisions thereof which are mentioned in subsection (2) of this section); and

(*b*) the Lieutenant-Governors may at any time after the commencement of this Chapter exercise the powers conferred on them by paragraph (*b*) of subsection (4) of Section 125, paragraph (*b*) of subsection (4) of Section 126 and paragraph (*b*) of subsection (4) of Section 127, of this Order respectively.

(2) The following provisions of this Order shall come into operation on the day after the day on which this Order is laid before both Houses of Parliament, that is to say:—this Chapter, subsection (2) of Section 14, Sections 25 and 56, Part 7 of Chapter II, and Sections 75, 128, 133, 149, 150, 151 and 155.

Revocations

4. Without prejudice to anything lawfully done thereunder—

(*a*) the Nigeria (Electoral Provisions) Order in Council, 1951(**a**), is hereby revoked as from the commencement of this Chapter; and

(*b*) the Nigeria (Legislative Council) Order in Council, 1946(**b**), and the Nigeria (Legislative Council) (Amendment) Order in Council, 1949(**c**), are hereby revoked as from the commencement of Chapters II to IV of this Order.

PART 2.—TERRITORIAL DIVISIONS

Regions

5.—(1) Nigeria shall be divided into three Regions which shall be known, respectively, as the Northern Region, the Western Region and the Eastern Region.

(2) (*a*) The Governor, acting in his discretion, may by Proclamation, with the approval of a Secretary of State, define and from time to time vary the boundaries of any Region.

(*b*) Until it is otherwise provided by Proclamation issued under this subsection, the three Regions shall respectively comprise the territory specified opposite their names in paragraph 1 of the First Schedule to this Order.

Provinces and Divisions

6.—(1) The Governor, by Proclamation, may divide a Region into areas and declare any such area to be a Province or a Division for the purposes of this Order and any regulations made under this Order.

The town of Lagos shall be declared to be a Division in pursuance of this section.

(**a**) S.I. 1951 No. 612. (**b**) S.R. & O. 1946 (No. 1370) I, p. 576.
(**c**) S.I. 1949 (No. 2001) I, p. 1853.

(2) The Governor may, by subsequent Proclamation, amend, add to, or revoke any Proclamation issued under this section.

(3) Any Proclamation issued or declaration made under Section 3 of the Nigeria (Electoral Provisions) Order in Council, 1951(a), shall, if in force immediately before the revocation of that Order, continue in force and have effect as if it had been issued or made under this section and may be amended, added to, or revoked accordingly.

(4) The powers conferred on the Governor by this section shall be exercised by him in his discretion.

Division of Regions

7.—(1) (*a*) Subject to the provisions of this Order, the Governor, by directions in writing, may divide any Region, in such manner as he may think fit, for any purpose for which special provision is not made elsewhere in this Order.

(*b*) The Governor may, by subsequent directions in writing, revoke or vary any directions given under this section.

(2) Until it is otherwise provided by directions given under this section or by other lawful authority, any division of the territory comprised in any Region, which is in force for any purpose immediately before the commencement of this Chapter, shall, subject to the provisions of this Order, continue in force for that purpose.

(3) The powers conferred by this section on the Governor shall be exercised by him in his discretion.

PART 3.—TRANSITIONAL

Transitional provisions with respect to elections, selections and appointments

8.—(1) At any time after the commencement of this Chapter and before the commencement of Chapters II to IV of this Order—

(*a*) registration of electors may take place and elections may be commenced and carried on, and

(*b*) selections of Chiefs to be Members of the Northern or Western House of Chiefs may be commenced and carried on,

in accordance with the provisions of the said Chapters II to IV as if the said Chapters II to IV were fully in operation ; but the election of any person who is elected as a Member of a House of Assembly, or the selection of any person who is selected as a Member of a House of Chiefs, before the commencement of the said Chapters II to IV shall have effect only as from the commencement of the said Chapters II to IV.

(2) At any time after the commencement of Chapters II to IV, and before the commencement of Chapters V to VII, of this Order, Regional Ministers and Ministers may be appointed in accordance with the provisions of the said Chapters V to VII as if the said Chapters V to VII were fully in operation ; but any such appointment which is made before the commencement of the said Chapters V to VII shall have effect only as from the commencement of the said Chapters V to VII.

(3) For the avoidance of doubts it is hereby declared that—

(*a*) a person may be recognised as a Chief in the Northern Region in accordance with the provisions of Section 14 of this Order, and

(a) S.I. 1951 No. 612.

(*b*) a Chief, as defined in the said section, may be graded as a first-class Chief under the enactment referred to in the said section,

at any time after the commencement of this Chapter notwithstanding that Chapters II to IV of this Order may not yet be fully in operation.

Exercise of powers by Governor or Lieutenant-Governor before commencement of Chapters V to VII

9.—(1) Whenever the Governor, or a Lieutenant-Governor, has occasion, before the commencement of Chapters V to VII of this Order, to exercise any power conferred on him by this Order which is not a discretionary power, he may exercise such power as if it were a discretionary power.

(2) In this section " a discretionary power " means a power which the Governor, or a Lieutenant-Governor, is by this Order directed or empowered to exercise in his discretion.

Provisions to give effect to Order

10.—(1) The Governor may by Order, at any time within twelve months after the commencement of this Chapter, make such provision as appears to him necessary or expedient for the purpose of bringing existing instruments into accord with the provisions of this Order or otherwise for giving effect, or enabling effect to be given, to those provisions; and in particular and without prejudice to the generality of the foregoing power the Governor may by such Orders—

(*a*) modify, add to or adapt any provisions in existing instruments which refer, in whatever terms, to the Legislative Council, the existing Executive Council, the Governor in such Executive Council, or the Members of either of those Councils, or to the Northern Provinces, the Southern Provinces, the Western Provinces or the Eastern Provinces;

(*b*) provide for the transfer of functions, powers and duties conferred or imposed by existing Instruments upon any person or authority to such other person or authority as may be specified by such Orders;

(*c*) provide for the interpretation and proof of laws of a Regional Legislature; and

(*d*) declare that any office shall not be an office of emolument under the Crown for all or any of the purposes of this Order.

(2) An Order made under this section—

(*a*) may be given retrospective operation to a date not earlier than the date of the commencement of this Chapter;

(*b*) shall be published in the Gazette, and shall thereupon have the force of law and shall take effect on the date specified therein or in any other such Order; and

(*c*) may be amended, added to or revoked by a further Order made under this section or by other competent authority.

(3) In this section " existing instruments " means ordinances, rules, regulations, bye-laws, proclamations, orders, licences, permits and other enactments and instruments having the force of law, or issued in pursuance of statutory powers, and in force in Nigeria at the date of the Order by which they are affected.

Additions to Fourth Schedule

11. A Central law may add any matter to the matters mentioned in the Fourth Schedule to this Order or may remove from the said Schedule any matter so added.

Removal of difficulties

12.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section later than the thirtieth day of June, 1953.

(2) Any Order made under this section may be amended, added to or revoked by a further Order, and may be given retrospective effect to a date not earlier than the date of this Order.

Power reserved to His Majesty.

13.—(1) His Majesty hereby reserves to Himself, His Heirs and Successors power, with the advice of His or Their Privy Council, to amend, add to or revoke this Order as to Him or Them shall seem fit.

(2) Nothing in this Order shall affect the power of His Majesty in Council to make laws from time to time for the peace, order and good government of Nigeria.

CHAPTER II

THE REGIONAL LEGISLATIVE HOUSES

PART 1.—THE NORTHERN REGION

Interpretation

14.—(1) Subject to the provisions of subsection (2) of this section, in this Part—

" Chief " means any person who is, for the time being, recognised as a Chief in the Northern Region by the Governor acting in his discretion ;

" first-class Chief " means any Chief (as defined by this section) who is, for the time being, graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance or any enactment amending or replacing that ordinance ;

" the House of Chiefs " means the Northern House of Chiefs ; and

" the House of Assembly " means the Northern House of Assembly.

(2) Any person who, immediately before the commencement of Chapter I of this Order, is a person recognised by the Governor as a Chief in the Northern Region or, being so recognised, is a person graded as a first-class Chief under the enactment referred to in subsection (1) of this section, shall, unless and until the Governor, acting in his discretion, withdraws such recognition or such person ceases to be so graded, be deemed to be a Chief or a first-class Chief for the purposes of this Part.

Legislative Houses

15. There shall be, in and for the Northern Region, two Legislative Houses which shall be styled, respectively, the Northern House of Chiefs and the Northern House of Assembly.

Northern House of Chiefs

Composition of Northern House of Chiefs

16. The Northern House of Chiefs shall consist of—

(*a*) the Lieutenant-Governor, who shall be the President of the House;

(*b*) three Official Members;

(*c*) all first-class Chiefs;

(*d*) thirty-seven Chiefs, other than first-class Chiefs, who shall be selected for membership of the House in accordance with regulations made under Section 56 of this Order; and

(*e*) an adviser on Moslem law.

Official Members

17. The Official Members of the House of Chiefs shall be persons who are public officers and shall be appointed by the Lieutenant-Governor, acting in his discretion, by writing under the Public Seal of the Region. Any such member may be appointed either by name or by reference to his office.

Adviser on Moslem Law

18.—(1) The following provisions of this subsection shall have effect with respect to the adviser on Moslem law, that is to say:—

(*a*) He shall be appointed by the Lieutenant-Governor by Instrument under the Public Seal of the Region.

(*b*) He shall hold his seat in the House of Chiefs at the pleasure of the Lieutenant-Governor and shall in any case cease to be a member of the said House upon a dissolution thereof, or previously thereto if his seat becomes vacant under the provisions of this subsection.

(*c*) His seat in the House of Chiefs shall become vacant upon his death or if, by writing under his hand addressed to the Lieutenant-Governor, he resigns the said seat.

(*d*) He shall not be entitled to vote in the House of Chiefs, including any committee thereof.

(2) (*a*) If the Lieutenant-Governor is of the opinion that the adviser on Moslem law is, for any reason, temporarily incapable of discharging his functions as such, he may, by Instrument under the Public Seal of the Region, appoint a person to discharge those functions temporarily.

(*b*) A person appointed under this subsection shall, so long as his appointment subsists, be deemed to be the adviser on Moslem law and, subject to the provisions of this subsection, the provisions of this Order shall have effect accordingly.

(*c*) An appointment made under this subsection shall cease to have effect if the Lieutenant-Governor notifies the person appointed that some other person is about to assume or resume the functions of adviser on Moslem law.

(3) The powers conferred by this section on the Lieutenant-Governor shall be exercised by him in his discretion.

(4) Unless it is otherwise expressly provided, none of the following provisions of this Order shall be construed as applying or referring to, or having any effect with respect to, the adviser on Moslem law.

Northern House of Assembly

Composition of Northern House of Assembly

19. The Northern House of Assembly shall consist of—

(*a*) a President;

(*b*) four Official Members;

(*c*) ninety Elected Members; and

(*d*) such Special Members as may be appointed under the provisions of Section 23 of this Order.

President

20. The President of the House of Assembly shall be a person who is not an Official, Elected or Special Member of that House and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

Official Members

21. The Official Members of the House of Assembly shall be persons who are public officers and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

Any such member may be appointed either by name or by reference to his office.

Elected Members

22. The Elected Members of the House of Assembly shall be persons qualified for election in accordance with the provisions of this Order and elected in accordance with regulations made under Part 7 of this Chapter.

Special Members

23. The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons to be Special Members of the House of Assembly to represent interests or communities which, in his opinion, are not otherwise adequately represented in that House:

Provided that the number of such members shall not at any time exceed ten.

PART 2.—THE WESTERN REGION

Interpretation

24. In this Part, unless it is otherwise expressly provided or required by the context—"Chief" means any person who is for the time being recognised as a Chief in pursuance of Section 25 of this Order and "Head Chief" means any person who is for the time being designated as a Head Chief in pursuance of that section; "the House of Assembly" means the Western House of Assembly; and "the House of Chiefs" means the Western House of Chiefs.

Recognition of Chiefs and designation of Head Chiefs

25.—(1) The Lieutenant-Governor of the Western Region may—

(*a*) recognise persons as Chiefs for the purposes of this Order;

(*b*) designate as a Head Chief for the purposes of this Order any person whom he so recognises as a Chief; and

(*c*) withdraw any such recognition and revoke any such designation as aforesaid.

(2) In deciding whether to recognise any person as a Chief in pursuance of this section the Lieutenant-Governor shall have regard to whether such person holds a title which is associated with any part of the territory comprised in the Western Region or with any community, or class or group of persons, therein.

(3) In recognising any person as a Chief in pursuance of this section, the Lieutenant-Governor shall specify a Division of the Western Region in respect of which such person is so recognised ; and such person shall, for the purposes of this Order, be deemed to be a Chief, and, if so designated, a Head Chief, in that Division.

(4) (*a*) The powers conferred by the section on Lieutenant-Governor shall be exercised by him in his discretion.

(*b*) The decision of the Lieutenant-Governor, in the exercise of the powers aforesaid,

(i) to recognise a person as a Chief or designate a Chief as a Head Chief, or

(ii) to withhold, withdraw or revoke any such recognition or designation, or

(iii) to recognise a person as a Chief in respect of a particular Division,

shall be final, and shall not be called in question in any court.

Legislative Houses

26. There shall be, in and for the Western Region, two Legislative Houses, which shall be styled, respectively, the Western House of Chiefs and the Western House of Assembly.

Western House of Chiefs

Composition of Western House of Chiefs

27. The Western House of Chiefs shall consist of—

(*a*) the Lieutenant-Governor, who shall be the President of the House ;

(*b*) three Official Members ; and

(*c*) such Head Chiefs and other Chiefs as are referred to in Section 28 of this Order.

Head Chiefs and Chiefs

28.—(1) In this section—

" Chief " includes " Head Chief " ; and

" prescribed " means prescribed by regulations made under Section 56 of this Order.

(2) The Chiefs who are members of the House of Chiefs shall not at any time exceed fifty in number.

(3) Subject to the provisions of this section the following Chiefs in a Division shall be members of the House of Chiefs, that is to say—

(*a*) in a Division in which there is only one Head Chief—

(i) the Head Chief ; and

(ii) one other Chief, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under Section 56 of this Order ;

(*b*) in a Division in which there is more than one Head Chief—two Chiefs, or such greater number as may be prescribed, who shall be

selected for such membership in accordance with regulations made under Section 56 of this Order:

Provided that the said Chiefs shall include at least one Head Chief;

(*c*) in a Division in which there is no Head Chief—
two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under Section 56 of this Order.

Official Members

29. The Official Members of the House of Chiefs shall be persons who are public officers and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

Any such Member may be appointed either by name or by reference to his office.

Western House of Assembly

Composition of Western House of Assembly

30. The Western House of Assembly shall consist of—

(*a*) a President;

(*b*) four Official Members;

(*c*) eighty Elected Members; and

(*d*) such Special Members as may be appointed under the provisions of Section 34 of this Order.

President

31. The President of the House of Assembly shall be a person who is not an Official, Elected or Special Member of such House, and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

Official Members

32. The Official Members of the House of Assembly shall be persons who are public officers and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

Any such member may be appointed either by name or by reference to his office.

Elected Members

33. The Elected Members of the House of Assembly shall be persons qualified for election in accordance with the provisions of this Order and elected in accordance with regulations made under Part 7 of this Chapter.

Special Members

34. The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons to be Special Members of the House of Assembly to represent interests or communities which, in his opinion, are not otherwise adequately represented in that House:

Provided that the number of such members shall not at any time exceed three.

PART 3.—THE EASTERN REGION

Interpretation

35. In this Part " the House of Assembly " means the Eastern House of Assembly.

Eastern House of Assembly

Composition of Eastern House of Assembly

36. There shall be, in and for the Eastern Region, a Legislative House, which shall be styled the Eastern House of Assembly and shall consist of—

(*a*) the Lieutenant-Governor, who shall be the President of the House ;

(*b*) five Official Members ;

(*c*) eighty Elected Members ; and

(*d*) such Special Members as may be appointed under Section 39 of this Order.

Official Members

37.—(1) The Official Members of the House of Assembly shall be persons who are public officers and shall be appointed by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region:

Provided that the persons appointed under this section shall include at least one public officer who is serving in that part of the Cameroons which is included in the Eastern Region.

(2) An Official Member of the House of Assembly may be appointed either by name or by reference to his office.

Elected Members

38. The Elected Members of the House of Assembly shall be persons qualified for election in accordance with the provisions of this Order and elected in accordance with regulations made under Part 7 of this Chapter.

Special Members

39. The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons to be Special Members of the House of Assembly to represent interests or communities which, in his opinion, are not otherwise adequately represented in that House:

Provided that the number of such members shall not at any time exceed three.

Vice-President of House of Assembly

40.—(1) The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint a member of the House of Assembly to be Vice-President thereof.

(2) The Vice-President of the House of Assembly shall, unless he earlier vacates his office under the provisions of this section, hold office for such time as may be prescribed in the Instrument by which he is appointed.

(3) A person shall vacate the office of Vice-President—

(*a*) upon a dissolution of the House of Assembly ; or

(*b*) upon ceasing to be a member of the said House.

(4) The Vice-President of the House of Assembly may, by writing under his hand addressed to the Lieutenant-Governor, resign the office of Vice-President; and upon receipt of such resignation by the Lieutenant-Governor the said office shall become vacant.

PART 4.—QUALIFICATIONS AND DISQUALIFICATIONS FOR ELECTED MEMBERSHIP OF HOUSES OF ASSEMBLY

Qualifications for elected membership of House of Assembly

41.—Subject to the provisions of Section 42 of this Order and of any regulations made under Part 7 of this Chapter, a person shall be qualified to be elected as a member of a House of Assembly if he—

(*a*) is a British subject or a British protected person of the age of twenty-one years or upwards and, in the case of the Northern House of Assembly, is a male person; and

(*b*) (i) is a native of the Region in which he seeks election; or

(ii) has resided in such Region for a continuous period, immediately before the date of election, of at least one year in the case of the Western Region or Eastern Region or of at least three years in the case of the Northern Region;

and no other person shall be qualified to be so elected, or, having been so elected, shall sit or vote in any such House.

(2) For the purposes of this section a person shall be held to be a native of a Region if he was born in that Region or if his father was so born.

Disqualifications for elected membership

42.—(1) No person shall be qualified to be elected as a member of a House of Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to any foreign Power or State; or

(*b*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of His Majesty's dominions; or

(*c*) has been sentenced by a court in any part of His Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or

(*d*) holds, or is acting in, any office of emolument under the Crown; or

(*e*) is, under any law in force in Nigeria, found or declared to be of unsound mind or adjudged to be a lunatic; or

(*f*) is a member of any other Regional Legislative House.

(2) (*a*) No person shall be qualified to be elected as a Member of a House of Assembly if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months upon conviction of any offence which is prescribed for the purposes of this subsection by the Second Schedule to this Order.

(*b*) The provision of this subsection shall not apply to any person in respect of an offence for which he has received a free pardon.

PART 5—TENURE OF SEATS. TEMPORARY MEMBERSHIP. MISCELLANEOUS PROVISIONS

Tenure of Seats

Tenure of seats by Official Members

43.—(1) An Official Member of any Regional Legislative House shall hold his seat in the House at the pleasure of the Lieutenant-Governor.

(2) The following provisions of this subsection shall have effect with respect to an Official Member of any Regional Legislative House if he is appointed by name, that is to say—

(*a*) His seat in the House shall become vacant—

(i) upon a dissolution of the House ; or

(ii) upon his death ; or

(iii) upon his ceasing to be a public officer.

(*b*) He may, with the permission of the Lieutenant-Governor, resign his seat in the House by writing under his hand addressed to the Lieutenant-Governor, and upon receipt of such resignation by the Lieutenant-Governor the seat of such member shall become vacant.

Tenure of seat by President of Northern or Western House of Assembly

44.—(1) The Presidents of the Northern and Western Houses of Assembly shall hold their seats in those Houses at the pleasure of the Lieutenant-Governor.

(2) The provisions of subsection (2) of Section 43 of this Order (other than sub-paragraph (iii) of paragraph (*a*) thereof) shall apply in respect of the President of the Northern or Western House of Assembly as if the references therein to an Official Member appointed by name and to any Regional Legislative House were references, respectively, to such President and to the Northern or Western House of Assembly, as the case may be:

Provided that, if such President is a person who is not a public officer, he may resign his seat in the House without having obtained the permission of the Lieutenant-Governor so to do.

Tenure of seats by Special Members

45.—(1) A Special Member of a House of Assembly shall hold his seat in the House at the pleasure of the Lieutenant-Governor.

(2) The following provisions of this subsection shall have effect with respect to a Special Member of a House of Assembly, that is to say:—

(*a*) His seat in the said House shall become vacant—

(i) upon a dissolution of the House ; or

(ii) upon his death ; or

(iii) if he is absent from two consecutive meetings of the House and the President of the House does not, by writing under his hand, excuse such absence within one month after the end of the second meeting.

(*b*) He may, by writing under his hand addressed to the Lieutenant-Governor, resign his seat in the House and upon receipt of such resignation by the Lieutenant-Governor the seat of such member shall become vacant.

Official or Special Member, or President of Northern or Western House of Assembly, unable to act by reason of illness.

46.—(1) The Lieutenant-Governor of a Region, acting in his discretion, may, by Instrument under the Public Seal of the Region, declare that an Official Member of the House of Chiefs or of the House of Assembly, or a Special Member of the House of Assembly, of that Region is temporarily incapable, by reason of illness, of discharging his functions as a member of such House ; and thereupon such member shall not sit or vote in such House until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(2) The Lieutenant-Governor of the Northern or Western Region may, by Instrument under the Public Seal of the Region, declare that the person who is President of the Northern or Western House of Assembly, as the case may be, is temporarily incapable, by reason of illness, of discharging his functions as President ; and thereupon such person shall not sit or vote in such House until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Tenure of seats by Chiefs in Northern House of Chiefs

47.—(1) The seat in the Northern House of Chiefs of any person who is a member of that House by virtue of being a first-class Chief shall become vacant—

(*a*) upon his death ; or

(*b*) upon his ceasing to be a first-class Chief.

(2) The seat in the Northern House of Chiefs of any Chief, who is a member of that House by virtue of having been selected in accordance with regulations made under Section 56 of this Order, shall become vacant—

(*a*) upon a dissolution of the House ; or

(*b*) upon his death ; or

(*c*) upon his becoming a first-class Chief , or

(*d*) in such other circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of seats by Chiefs in Western House of Chiefs

48. (1) In this section " Chief " includes " Head Chief ".

(2) The seat in the Western House of Chiefs of any person who is a member of that House by virtue of his being the Head Chief in a Division in which there is only one Head Chief, shall become vacant—

(*a*) upon his death ; or

(*b*) upon his ceasing to be a Head Chief, or upon his ceasing to be the only Head Chief, in that Division.

(3) The seat in the Western House of Chiefs of any Chief, who is a member of that House by virtue of having been selected in accordance with regulations made under Section 56 of this Order, shall become vacant—

(*a*) upon a dissolution of the House ; or

(*b*) upon his death ; or

(*c*) upon his ceasing to be a Chief in the Division from which he was selected ; or

(*d*) upon his becoming entitled to membership of the House (under Section 28 of this Order) by virtue of being the only Head Chief in that Division ; or

(*e*) in such other circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of seats by Elected Member of House of Assembly

49. The seat in a House of Assembly of any Elected member of that House shall become vacant—

(*a*) upon dissolution of the House ; or

(*b*) upon his death ; or

(*c*) if he is absent from two consecutive meetings of the House and the President of the House does not, by writing under his hand, excuse such absence within one month after the end of the second meeting ; or

(*d*) if he ceases to be a British subject, or ceases to be a British protected person without becoming a British subject ; or

(*e*) if he takes any oath, or makes any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State ; or does, concurs in or adopts any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or

(*f*) if he is adjudged or otherwise declared bankrupt under any law in force in any part of His Majesty's dominions ; or

(*g*) if he is sentenced by a court in any part of His Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months ; or

(*h*) if he becomes subject to any of the disqualifications specified in paragraphs (*d*), (*e*) or (*f*) of subsection (1) of Section 42 of this Order ; or

(*j*) if he becomes disqualified for membership of the House by virtue of regulations made under paragraph (*h*) or (*j*) of subsection (1) of Section 63 of this Order.

(2) An Elected Member of a House of Assembly may, by writing under his hand addressed to the President of the House, resign his seat in the House and upon receipt of such resignation by the President the seat of such Member shall become vacant.

Temporary Membership

Temporary President of Northern or Western House of Assembly

50.—(1) (*a*) If the President of the Northern House of Assembly—

(i) is discharging the functions of Lieutenant-Governor ; or

(ii) is absent from Nigeria ; or

(iii) is declared, under Section 46 of this Order, to be temporarily incapable of discharging his functions as President ;

the Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint a person to be temporary President of the House.

(*b*) A person appointed under this subsection shall, as long as his appointment subsists, be deemed to be the President of the said House and, subject to the provisions of this subsection, the provisions of this Order shall have effect accordingly.

(*c*) An appointment made under this subsection shall cease to have effect if the Lieutenant-Governor notifies the person appointed that some other person is about to assume or resume the functions of President of the said House.

(2) The provisions of subsection (1) of this section shall have effect with respect to the President of the Western House of Assembly as if the references therein to the Northern House of Assembly, the President thereof and the Lieutenant-Governor of the Northern Region were references, respectively, to the Western House of Assembly, the President thereof and the Lieutenant-Governor of the Western Region.

Temporary Members of Regional Legislative Houses

51.—(1) Whenever there is a vacancy in the number of persons sitting in a Regional Legislative House by reason of the fact that—

(*a*) an Official Member or a Special Member is absent from Nigeria ; or

(*b*) an Official Member or a Special Member is declared, under Section 46 of this Order, to be temporarily incapable of discharging his functions as a member ; or

(*c*) an Official Member is discharging the functions of Lieutenant-Governor ; or

(*d*) in the case of the Northern or Western Region, an Official or Special Member has been appointed to be temporary President of the House of Assembly of that Region ;

the Lieutenant-Governor of the Region, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint a person to be a temporary member of the House for the period of such vacancy: Provided that, in the case of a vacancy in the number of persons sitting in the House as Official Members, the person so appointed shall be a person who is a public officer and may be appointed either by name or by reference to his office.

(2) For the purposes of this Order, but subject to the provisions of this section, a person appointed under this section to fill a vacancy in the number of persons sitting in the House as Official Members shall, while his appointment subsists, be deemed to be an Official Member, and a person so appointed to fill a vacancy in the number of persons sitting in the House as Special Members shall, while his appointment subsists, be deemed to be a Special Member, of the House ; and, subject as aforesaid, the provisions of this Order shall have effect accordingly.

(3) An appointment made under this section shall cease to have effect if the Lieutenant-Governor notifies the person appointed that the vacancy has ceased to exist.

Miscellaneous

Summoning of Public Officers

52.—(1) The President of a Regional Legislative House may summon to any meeting of the House any person who is a public officer, notwithstanding that such person is not a member of the House, if he considers that the business before the House makes the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the House relating to the business in respect of which he is summoned as if he were a member of the House, except that he shall not vote in the House.

(2) No person shall be summoned to any meeting of a Regional Legislative House in pursuance of subsection (1) of this section unless the Lieutenant-Governor, acting in his discretion, has approved that he should be so summoned.

Presiding in Regional Legislative House

53.—(1) There shall preside at the sittings of a Regional Legislative House—

(*a*) the President; or

(*b*) in the absence of the President or if the office of President is vacant, such member of the House as the Lieutenant-Governor may, from time to time, generally or specially appoint; or

(*c*) in the absence of the member so appointed, or if no member be so appointed, such member of the House as may be elected by the House for the sitting.

This subsection shall not apply to the Eastern House of Assembly.

(2) There shall preside at the sittings of the Eastern House of Assembly—

(*a*) the President; or

(*b*) in the absence of the President, or if the office of President is vacant, the Vice-President; or

(*c*) in the absence of the Vice-President or if there be no Vice-President, such member of the House as the Lieutenant-Governor may, from time to time, generally or specially appoint; or

(*d*) in the absence of the member so appointed, or if no member be so appointed, such member of the House as the House may elect for the sitting.

(3) The powers conferred by this section on a Lieutenant-Governor shall be exercised by him in his discretion.

Determination of questions as to membership of Regional Legislative Houses

54.—(1) All questions which may arise as to the right of any person to be or remain—

(*a*) a member of a House of Chiefs;

(*b*) a member (other than an Elected Member) of a House of Assembly; or

(*c*) adviser on Moslem law in the Northern House of Chiefs;

shall be determined by the Lieutenant-Governor acting in his discretion.

(2) All questions which may arise as to the right of any person to be or remain an Elected Member of a House of Assembly shall be determined in accordance with regulations made under Part 7 of this Chapter.

Person may be Official Member of both Houses

55. For the avoidance of doubts it is hereby declared that it shall be lawful for a person to be, at the same time, an Official Member of the House of Chiefs and an Official Member of the House of Assembly of any Region.

Selection of Chiefs for membership of House of Chiefs

56. Subject to the provisions of this Order, the Governor acting in his discretion, may by regulation—

(*a*) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Northern House of Chiefs in accordance with Section 16 of this Order;

(*b*) make provision for the selection of Chiefs to be members of the Western House of Chiefs in accordance with Section 28 of this Order ;

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

(*d*) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House for membership of which he is selected ; and

(*e*) prescribe anything which is by Section 28 of this Order to be prescribed.

PART 6—JOINT COUNCILS IN NORTHERN AND WESTERN REGIONS

Joint Council of Northern Region

57. There shall be a Joint Council of the Northern Region (in this Part referred to as " the Joint Council ") consisting of such members of the Legislative Houses of the Northern Region as may be elected to be members of the Joint Council in accordance with the provisions of this Part.

Election of members of Joint Council

58.—(1) (*a*) Subject to the provisions of paragraph (*b*) of this subsection, each Legislative House of the Northern Region shall, at its first meeting after the commencement of this Part, and at its first meeting after any dissolution of such House, or as soon thereafter as may be convenient, elect not more than forty of its own members to be members of the Joint Council ; and, subject to the provisions of subsection (2) of this section, the persons so elected shall together constitute the Joint Council.

(*b*) Neither House shall elect as a member of the Joint Council any of its members who is a public officer.

(2) If a person, who has been elected as a member of the Joint Council by either House, vacates his seat in the Joint Council otherwise than by reason of a dissolution of the said House, the said House may, at any time before it is next dissolved, elect another of its members, who is not a public officer, to be a member of the Joint Council.

(3) Whenever a person is elected as a member of the Joint Council, the Clerk of the House by which he is elected shall forthwith notify the Lieutenant-Governor of such election.

Tenure of seats in Joint Council

59.—(1) The seat of a member of the Joint Council shall become vacant—

(*a*) upon his death ; or

(*b*) upon a dissolution of the House by which he was elected as a member of the Joint Council ; or

(*c*) upon his ceasing to be a member of the said House for any cause other than a dissolution of the House.

(2) A member of the Joint Council may, by writing under this hand addressed to the President of the House by which he was elected as a member of the Joint Council, resign his seat in the Joint Council, and upon receipt of such resignation by the President the seat of such member shall become vacant.

(3) If any question shall arise as to the right of any person to be or remain a member of the Joint Council, such question shall be determined by the Lieutenant-Governor acting in his discretion.

Function of Joint Council

60. It shall be the function of the Joint Council—

(*a*) to elect persons to be members of the House of Representatives in accordance with the provisions of Chapter III of this Order ; and

(*b*) to decide, in accordance with the provisions of Chapter VI of this Order, whether the appointment of persons to be Ministers should be approved.

Procedure in Joint Council

61.—(1) (*a*) Save as otherwise provided by this Order, all questions proposed for decision in the Joint Council shall be determined by a majority of the votes of the members present and voting.

(*b*) The person presiding at any meeting of the Joint Council shall have neither an original nor a casting vote and if upon any question the votes are equally divided the motion shall be lost.

(2) The Lieutenant-Governor, or such other person (not being a member of the Joint Council) as he may direct, shall preside at any meeting of the Joint Council.

(3) The Joint Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, but no business shall be transacted at any meeting of the Joint Council if objection is taken by any member present that there are present less than fifty members.

(4) The Joint Council shall not be summoned to meet except on the authority of the Lieutenant-Governor.

(5) Subject to the provisions of this Order, the Lieutenant-Governor may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of proceedings in the Joint Council.

(6) The powers conferred by this section on the Lieutenant-Governor shall be exercised by him in his discretion.

Joint Council of Western Region

62. The foregoing provisions of this Part, other than the provisions or paragraph (*a*) of Section 60, shall apply with respect to the Western Region as if the references therein to the Northern Region, the Legislative Houses of the Northern Region and the Lieutenant-Governor of the Northern Region were references, respectively, to the Western Region, the Legislative Houses of the Western Region and the Lieutenant-Governor of the Western Region.

PART 7—ELECTORAL LAW

Electoral Law

63.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the election of members to the Northern, Western and Eastern Houses of Assembly including (without prejudice to the generality of the foregoing power) the following matters, that is to say : —

(*a*) the qualifications and disqualifications of electors ;

(*b*) the registration of electors in any Region or part of a Region ;

(*c*) the ascertainment of the qualifications of persons who submit themselves for election ;

(*d*) the holding of elections, direct or indirect ;

(*e*) the establishment of electoral districts (by whatever name called) for the purpose of returning members to a House of Assembly ; and the allocation to any such electoral district of seats in such House ;

(*f*) the division of any such electoral district for any purpose connected with elections ;

(*g*) the determination of any question which may arise as to the right of any person to be or remain an Elected Member of a House of Assembly or to take part in any election ;

(*h*) the disqualification of any person for membership of a House of Assembly by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for the compilation or revision of any electoral register ; and

(*j*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of a House of Assembly or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(2) For the avoidance of doubts it is hereby declared that regulations made under this section may provide for different methods of election in respect of different parts of a Region.

(3) (*a*) In any case in which an election of members to a House of Assembly is carried out by a process of indirect election, it may be provided by regulations made under this section that a person shall not be qualified to be elected as a member of that House at such election unless he is a member of such electoral body as may be prescribed by such regulations.

(*b*) In this subsection " electoral body " means a body of persons constituted in accordance with such regulations as aforesaid for the purpose of the election of members to such House as aforesaid.

(4) In any case in which an election of members to a House of Assembly is carried out by a process of direct election, it may be provided by regulations made under this section that a person shall not be qualified to be elected as a member of that House at such election unless he is registered as an elector in the electoral district in respect of which such election is held.

(5) (*a*) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of a House of Assembly unless he has paid such tax, or is entitled to such exemption from liability to pay tax, as is specified in the regulations.

(*b*) In this subsection " tax " means tax payable under the Income Tax Ordinance or the Direct Taxation Ordinance or under any enactment amending or replacing either of those ordinances.

Distribution of seats

64. Regulations made under this Part shall provide—

(*a*) that each Province of the Northern Region shall be represented in the Northern House of Assembly by at least two Elected Members ;

(*b*) that each Division of the Western Region shall be represented in the Western House of Assembly by at least two Elected Members; and

(*c*) that each Division of the Eastern Region shall be represented in the Eastern House of Assembly by at least two Elected Members; and that, of the members who so represent the Division which includes the township of Calabar, at least one shall be a person who, at the time of his election to the Eastern House of Assembly, is registered as an elector in that township.

Rules, orders, etc.

65. Regulations made under this Part may provide that any person or authority prescribed by or in pursuance of the regulations may make such rules, orders and other instruments, and may do such other things, as may appear to the Governor, or to the said person or authority, to be necessary or expedient for the purpose of giving effect to the regulations.

Regulations, etc., continued in force

66. Any regulations made under Section 4 of the Nigeria (Electoral Provisions) Order in Council, 1951(**a**), and any rules, orders and other instruments made and other things done under such regulations, shall, if in force immediately before the revocation of that Order, continue in force and have effect as if they had been made or done under this Part or under regulations made under this Part (as the case may be) and may be amended, added to, revoked, rescinded or varied accordingly.

CHAPTER III

THE CENTRAL LEGISLATIVE HOUSE—HOUSE OF REPRESENTATIVES

House of Representatives

67. There shall be, in and for Nigeria, a House of Representatives consisting of—

(*a*) a President;

(*b*) six *ex officio* Members;

(*c*) one hundred and thirty-six Representative Members, who shall be elected in accordance with the provisions of this Chapter; and

(*d*) such Special Members as may be appointed under the provisions of Section 70 of this Order.

The President

68.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint a person, who is not an *ex officio*, Representative or Special Member of the House, to be the President of the House of Representatives; and unless and until a President is so appointed, or if at any time there is no subsisting appointment, the Governor shall be the President of the House.

(2) Any person so appointed shall hold office as President during His Majesty's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed:

Provided that a person so appointed may, by writing under his hand addressed to the Governor, resign the office of President; and upon receipt of such resignation by the Governor the said appointment shall cease to have effect.

(**a**) S.I. 1951 No. 612.

(3) The Governor shall forthwith report to His Majesty, through a Secretary of State, any appointment made under this section.

(4) The Governor may, in his discretion, address the House of Representatives at any time when he thinks fit, notwithstanding that some other person is for the time being the President of the House.

Ex-officio Members

69. The *ex officio* Members of the House of Representatives shall be the Chief Secretary to the Government of Nigeria, the Lieutenant-Governors of the Northern, Western and Eastern Regions, the Attorney-General, and the Financial Secretary to the Government of Nigeria.

Special Members

70.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint persons to be Special Members of the House of Representatives to represent interests or communities which, in his opinion, are not otherwise adequately represented in that House:

Provided that the number of such members shall not at any time exceed six.

(2) The Governor shall forthwith report to His Majesty through a Secretary of State every appointment made under this section.

Representative Members for Northern Region

71.—(1) Sixty-eight of the Representative Members shall, subject to the provisions of this Order, be elected by the Joint Council of the Northern Region from among the members of the Northern House of Chiefs and the Northern House of Assembly in the manner provided by regulations made under Section 75 of this Order.

(2) The Representative Members so elected by the Joint Council of the Northern Region shall include in respect of each Province of the Northern Region—

(*a*) at least one member of the Northern House of Chiefs who is a first-class Chief or a Chief exercising his functions as such in that Province; and

(*b*) at least one Elected Member of the Northern House of Assembly who represents that Province in the said House.

(3) In this section the expressions "first-class Chief" and "Chief" have the meanings assigned to them by Section 14 of this Order.

Representative Members for Western Region

72.—(1) (*a*) Three of the Representative Members shall, subject to the provisions of this Order, be elected by the members of the Western House of Chiefs from among their own number in the manner provided by regulations made under Section 75 of this Order; and

(*b*) thirty-one of the Representative Members shall, subject as aforesaid, be elected by the members of the Western House of Assembly from among their own number in the manner provided by such regulations as aforesaid.

(2) The Representative Members so elected by the members of the Western House of Assembly shall include—

(*a*) in respect of the Division which comprises the town of Lagos, at least two Elected Members of the Western House of Assembly who represent that Division in the said House; and

(*b*) in respect of each other Division of the Western Region, at least one Elected Member of the Western House of Assembly who represents that Division in the said House.

Representative Members for Eastern Region

73.—(1) Thirty-four of the Representative Members shall, subject to the provisions of this Order, be elected by the members of the Eastern House of Assembly from among their own number in the manner provided by regulations made under Section 75 of this Order.

(2) The Representative Members so elected by the members of the Eastern House of Assembly shall include, in respect of each Province of the Eastern Region, at least two Elected Members of the Eastern House of Assembly who represent Divisions or a Division of that Province in the said House:

Provided that, in respect of the Province which includes the township of Calabar, the said Elected Members shall include at least one person who, at the time of his election to the Eastern House of Assembly, was registered as an elector in that township.

Public Officers not to be elected or to vote at elections

74. No member of a Regional Legislative House who is a public officer shall be eligible for election as a Representative Member or shall vote at the election of any Representative Member.

Method of election of Representative Members

75. Subject to the provisions of this Order, the Governor may by regulation provide for the manner in which Representative Members shall be elected.

Tenure of seats by Representative and Special Members

76.—(1) Subject to the provisions of this Order, every Special Member of the House of Representatives shall hold his seat in the said House during His Majesty's pleasure.

(2) The seat of a Representative or Special Member of the House of Representatives shall become vacant—

(*a*) upon a dissolution of the House of Representatives ; or

(*b*) upon his death ; or

(*c*) if, being a Representative Member, he ceases to be a member of the Regional Legislative House from among the members of which he was elected to the House of Representatives ; or

(*d*) if he is absent from two consecutive meetings of the House of Representatives and the President of the House does not, by writing under his hand, excuse such absence within one month after the end of the second meeting.

(3) A Representative or Special Member of the House of Representatives may, by writing under his hand addressed to the President of the House, resign his seat in the House of Representatives, and upon receipt of such resignation by the President the seat of such member shall become vacant.

Special Member incapable of discharging functions

77. The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare a Special Member of the House of Representatives to be, by reason of illness, temporarily incapable of discharging his functions as a member of the House, and thereupon such member

shall not sit or vote in the House of Representatives until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Decision of question as to membership

78.—(1) All questions which may arise as to the right of any person to be or remain a member of the House of Representatives, other than a Representative Member, shall be determined by the Governor acting in his discretion.

(2) All questions which may arise to the right of any person to be or remain a Representative Member shall be determined in accordance with such regulations as the Governor may make in that behalf.

Temporary members.

79.—(1) Whenever there is a vacancy in the number of persons sitting in the House of Representatives as Special Members by reason of the fact that any such member

(*a*) is absent from Nigeria ; or

(*b*) has been declared by the Governor, under Section 77 of this Order, to be, by reason of illness, temporarily incapable of discharging his functions as a member ;

the Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a temporary member of the House of Representatives for the period of such vacancy.

(2) The Governor shall forthwith report to His Majesty through a Secretary of State every appointment made under this section.

(3) So long as his appointment subsists, any person appointed under this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be a Special Member of the House of Representatives and, subject as aforesaid, the provisions of this Order shall have effect accordingly.

(4) An appointment made under this section shall cease to have effect if the Governor notifies the person appointed that the vacancy in respect of which he was appointed has ceased to exist.

Presiding in House of Representatives

80.—(1) The President, if present, shall preside at the sittings of the House of Representatives.

(2) In the absence of the President, there shall preside at the sittings of the House of Representatives—

(*a*) such member as the Governor may, from time to time, generally or specially appoint ; or

(*b*) in the absence of the person so appointed or if there be no person so appointed, the member present who stands first in order of precedence in the Council of Ministers.

CHAPTER IV

LEGISLATION. MISCELLANEOUS PROVISIONS WITH RESPECT TO LEGISLATIVE HOUSES

PART 1.—CENTRAL LEGISLATION

Power to make laws

81. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the House of Representatives, to make laws for the peace, order and good government of Nigeria.

Royal Instructions

82. Subject to the provisions of this Order the Governor and the House of Representatives shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Introduction of Bills

83. Subject to the provisions of this Order and of the Standing Orders of the House, any member of the House of Representatives may introduce any Bill, or propose any motion for debate in, or may present any petition to, the House of Representatives, and the same shall be debated and disposed of according to the Standing Orders of the House.

Restrictions with regard to Bills, etc., which charge the revenue

84. Except upon the recommendation of the Governor or with the consent of the Governor signified thereto, the House of Representatives shall not proceed upon any Bill, motion or petition which, in the opinion of the President or other member presiding, would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

Restrictions with regard to Bills and motions affecting the public service

85.—(1) If the Governor or the Attorney-General gives notice to the House of Representatives that, in his opinion, a Bill or motion which is before the House would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer, or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to such officer or his widow, children, dependants or personal representatives, the following provisions of this subsection shall have effect, that is to say—

(*a*) except with the consent of the Governor signified thereto no further proceedings shall be taken upon any such Bill or motion after such notice as aforesaid has been given in respect thereof;

(*b*) no such motion, other than a motion for the amendment of a Bill, shall have effect until the expiration of a period of seven days from the date on which it was carried; and if the Governor, within that period, certifies by writing under his hand that any alteration which would be effected by such motion would prejudicially affect any public officer, such motion shall not have effect unless it has been approved by a Secretary of State.

(2) If the Governor considers that any such alteration as aforesaid, which would be effected by any Bill presented to him for his assent, would prejudicially affect any public officer, he shall reserve the Bill for the signification of His Majesty's pleasure.

(3) Where any such Bill or motion as is referred to in subsection (1) of this section is before a committee of the House of Representatives, the notice referred to in that subsection shall be given to such committee.

(4) Any such notice as is referred to in subsection (1) of this section may be given by the Governor or the Attorney-General, as the case may be, in such manner as he may think fit.

(5) The powers conferred by this section on the Governor shall be exercised by him in his discretion.

Governor's reserved power

86.—(1) If the Governor considers that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in the House of Representatives should have effect, then, if the House fail to pass such Bill or to carry such motion within such time and in such form as the Governor may think reasonable and expedient, the Governor may, at any time which he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House of Representatives either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the House of Representatives, including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the House of Representatives objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion which has had effect by virtue of the declaration shall cease to have effect, and the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(a), shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor by this section shall be exercised by him in his discretion.

Assent to Bills passed by House of Representatives

87.—(1) A Central Bill shall not become a law unless either the Governor has assented thereto in His Majesty's name and on His Majesty's behalf and has signed the same in token of such assent, or His Majesty has given his assent thereto through a Secretary of State.

(2) When a Central Bill has been passed by the House of Representatives it shall be presented to the Governor for assent; and thereupon the Governor shall (acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State) declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure:

(a) 52 & 53 Vict. c. 63.

Provided that the Governor shall reserve for the signification of His Majesty's pleasure any Bill which determines or regulates the privileges, immunities or powers of the House of Representatives or the members thereof or of any Regional Legislative House or the members thereof, unless he has been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the Gazette, or, if it is enacted either in such law or in some other law (including any law in force at the commencement of this Part) that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of His Majesty's pleasure shall become a law as soon as His Majesty has given His assent thereto through a Secretary of State and the Governor has signified such assent by Proclamation published in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it is enacted either in such law or in some other law (including any law in force at the commencement of this Part) that it shall come into operation on some other date, on that date.

(5) A Bill may be assented to under this section notwithstanding that a dissolution of the House of Representatives intervenes between the time when the Bill is presented to the Governor for assent and the time when assent is given to the Bill.

Disallowance of central laws

88.—(1) Any law to which the Governor has given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any such law has been disallowed by His Majesty, the Governor shall cause notice of such disallowance to be published in the Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(**a**), shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Consideration by Regional Legislative Houses of Central Bills

89.—(1) Subject to the provisions of this section, every Bill, other than an Appropriation Bill or a Supplementary Appropriation Bill, which is to be introduced in the House of Representatives shall, before its introduction therein, be laid upon the table of each Regional Legislative House and, when the Bill has been so laid upon the table of any such House, that House may, subject to its Standing Orders, consider such Bill and submit to the Governor such advice thereon as the House may by resolution decide:

Provided that it shall not be necessary to lay on the table of any Regional Legislative House a Bill the provisions of which, either expressly or by necessary implication, do not apply to the Region in and for which such House is established.

(2) A resolution passed by a House under the provisions of subsection (1) of this section shall be laid on the table of the House of Representatives before the Bill to which such resolution relates is read a first time.

(**a**) 52 & 53 Vict. c. 63.

(3) Notwithstanding anything contained in this section—

(*a*) failure to lay a Bill on the table of any Regional Legislative House as required by this section ; or

(*b*) failure by any such House to consider or advise on a Bill or its delay in so doing ;

shall not prevent the introduction of the Bill in the House of Representatives, and, if the Bill becomes law, shall not affect the validity of the law.

(4) This section shall not apply to a Bill which, prior to its introduction in the House of Representatives, is certified in writing by the Governor to be of a formal nature only or to be too urgent to permit of its consideration by the Regional Legislative Houses.

PART 2.—REGIONAL LEGISLATION

Interpretation

90.—(1) Save as otherwise provided by Section 106 of this Order, a Bill shall, for the purposes of this Part be held to have been passed by both the Legislative Houses of a Region only if it has been agreed to by both Houses either—

(*a*) without amendment ; or

(*b*) with such amendments only as are agreed to by both Houses.

(2) For the purposes of this section a Bill or amendment shall be deemed to have been, or to be, agreed to by any such House as aforesaid if it is deemed to have been passed by that House by virtue of a declaration made under Section 86 (as applied by Section 93) of this Order.

The legislative power. Royal Instructions. Introduction of Bills, etc.

Power to make laws

91. Subject to the provisions of this Order, it shall be lawful for the Lieutenant-Governor of a Region, with the advice and consent of the Legislative Houses thereof, to make laws for the peace order and good government of such Region with respect to—

(*a*) any matter mentioned in the Third Schedule to this Order ; and

(*b*) any other matter which is within the competency of the legislature of such Region by virtue of a declaration made under Section 92 of this Order :

Provided that the validity of a Regional law shall not be called in question in any court on the ground that such law relates to a matter which is not mentioned in the said Third Schedule or is not within the competency of the legislature of the Region by virtue of any such declaration.

Powers of delegation by Central Legislature

92.—(1) Any matter (being a matter not mentioned in the Third Schedule to this Order but with respect to which the Central Legislature may make laws) shall be within the competency of the legislature of a Region if it is declared so to be by any Central law.

(2) Any such matter, which has been declared as aforesaid to be within the competency of the legislature of a Region, shall cease to be within the competency of such legislature if the enactment embodying such declaration is repealed or otherwise ceases to have effect ;

but any law enacted by such legislature by virtue of that declaration shall remain in force but shall be subject to amendment and repeal as if it were a Central law.

(3) For the avoidance of doubts it is hereby declared that where, by virtue of a declaration made under this section, any matter is within the competency of the legislature of a Region, the power of the Central Legislature to make laws with respect to such matter shall not thereby be abridged, altered or in any way affected.

Application of Sections 82 *to* 86 *in relation to Legislative Houses of Region*

93.—(1) Subject to the provisions of subsection (2) of this section, Sections 82, 83, 84, 85 and 86 of this Order shall apply in relation to the Legislative Houses of a Region as they apply in relation to the House of Representatives and, for the purposes of their application by this section, shall have effect with the necessary adaptations and, in particular, as if—

(*a*) references therein to the Governor, the Attorney-General, and the Gazette were, respectively, references to the Lieutenant-Governor, the Legal Secretary of the Region and the official Gazette of the Region ; and

(*b*) the words " or in any joint sitting of delegates convened under Section 105 of this Order " were inserted in subsection (1) of the said Section 86 immediately after the words " including any committee thereof ".

(2) (*a*) The Lieutenant-Governor of a Region shall not make any declaration with regard to a Bill or motion under Section 86 of this Order (as applied by this section) without the prior consent of the Governor given by writing under his hand.

(*b*) The power conferred on the Governor by this subsection shall be exercised by him in his discretion.

Introduction of Bills in Northern and Western Regions

94.—(1) In the Northern and Western Region a Bill may, save as otherwise provided by subsection (2) of this section, be introduced either in the House of Chiefs or in the House of Assembly.

(2) (*a*) A Bill shall not be introduced in the House of Chiefs if the Lieutenant-Governor, acting in his discretion, certifies in writing that it is a money Bill.

(*b*) In this subsection " a money Bill " means a Bill which, in the opinion of the Lieutenant-Governor, contains only provisions dealing with all or any of the following subjects, 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 any 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 subjects or any of them. In this paragraph the expressions " taxation ", " public money " and " loan ", respectively, do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

Assent to Regional Bills and disallowance of Regional laws

Regional Bill not to become law unless assented to

95.—(1) A Regional Bill shall not become a law unless either the Lieutenant-Governor has assented thereto in His Majesty's name and on His Majesty's behalf and has signed the same in token of such assent, or His Majesty has given his assent thereto through a Secretary of State.

(2) No Regional Bill shall be presented for such assent save in accordance with the following provisions of this Part.

Regional Bills to be sent to Governor who may take objection

96.—(1) When a Bill has been passed by both the Legislative Houses of a Region, the Lieutenant-Governor shall send such Bill to the Governor.

(2) The Governor may object to any Bill, which is sent to him under the provisions of this section, on the grounds that it—

(*a*) relates to any matter with respect to which the legislature of the Region has no power to make laws ; or

(*b*) is inconsistent with the general interests of Nigeria or with any directions given under Section 121 of this Order ; or

(*c*) is inconsistent with the obligations of Nigeria under any treaty or other agreement.

(3) The validity of any objection which is taken to a Bill under this section shall not be called in question in any court.

Bills not objected to

97. If the Governor does not object to a Bill which is sent to him by the Lieutenant-Governor of a Region under Section 96 of this Order, he shall (whether or not a dissolution of the Legislative Houses of the Region has occurred since the Bill was passed by the Houses) give notice in writing to that effect to the Lieutenant-Governor ; and thereupon the Bill shall be deemed to be presented to the Lieutenant-Governor for assent and the provisions of Section 101 of this Order shall have effect accordingly.

Objections which cannot be removed by amendment

98.—(1) If the Governor objects to a Bill which is sent to him by the Lieutenant-Governor of a Region under Section 96 of this Order and decides that the grounds for such objection cannot conveniently be removed by amendment of the Bill, he shall give notice in writing to that effect to the Lieutenant-Governor and shall state in such notice the reasons for his objection to the Bill ; and upon receipt of such notice by the Lieutenant-Governor the Bill shall lapse.

(2) When the Lieutenant-Governor of a Region has received in respect of a Bill any such notice as is referred to in subsection (1) of this section, he shall inform the Legislative Houses of the Region that the Bill has lapsed and of the reasons for the Governor's objection to the Bill.

(3) (*a*) If a Bill passed by the Legislative Houses of a Region in any session has lapsed under the provisions of this section, no Bill having substantially the same effect as the Bill which has lapsed shall, without the approval of the Governor, be introduced in either House in that session.

(*b*) For the purposes of this subsection a Bill shall not be held to have substantially the same effect as a Bill which has lapsed unless the Legal Secretary of the Region so certifies.

Objections which can be removed by amendment

99.—(1) If the Governor objects to a Bill which is sent to him by the Lieutenant-Governor of a Region under the provisions of Section 96 of this Order, but decides that the grounds for such objection can conveniently be removed by amendment of the Bill, he shall (whether or not a dissolution of the Legislative Houses of the Region has occurred since the Bill was passed by the Houses)—

(*a*) inform the Lieutenant-Governor of the reasons for his objection to the Bill ; and

(*b*) send to the Lieutenant-Governor a statement of such amendments to the Bill (in this Part referred to as " required amendments ") as the Governor may decide are necessary in order to remove the aforesaid objection.

(2) When the Lieutenant-Governor of a Region has received a statement of required amendments with respect to a Bill, he shall—

(*a*) inform the Legislative Houses of the Region of the reasons for the Governor's objection to the Bill ; and

(*b*) return the Bill to the said Houses together with the statement of required amendments ;

and thereupon the provisions of Section 100 of this Order shall have effect.

Procedure when Bill returned to Houses

100.—(1) References in this section to the next dissolution of the Legislative Houses of the Region shall be construed as references to the first dissolution of the Houses after the time when the Bill referred to was passed by the Houses.

(2) (*a*) If the Bill is returned to the Legislative Houses of the Region before the next dissolution of those Houses, then,

(i) at any time before such dissolution, there may be proposed for consideration in either House the required amendments and such other amendments (in this section referred to as " consequential amendments ") as may be certified by the Legal Secretary of the Region to arise strictly from acceptance of one of the required amendments or to be made necessary by the time which has elapsed since the Bill was passed ; and

(ii) if, before such dissolution, both Houses agree to the required amendments and to the same consequential amendments (if any), the Bill, with such amendments, shall be presented to the Lieutenant-Governor for assent and the provisions of Section 101 of this Order shall have effect accordingly.

(*b*) No amendment shall be proposed to the Bill in either House, and the Bill shall not be presented to the Lieutenant-Governor for assent, save as provided by this subsection.

(3) If the Bill is returned to the Legislative Houses of the Region after the next dissolution of those Houses, or if the Houses fail to pass the Bill as provided in subsection (2) of this section before their next dissolution, the Bill shall lapse.

Assent to Bills passed by Legislative Houses of Region

101.—(1) When a Bill is presented, or deemed to be presented, to the Lieutenant-Governor of a Region for assent, he shall, acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure.

(2) A law assented to by the Lieutenant-Governor shall come into operation on the date of its publication in the official Gazette of the Region or, if it is enacted either in such law or in some other law (including any law in force at the commencement of this Part) that it shall come into operation on some other date, on that date.

(3) A Bill reserved for the signification of His Majesty's pleasure shall become a law as soon as His Majesty has given His assent thereto through a Secretary of State and the Lieutenant-Governor has signified such assent by Proclamation published in the official Gazette of the Region. Every such law shall come into operation on the date of such Proclamation or, if it is enacted either in such law or in some other law (including any law in force at the commencement of this Part) that it shall come into operation on some other date, on that date.

(4) A Bill may be assented to under this section notwithstanding that a dissolution of the Houses by which the Bill was passed intervenes between the time when the Bill is presented, or deemed to be presented, to the Lieutenant-Governor for assent and the time when assent is given to the Bill.

Disallowance of Regional laws

102.—(1) Any law to which the Lieutenant-Governor of a Region has given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any such law has been disallowed by His Majesty, the Lieutenant-Governor shall cause notice of such disallowance to be published in the official Gazette of the Region.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(**a**), shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

PART 3.—SPECIAL PROCEDURE IN CASE OF DISAGREEMENT BETWEEN THE TWO HOUSES OF THE LEGISLATURE IN THE NORTHERN OR WESTERN REGION

Interpretation

103.—(1) In this Part references to the Houses of the legislature shall be construed as references to the legislative Houses of the Northern Region or the legislative Houses of the Western Region, as the case may require.

(2) The powers conferred by this Part on the Lieutenant-Governor shall be exercised by him in his discretion.

(**a**) 52 & 53 Vict. c. 63.

Bills liable to special procedure

104.—(1) If, after a Bill has been passed by one House of the legislature and sent to the other House (in this section referred to as " the second House ")—

(*a*) the bill is rejected by the second House ; or

(*b*) the Lieutenant-Governor is otherwise satisfied that there is no reasonable prospect of the Bill being passed by both Houses without amendment or with such amendments only as are agreed to by both Houses ; or

(*c*) more than six months elapse from the date on which the Bill is sent to the second House (or, if the second House is not sitting on that date, from the date when it next sits thereafter) without the Bill being passed as aforesaid by both Houses ;

the Lieutenant-Governor may, unless the Bill has lapsed by reason of a dissolution of the Houses, declare the Bill to be liable to the special procedure prescribed by this Part, and as from the date of such declaration the Bill shall be liable to such procedure.

(2) (*a*) The foregoing provisions of this section shall have effect with respect to a money Bill as if the reference therein to a period of six months were a reference to a period of one month.

(*b*) In this subsection the expression " money Bill " has the meaning assigned to it by Section 94 of this Order.

Notice of joint sitting and summoning of joint sitting

105.—(1) When a Bill has become liable to the special procedure prescribed by this Part, the Lieutenant-Governor may, at any time before the next dissolution of the Houses, by message or Proclamation—

(*a*) give notice to both Houses of the legislature of his intention to summon a joint sitting of representatives of both Houses for the purpose of deliberating and voting on the Bill ; and

(*b*) require each House of the legislature to elect representatives for the purpose aforesaid within such period (in this Part referred to as " the prescribed period ") as may be specified in such message or Proclamation.

(2) When the Lieutenant-Governor has issued with respect to a Bill any such message or Proclamation as is referred to in subsection (1) of this section, the following provisions of this section shall have effect, that is to say:—

(*a*) Neither House of the legislature shall proceed further with the Bill.

(*b*) Each House of the legislature may, within the prescribed period but before the next dissolution of the Houses, elect not more than twenty of its members (in this Part referred to as " delegates ") for the purpose specified in such message or Proclamation:

Provided that the House of Chiefs shall not so elect the Lieutenant-Governor.

(*c*) The Lieutenant-Governor may summon such delegates as have been elected in pursuance of this subsection to meet together in a joint sitting to deliberate and vote on the Bill at any time after the prescribed period but before such dissolution as aforesaid and, if he does so, the delegates shall meet accordingly and the provisions of Section 106 of this Order shall have effect.

Procedure in joint sitting and powers of joint sitting

106.—(1) In this section "the joint sitting" means any joint sitting of delegates convened by the Lieutenant-Governor under Section 105 of this Order and "the Bill" means the Bill in respect of which such joint sitting is so summoned.

(2) (*a*) The Lieutenant-Governor shall preside at the joint sitting.

(*b*) No delegate shall sit or vote in the joint sitting if he has, since the date of his election as a delegate, vacated his seat in the House by which he was elected.

All questions which may arise as to the right of any person to sit or vote in the joint sitting shall be determined by the Lieutenant-Governor.

(*c*) The joint sitting shall not be disqualified for the transaction of business by reason of the absence of any delegate or by reason of the fact that either House has failed to elect delegates in accordance with Section 105 of this Order.

(*d*) When any question is dependent on the decision of the joint sitting, a decision shall be regarded as the decision of the joint sitting if a majority of the votes of the delegates present and voting are cast in favour thereof:

Provided that if, on any question, the votes of the delegates are equally divided the Lieutenant-Governor shall have, and shall exercise, a casting vote.

(*e*) Subject to the provisions of this Order, the proceedings in the joint sitting shall be regulated by such Standing Orders as the Lieutenant-Governor may, from time to time, make in that behalf.

(3) (*a*) The delegates present at the joint sitting may deliberate and shall vote together on the Bill as last proposed by the House in which it originated and upon such admissible amendments thereto as may be proposed in the joint sitting; and if the Bill, with such admissible amendments (if any) as are agreed to by the joint sitting, is affirmed by the joint sitting, the Bill as so affirmed shall be deemed thereupon to have been passed by both Houses of the legislature and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(*b*) For the purposes of this subsection—

(i) if the Bill, having been passed by one House of the legislature has not been passed by the other House with amendments and returned to the House in which it originated, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(ii) if the Bill has been so passed and returned, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed;

and the decision of the Lieutenant-Governor as to the amendments which are so admissible shall be final.

PART 4.—MISCELLANEOUS PROVISIONS WITH REGARD TO LEGISLATION AND LEGISLATURES

Inconsistency between Regional law and Central or existing law

107.—(1) Where any Regional law is inconsistent with any provision of existing Nigerian law, the Regional law shall prevail and the existing Nigerian law shall, to the extent of the inconsistency, be void.

(2) Where any Regional law is inconsistent with any Central law, then—

(*a*) if the Central law was enacted before the Regional law, the Regional law shall prevail and the Central law shall, to the extent of the inconsistency, be void ; and

(*b*) if the Central law was enacted after the Regional law, the Central law shall prevail and the Regional law shall, to the extent of the inconsistency, be void.

(3) In this section " existing Nigerian law " means any law enacted before the commencement of this Chapter by any legislature in Nigeria.

Standing Orders

108.—(1) (*a*) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the House of Representatives may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor for assent:

Provided that no such Orders shall have effect unless they have been approved by the Governor acting in his discretion.

(*b*) The first Standing Orders of the House of Representatives shall be made by the Governor, acting in his discretion, and may be amended or revoked by the House under paragraph (*a*) of this subsection.

(2) Subsection (1) of this section shall apply in relation to a Regional Legislative House as it applies in relation to the House of Representatives but as if the references therein to the Governor were references to the Lieutenant-Governor.

House may transact business notwithstanding vacancies

109. The House of Representatives or any Regional Legislative House shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the House or otherwise took part in the proceedings.

Quorum

110. No business except that of adjournment shall be transacted in the House of Representatives or in any Regional Legislative House if objection is taken by any member present that there are present (besides the President or other member presiding) less than—

(*a*) forty members, in the cause of the House of Representatives ;

(*b*) fifteen members, in the case of a House of Chiefs ; or

(*c*) twenty-five members, in the case of a House of Assembly.

Voting

111.—(1) Save as otherwise provided in this Order—

(*a*) all questions proposed for decision in the House of Representatives or in any Regional Legislative House shall be determined by a majority of the votes of the members present and voting ;

(*b*) the President or other member presiding shall not have an original vote but, if upon any question the votes are equally divided, he may give a casting vote ; and

(*c*) if on any question the votes are equally divided and the President or other member presiding does not exercise his casting vote, the motion shall be lost.

Oath of Allegiance

112.—(1) Subject to the provisions of subsection (2) of this section, no member of the House of Representatives or of any Regional Legislative House shall (except for the purpose of enabling this section to be complied with) sit or vote in such House until he has taken and subscribed before such House the Oath of Allegiance in the form set out in the Official Oaths Ordinance or in any enactment amending or replacing that ordinance:

Provided that any person so authorised by any law for the time being in force in Nigeria may make an affirmation in like terms or take the like oath in any form or manner authorised by any such law.

(2) If, between the time when a person becomes a member of such House and the time when the House next meets thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the committee, take and subscribe the said oath or make the said affirmation before a judge of the Supreme Court ; and the taking and subscribing of the oath, or the making of the affirmation, in such manner shall suffice for all purposes of this section. In any such case the judge shall forthwith report to the House through the President that the person in question has taken and subscribed the said oath or made the said affirmation before him.

(3) This section shall apply to the adviser on Moslem law in the Northern House of Chiefs.

Privileges of House of Representatives and Regional Legislative Houses

113. The Central Legislature may, by law enacted under this Order, determine and regulate the privileges, immunities and powers of the House of Representatives and the members thereof or of any Regional Legislative House and the members thereof (including, in the case of the Northern House of Chiefs, the adviser on Moslem law), but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

Official language

114.—(1) The official language of the House of Representatives and of the Legislative Houses of the Western and Eastern Regions shall be English.

(2) The official languages of the Legislative Houses of the Northern Region shall be English and Hausa:

Provided that all Bills introduced in either of such Houses and all laws enacted by the legislature of the Northern Region shall be printed in the English language and, if any such Bill or law is also printed in the Hausa language, the English text shall prevail in the case of a conflict between the two texts.

Penalty for unqualified persons sitting or voting

115.—(1) Any person who—

(*a*) having been selected as a member of the House of Representatives or of any Regional Legislative House but not having been, at the time of such selection, qualified to be so selected, sits or votes in such House, or

(*b*) sits or votes in the House of Representatives or any Regional Legislative House after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

(3) References in this section to the selection of a person as a member of the House of Representatives or of a Regional Legislative House shall be construed as including references to the appointment or election of a person to be a member of such House.

(4) This section shall apply to the adviser on Moslem law in the Northern House of Chiefs.

Sessions

116.—(1) (*a*) Subject to the provisions of this Order, the sessions of the House of Representatives shall be held in such places and shall commence at such times as the Governor may, from time to time, by Proclamation published in the Gazette, appoint.

(*b*) The first session of the House of Representatives shall commence within twelve months after the date of this Order ; and thereafter sessions of the House shall be held from time to time so that a period of twelve months shall not intervene between the last sitting of the House in any one session and the date appointed for its first sitting in the next session, whether or not a dissolution of the House occurs between such sessions.

(2) Subsection (1) of this section shall apply in relation to a Regional Legislative House as it applies in relation to the House of Representatives, but as if the references therein to the Governor and to the Gazette were references, respectively, to the Lieutenant-Governor and to the official Gazette of the Region.

Prorogation and dissolution of House of Representatives

117.—(1) The Governor may at any time, by Proclamation published in the Gazette, prorogue or dissolve the House of Representatives.

(2) (*a*) Unless it has been sooner dissolved, the Governor shall dissolve the House of Representatives at the expiration of five years from the date of its first sitting after any dissolution.

(*b*) For the purposes of this subsection the first sitting of the House of Representatives after the commencement of this Part shall be deemed to be its first sitting after a dissolution.

Prorogation and dissolution of Regional Legislative Houses

118.—(1) The Lieutenant-Governor of a Region may at any time, by Proclamation published in the official Gazette of the Region, prorogue the Legislative Houses of such Region or either of them.

(2) The Legislative Houses of every Region shall be deemed to be dissolved upon a dissolution of the House of Representatives.

CHAPTER V

THE REGIONAL EXECUTIVE

PART 1.—EXECUTIVE AUTHORITY OF A REGION AND ADMINISTRATIVE RELATIONS BETWEEN A REGION AND THE CENTRE

Extent of executive authority of Region

119. Subject to the provisions of this Order, the executive authority of a Region shall extend to all matters with respect to which the legislature of the Region may make laws.

Exercise of executive authority of a Region

120. The executive authority of a Region shall be so exercised as not to impede or prejudice the exercise of the executive authority of Nigeria; but the question of whether the executive authority of a Region has in any case been exercised in accordance with the provisions of this section shall not be inquired into in any court.

Issue of directions by Governor

121.—(1) The Governor may from time to time give to the Lieutenant-Governor of a Region such directions with respect to the exercise of the executive authority of the Region as he may decide are desirable and in particular, and without prejudice to the generality of the foregoing, may give such directions for the purpose of ensuring compliance with the provisions of Section 120 of this Order.

(2) The Lieutenant-Governor of a Region shall comply with any directions given to him under this section or shall cause them to be complied with.

(3) The question of whether any, and if so what, directions have been issued under this section shall not be inquired into in any court.

(4) (*a*) The Governor shall act in his discretion in giving any directions under this section with respect to the exercise of a discretionary power by the Lieutenant-Governor of a Region.

(*b*) In this subsection "a discretionary power" means a power in the exercise of which the Lieutenant-Governor is not, by this Order or any Instructions under His Majesty's Sign Manual and Signet, obliged to consult the Executive Council of the Region.

Central law may confer powers and impose duties in relation to other matters

122. A Central law, which applies to any Region, may, notwithstanding that it relates to a matter to which the executive authority of that Region does not extend, confer powers or impose duties, or authorize the conferring of powers or the imposition of duties, upon the Lieutenant-Governor of that Region or upon any other person or authority therein.

PART 2.—REGIONAL EXECUTIVE COUNCILS

Regional Executive Councils

123. There shall be in and for each Region an Executive Council constituted in accordance with the provisions of this Order.

Functions of Executive Council and exercise of Lieutenant-Governor's powers

124.—(1) Subject to the provisions of this Order, the Executive Council of a Region shall be the principal instrument of policy in and for the Region in matters to which the executive authority of the Region extends and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of His Majesty in Council, any Instructions under His Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law in force in the Region.

(2) Save as is otherwise provided by any Instructions under His Majesty's Sign Manual and Signet, the Lieutenant-Governor of a Region shall—

(*a*) consult with the Executive Council of the Region in the exercise of all powers conferred upon him by this Order other than powers which he is by this Order directed or empowered to exercise in his discretion ; 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 with the said Council.

Executive Council of Northern Region

Executive Council of Northern Region

125.—(1) The Executive Council of the Northern Region shall consist of—

(*a*) the Lieutenant-Governor, who shall be the President of the Council ;

(*b*) three *ex officio* Members ;

(*c*) such Official Members as may be appointed in accordance with the provisions of this Order ; and

(*d*) such Regional Ministers as may be appointed in accordance with the provisions of this Order.

Ex officio Members

(2) The *ex officio* Members shall be the Civil Secretary, the Legal Secretary and the Financial Secretary, of the Region.

Official Members

(3) (*a*) The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons either by name or by reference to their offices, to be Official Members of the Executive Council :

Provided that such persons

(i) shall be persons who are public officers ; and

(ii) shall not at any time exceed two in number.

(*b*) The Lieutenant-Governor shall forthwith report to the Governor every appointment made under this subsection.

Regional Ministers

(4) (*a*) Of the Regional Ministers:

(i) not less than two or more than three shall be appointed, in accordance with the provisions of this Order, from among the first-class Chiefs and other Chiefs who are members of the Northern House of Chiefs; and

(ii) not less than four or more than six shall be appointed, in accordance with the provisions of this Order, from among the Elected and Special Members of the Northern House of Assembly.

(*b*) Subject to the provisions of this subsection, the number of Regional Ministers who shall be appointed from among the members of either House as aforesaid shall be such as the Lieutenant-Governor, acting in his discretion, may from time to time prescribe.

Executive Council of Western Region

Executive Council of Western Region

126.—(1) The Executive Council of the Western Region shall consist of—

(*a*) the Lieutenant-Governor, who shall be the President of the Council;

(*b*) three *ex officio* Members;

(*c*) such Official Members as may be appointed in accordance with the provisions of this Order; and

(*d*) such Regional Ministers as may be appointed in accordance with the provisions of this Order.

Ex officio Members

(2) The *ex officio* Members shall be the Civil Secretary, the Legal Secretary, and the Financial Secretary, of the Region.

Official Members

(3) (*a*) The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons, either by name or by reference to their offices, to be Official Members of the Executive Council:

Provided that such persons

(i) shall be persons who are public officers; and

(ii) shall not at any time exceed two in number.

(*b*) The Lieutenant-Governor shall forthwith report to the Governor every appointment made under this subsection.

Regional Ministers

(4) (*a*) Of the Regional Ministers

(i) two shall be appointed, in accordance with the provisions of this Order, from among the Head Chiefs and other Chiefs who are members of the Western House of Chiefs; and

(ii) not less than four or more than seven shall be appointed, in accordance with the provisions of this Order, from among the Elected and Special members of the Western House of Assembly.

(*b*) Subject to the provisions of this subsection, the number of Regional Ministers who shall be appointed from among the members of the Western House of Assembly as aforesaid shall be such as the Lieutenant-Governor, acting in his discretion, may from time to time prescribe.

Executive Council of Eastern Region

Executive Council of Eastern Region

127.—(1) The Executive Council of the Eastern Region shall consist of—

(*a*) The Lieutenant-Governor, who shall be the President of the Council;

(*b*) three *ex officio* Members;

(*c*) such Official Members as may be appointed in accordance with the provisions of this Order; and

(*d*) such Regional Ministers as may be appointed in accordance with the provisions of this Order.

Ex officio Members

(2) The *ex officio* Members shall be the Civil Secretary, the Legal Secretary and the Financial Secretary, of the Region.

Official Members

(3) (*a*) The Lieutenant-Governor, acting in his discretion, may, by Instrument under the Public Seal of the Region, appoint persons, either by name or by reference to their offices, to be Official Members of the Executive Council:

Provided that such persons

(i) shall be persons who are public officers, and

(ii) shall not at any time exceed two in number.

(*b*) The Lieutenant-Governor shall forthwith report to the Governor every appointment made under this subsection.

Regional Ministers

(4) (*a*) Not less than seven or more than nine Regional Ministers shall be appointed, in accordance with the provisions of this Order, from among the Elected and Special Members of the Eastern House of Assembly:

Provided that the persons so appointed shall include at least one Elected Member who represents in the said House a Division which is in the Cameroons.

(*b*) Subject to the provisions of this subsection, the number of Regional Ministers who shall be appointed from among the members of the Eastern House of Assembly as aforesaid shall be such as the Lieutenant-Governor, acting in his discretion, may from time to time prescribe.

General

Method of appointment of Regional Ministers

128.—(1) (*a*) Whenever there is occasion for the appointment of a Regional Minister from among the members of any Regional Legislative House, then, save as otherwise provided by subsection (2) of this section—

(i) the Lieutenant-Governor shall submit to a meeting of the said House the name of the person whom he proposes for such appointment;

(ii) the House shall, before the termination of such meeting, resolve whether to approve of the appointment of such person; and

(iii) if the House resolves as aforesaid to approve of the appointment of such person, the Lieutenant-Governor shall, by Instrument under the Public Seal of the Region, appoint such person to be a Regional Minister.

(*b*) No member of a Regional Legislative House who is a public officer shall vote on the question of whether the appointment of any person to be a Regional Minister should be approved in pursuance of this subsection; and if on such question the votes are equally divided the President or other member presiding shall not exercise his casting vote.

(2) (*a*) When a Regional Minister is to be appointed in order to fill a casual vacancy in the Executive Council of a Region then, if the Lieutenant-Governor so directs, the following provisions of this subsection shall apply with respect to such appointment in place of the provisions of subsection (1) of this section, that is to say:—

(i) the name of the person whom the Lieutenant-Governor proposes for such appointment shall be submitted to the members of the Regional Legislative House of which such person is a member, and the members of the House shall vote on the question of whether to approve of the appointment of such person, in such manner (otherwise than in a meeting of the House) as the Lieutenant-Governor may by regulation prescribe; and

(ii) if, within such time as may be required by such regulations as aforesaid, the votes of a majority of all the members of the House are given in favour of approving of the appointment of such person, the Lieutenant-Governor shall, by Instrument under the Public Seal of the Region, appoint such person to be a Regional Minister.

(*b*) (i) References in this subsection to the members of a Regional Legislative House shall be construed as referring only to the members of such House who are not public officers.

(ii) In this subsection the expression "casual vacancy" means a vacancy occurring otherwise than by reason of the dissolution of a Regional Legislative House.

(3) The powers conferred by this section on the Lieutenant-Governor of a Region shall be exercised by him in his discretion.

Tenure of office of Official Members

129.—(1) An Official Member of the Executive Council of a Region shall hold his seat in the said Council at the pleasure of the Governor.

(2) The following provisions of this section shall have effect with respect to an Official Member of an Executive Council if he is appointed by name, that is to say—

(*a*) His seat in the Executive Council shall become vacant—

(i) upon such date as may be prescribed in that behalf by the Instrument by which he is appointed; or

(ii) upon his death, or

(iii) upon his ceasing to be a public officer.

(*b*) He may, with the permission of the Lieutenant-Governor, resign his seat in the Executive Council by writing under his hand addressed to the Lieutenant-Governor; and upon receipt of such resignation by the Lieutenant-Governor the seat of such Member shall become vacant.

Tenure of office of Regional Ministers

130.—(1) (*a*) A Regional Legislative House from among the members of which a Regional Minister has been appointed may, by resolution in favour of which there are cast the votes of not less than two-thirds of all the members of the House, request the Lieutenant-Governor to revoke the appointment of such Regional Minister.

(*b*) If a Regional Legislative House, in accordance with the provisions of subsection (1) of this section, requests the Lieutenant-Governor to revoke the appointment of any Regional Minister, the Lieutenant-Governor shall, by Instrument under the Public Seal of the Region, revoke such appointment and thereupon the seat of such Regional Minister in the Executive Council of the Region shall become vacant.

(2) If the Lieutenant-Governor of a Region considers that any Regional Minister has failed to carry out the policy, or any decision, of the Executive Council of the Region he may, by Instrument under the Public Seal of the Region, revoke the appointment of such Regional Minister, and thereupon the seat of such Regional Minister in the Executive Council of the Region shall become vacant.

Further provisions as to tenure of office of Regional Ministers

131.—(1) The seat of a Regional Minister in the Executive Council of a Region shall become vacant—

(*a*) if he ceases to be a member of the Regional Legislative House from among the Members of which he was appointed:

Provided that, if a Regional Minister ceases to be a member of a Regional Legislative House by reason of a dissolution of that House, he shall not on that account vacate his seat in the Executive Council until such time as the Lieutenant-Governor, after such dissolution, appoints any person to be a Regional Minister in pursuance of Section 128 of this Order; or

(*b*) if he absents himself from Nigeria without written permission given by the Lieutenant-Governor acting in his discretion.

(2) A Regional Minister may, by writing under his hand addressed to the Lieutenant-Governor, resign his seat in the Executive Council of a Region, and upon receipt of such resignation by the Lieutenant-Governor the seat of such Regional Minister shall become vacant.

(3) The Lieutenant-Governor of a Region may, by writing under his hand, declare a Regional Minister to be, by reason of illness, temporarily incapable of discharging his functions as a Regional Minister, and thereupon such Regional Minister shall not sit or vote in the Executive Council of the Region until he is declared in manner aforesaid again to be capable of discharging his said functions.

Temporary Members of Executive Council

132.—(1) Whenever there is a vacancy in the number of persons sitting in the Executive Council of a Region by reason of the fact that—

(*a*) an *ex officio* or Official Member is lawfully discharging the functions of Lieutenant-Governor ; or

(*b*) one person is lawfully discharging the functions of more than one of the officers referred to in subsection (2) of Section 125, subsection (2) of Section 126 or subsection (2) of Section 127, of this Order, as the case may be ; or

(*c*) no person is lawfully discharging the functions of one of those officers ; or

(*d*) a Regional Minister is declared by the Lieutenant-Governor, under Section 131 of this Order, to be, by reason of illness, temporarily incapable of discharging his functions as a Regional Minister ; or

(*e*) a member of the Executive Council is absent from Nigeria ;

a person may be appointed to be a temporary member of the Executive Council for the period of such vacancy.

(2) In the case of a vacancy in the number of persons sitting in the Executive Council as *ex officio* or Official Members the said person—

(*a*) shall be a person who is a public officer ; and

(*b*) shall be appointed as a temporary member of the Executive Council by the Lieutenant-Governor, acting in his discretion, by Instrument under the Public Seal of the Region.

The Lieutenant-Governor shall forthwith report to the Governor every appointment made under this subsection.

(3) In the case of a vacancy in the number of persons sitting in the Executive Council as Regional Ministers, the said person

(*a*) shall be a person who is a member of the same Regional Legislative House as the person in respect of whom the vacancy has occurred ; and

(*b*) shall be appointed as a temporary member of the Executive Council by the Lieutenant-Governor by Instrument under the Public Seal of the Region.

(4) For the purposes of this Order but subject to the provisions of this section, a person appointed under subsection (2) of this section shall, while his appointment subsists, be deemed to be an Official Member of the Executive Council and, subject as aforesaid, the provisions of this Order shall have effect accordingly:

Provided that, if he is appointed to fill a vacancy in the number of persons sitting in the Executive Council as *ex officio* Members, such person shall not be reckoned as an Official Member in computing the number of such members for the purposes of Section 125, Section 126 or Section 127 of this Order, as the case may be.

(5) (*a*) For the purposes of this Order but subject to the provisions of this section, a person appointed under subsection (3) of this section shall, while his appointment subsists, be deemed to be a Regional Minister and, subject as aforesaid, the provisions of this Order shall have effect accordingly, save that the provisions of Section 130 of this Order shall not apply with respect to such person.

(*b*) An appointment made under subsection (3) of this section may be revoked by the Lieutenant-Governor by Instrument under the Public Seal of the Region.

(6) An appointment made under this section shall cease to have effect if the Lieutenant-Governor (acting in his discretion in the case of the appointment made under subsection (2)) notifies the person appointed that the vacancy in respect of which he was appointed has ceased to exist.

Method of voting on appointment and removal of Regional Minister

133. (*a*) When, under Section 128 of this Order, the members of a Regional Legislative House vote (either in a meeting of such House or otherwise) on the question of whether to approve of the appointment of a person as a Regional Minister ; or

(*b*) when, under Section 130 of this Order, the members of a Regional Legislative House vote on the question of whether the Lieutenant-Governor should be requested to revoke the appointment of a Regional Minister ;

the votes shall be given by ballot in such manner as not to disclose how any individual member votes.

Decision of questions as to membership of Executive Council

134. All questions which may arise as to the right of any person to be or remain a member of the Executive Council of a Region shall be determined by the Lieutenant-Governor acting in his discretion.

Precedence of Members

135.—(1) After the Lieutenant-Governor, the Members of the Executive Council of a Region shall take precedence as the Governor may assign and, if precedence be not so assigned, as follows:—

First the *ex officio* and Official Members in such order as the Lieutenant-Governor may assign:

Provided that the *ex officio* Members shall take precedence among themselves in the order in which they are mentioned in subsection (2) of Section 125, subsection (2) of Section 126 or subsection (2) of Section 127 of this Order, as the case may be ;

Secondly, members temporarily appointed under Section 132 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex officio* or Official Members, in such order as the Lieutenant-Governor may assign ;

Thirdly, Regional Ministers according to the length of time for which they have been continuously Regional Ministers, persons who have been continuously Regional Ministers for the same length of time taking precedence according to the alphabetical order of their names.

(2) In ascertaining, for the purposes of subsection (1) of this section, the length of time for which any person has been continuously a Regional Minister, no account shall be taken of any interval between the vacation by that person of his seat in the Executive Council in consequence of a dissolution of the Regional Legislative House of which he is a member and the date of his appointment to fill a vacancy in the Executive Council caused by that dissolution.

(3) The powers conferred by this section on the Governor, or on a Lieutenant-Governor, shall be exercised by him in his discretion.

Presiding in Executive Council

136. The Lieutenant-Governor shall, so far as is practicable, attend and preside at all meetings of the Executive Council of a Region, and in his absence such member as the Lieutenant-Governor, acting in his

discretion, may appoint or, in the absence of such member or if no member be so appointed, the member present who stands first in order of precedence, shall preside.

Council may transact business notwithstanding vacancies

137. The Executive Council of a Region shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Summoning and quorum

138.—(1) The Executive Council of a Region shall not be summoned except by the authority of the Lieutenant-Governor, but it shall be so summoned if six or more members of the Council so request in writing.

(2) No business shall be transacted in the Executive Council of a Region if objection is taken by any member present that there are present less than six members besides the Lieutenant-Governor or other member presiding.

Voting

139. Where any matter is dependent upon the decision of the Executive Council of a Region, any decision shall be regarded as the decision of the Council if a majority of the votes of the members present and voting are cast in favour thereof. The Lieutenant-Governor shall not have an original vote but, if upon any question the votes are equally divided, he may, acting in his discretion, give a casting vote. In the absence of the Lieutenant-Governor, the member presiding shall have an original vote and may also, if upon any question the votes are equally divided, give a casting vote.

PART 3—SPECIAL FUNCTIONS OF REGIONAL MINISTERS.

Responsibility defined

140. In this Part "responsibility" for any matter means general responsibility for—

(*a*) submitting to the Executive Council questions relating to such matter ;

(*b*) ensuring, in association with the appropriate public officer, that effect is given to decisions taken by the Lieutenant-Governor in Executive Council relating to such matter ; and

(*c*) conducting government business relating to such matter in the Regional Legislative House of which the person charged with responsibility is a member.

Regional Ministers to be charged with responsibility

141.—(1) Subject to the provisions of this section, the Lieutenant-Governor of a Region, acting in his discretion, may, by directions in writing—

(*a*) charge individual Regional Ministers with responsibility for such matters within the executive authority of the Region as may be prescribed by such directions ; and

(*b*) revoke or vary any directions given under this subsection.

(2) A Regional Minister who is not charged as aforesaid with responsibility for any matter shall be styled a Regional Minister without portfolio ; and there shall not be more than three such Ministers in the Executive Council of any Region.

(3) Nothing in this section shall prevent the Lieutenant-Governor, acting in his discretion, from assigning to *ex officio* or Official Members of the Executive Council of a Region such functions and responsibilities as he may think fit.

" *Appropriate public officer* "

142. If, with respect to the responsibility of any Regional Minister for any matter, there shall arise any question as to which officer is the appropriate public officer within the meaning of paragraph (*b*) of Section 140 of this Order, such question shall be determined by the Lieutenant-Governor acting in his discretion.

Leave of absence

143. The Lieutenant-Governor, acting in his discretion, may grant leave of absence from his duties to a Regional Minister.

CHAPTER VI

The Central Executive—The Council of Ministers

Part 1.—General

Interpretation

144. In this Part—

(*a*) references to the members of the House of Representatives returned by a Region shall be construed in the case of the Northern Region as references to members elected in pursuance of Section 71, and in the case of the Western Region as references to members elected in pursuance of Section 72, and in the case of the Eastern Region as references to members elected in pursuance of Section 73, of this Order ; and

(*b*) " Council " means the Council of Ministers established by this Part.

Council of Ministers

145. There shall be in and for Nigeria a Council of Ministers which shall consist of the Governor, as President, six *ex officio* Members and twelve Ministers.

Functions of Council of Ministers and exercise of Governor's powers

146.—(1) The Council shall be the principal instrument of policy in and for Nigeria and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of His Majesty in Council, any Instructions under His Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law in force in Nigeria.

(2) Save as is otherwise provided by any Instructions under His Majesty's Sign Manual and Signet the Governor shall—

(*a*) consult with the Council in the exercise of all powers conferred upon him by this Order other than powers which he is by this Order directed or empowered to exercise in his discretion ; and

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

Ex officio Members

147. The *ex officio* Members of the Council shall be the Chief Secretary to the Government of Nigeria, the Lieutenant-Governors of the Northern, Western, and Eastern Regions, the Attorney-General, and the Financial Secretary to the Government of Nigeria.

Ministers

148.—(1) Of the Ministers—

(*a*) four shall be appointed, in accordance with the provisions of this Order, from among the members of the House of Representatives returned by the Northern Region;

(*b*) four shall be appointed, as aforesaid, from among the members of the House of Representatives returned by the Western Region; and

(*c*) four shall be appointed, as aforesaid, from among the members of the House of Representatives returned by the Eastern Region.

(2) The Ministers appointed in pursuance of paragraph (*c*) of subsection (1) of this section shall include one person who is an Elected Member of the Eastern House of Assembly and represents in the said House a Division which is in the Cameroons.

Governor to propose persons for appointment as Ministers

149.—(1) Whenever there is occasion for the appointment of a Minister from among the members of the House of Representatives returned by any Region, the Governor shall—

(*a*) require the Lieutenant-Governor to submit to him the name of any person whom the Lieutenant-Governor may recommend for such appointment; and

(*b*) having considered any name so submitted to him, shall inform the Lieutenant-Governor of the name of the person whom the Governor proposes for such appointment.

(2) The powers conferred by this section on the Governor, or on a Lieutenant-Governor, shall be exercised by him in his discretion.

Procedure for appointment of Ministers in Northern or Western Region

150.—(1) When, in pursuance of Section 149 of this Order, the Governor has informed the Lieutenant-Governor of the Northern or Western Region of the name of any member of the House of Representatives returned by that Region whom he proposes for appointment as a Minister, then, save as otherwise provided by subsection (2) of this section—

(*a*) the Lieutenant-Governor of such Region shall submit to a meeting of the Joint Council of the Region the name of the person so proposed by the Governor;

(*b*) the Joint Council shall, before the termination of such meeting, resolve whether to approve of the appointment of such person; and

(*c*) if the Joint Council resolves as aforesaid to approve of the appointment of such person, the Governor shall, by Instrument under the Public Seal, appoint such person to be a Minister.

(2) When a Minister is to be appointed, from among the members of the House of Representatives returned by the Northern or Western Region, in order to fill a casual vacancy in the Council of Ministers, then, if the Lieutenant-Governor of such Region so directs, the following provisions of this subsection shall apply with respect to such appointment in place of the provisions of subsection (1) of this section, that is to say—

(*a*) the name of the person whom the Governor proposes for such appointment shall be submitted to the members of the Joint Council of the Region, and the members of the Joint Council shall vote on the question of whether to approve of the appointment of such person, in such manner (otherwise than in a meeting of the Joint Council) as the Lieutenant-Governor may by regulation prescribe ; and

(*b*) if, within such time as may be required by such regulations as aforesaid, the votes of a majority of all the members of the Joint Council are given in favour of approving of the appointment of such person, the Governor shall, by Instrument under the Public Seal, appoint such person to be a Minister.

(3) (*a*) In this section the expression "casual vacancy" means a vacancy occurring otherwise than by reason of a dissolution of the House of Representatives.

(*b*) The powers conferred by this section on the Governor, or on a Lieutenant-Governor, shall be exercised by him in his discretion.

Procedure for appointment of Ministers in Eastern Region

151.—(1) Section 150 of this Order shall apply in relation to the appointment of a Minister from among the members of the House of Representatives returned by the Eastern Region as it applies in relation to the appointment of a Minister from among the members of the House of Representatives returned by the Northern or Western Region and, for the purposes of its application by this section, the said Section 150 shall have effect with the necessary adaptations and, in particular, as if—

(*a*) references in the said section to the Lieutenant-Governor of the Northern or Western Region and to the Joint Council of the Northern or Western Region were, respectively, references to the Lieutenant-Governor of the Eastern Region and to the Eastern House of Assembly ; and

(*b*) references in subsection (2) of the said section to the members of the Joint Council of the Northern or Western Region were references to the members of the Eastern House of Assembly who are not public officers.

(2) No member of the Eastern House of Assembly who is a public officer shall vote on the question of whether the appointment of any person to be a Minister should be approved in pursuance of subsection (1) of the said Section 150 as applied by this section ; and if on such question the votes are equally divided the President or other member presiding shall not exercise his casting vote.

Tenure of office of Ministers

152.—(1) (*a*) The House of Representatives may, by resolution in favour of which there are cast the votes of not less than two-thirds of all the members of the House, request the Governor to revoke the appointment of any Minister.

(*b*) If the House of Representatives, in accordance with the provisions of subsection (1) of this section, requests the Governor to revoke the appointment of any Minister, the Governor shall revoke such appointment by Instrument under the Public Seal and thereupon the seat of such Minister in the Council shall become vacant.

(2) If the Governor considers that any Minister has failed to carry out the policy, or any decision, of the Council he may, by Instrument under the Public Seal, revoke the appointment of such Minister, and thereupon the seat of such Minister in the Council shall become vacant.

Further provisions as to tenure of office of Ministers

153.—(1) The seat of a Minister in the Council shall become vacant—

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

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

(*b*) if he absents himself from Nigeria without written permission given by the Governor acting in his discretion.

(2) A Minister may, by writing under his hand addressed to the Governor, resign his seat in the Council, and upon receipt of such resignation by the Governor the seat of such Minister shall become vacant.

(3) The Governor may, by Instrument under the Public Seal, declare a Minister to be, by reason of illness, temporarily incapable of discharging his functions as a Minister and thereupon such Minister shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Temporary Members of Council of Ministers

154.—(1) Whenever there is a vacancy in the number of persons sitting in the Council by reason of the fact that—

(*a*) no person is lawfully discharging the functions of any one of the officers referred to in Section 147 of this Order; or

(*b*) a Minister is declared by the Governor under Section 153 of this Order to be, by reason of illness, temporarily incapable of discharging his functions as a Minister; or

(*c*) a member of the Council is absent from Nigeria;

a person may be appointed to be a temporary member of the Council for the period of such vacancy.

(2) In the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members the said person—

(*a*) shall be a person who is a public officer; and

(*b*) shall be appointed as a temporary member of the Council by the Governor, acting in his discretion, by Instrument under the Public Seal.

The Governor shall forthwith report to His Majesty through a Secretary of State every appointment made under this subsection.

(3) In the case of a vacancy in the number of persons sitting in the Council as Ministers the said person—

(*a*) shall be a person who is a member of the House of Representatives returned by the same Region as the person in respect of whom the vacancy has occurred ; and

(*b*) shall be appointed as a temporary member of the Council by the Governor by Instrument under the Public Seal.

(4) While his appointment subsists the following provisions of this Order shall have effect with respect to a person appointed under subsection (2) of this section, that is to say—

(*a*) he shall hold his seat in the Council at His Majesty's pleasure ;

(*b*) the provisions of this Order shall, subject to the provisions of this section, apply in relation to him as if he were an *ex officio* Member of the Council ;

(*c*) his seat in the Council shall become vacant—

(i) upon his death, or

(ii) upon his ceasing to be a public officer ; and

(*d*) he may, with the permission of the Governor, resign his seat in the Council and, upon receipt of such resignation by the Governor, the said seat shall become vacant.

(5) (*a*) For the purposes of this Order, but subject to the provisions of this section, a person appointed under subsection (3) of this section shall, while his appointment subsists, be deemed to be a Minister and, subject as aforesaid, the provisions of this Order shall have effect accordingly save that the provisions of Section 152 of this Order shall not apply with respect to such person.

(*b*) An appointment made under subsection (3) of this section may be revoked by the Governor by Instrument under the Public Seal.

(6) An appointment made under this section shall cease to have effect if the Governor (acting in his discretion in the case of an appointment made under subsection (2)) notifies the person appointed that the vacancy in respect of which he was appointed has ceased to exist.

Method of voting on appointment and removal of Ministers

155. (*a*) When, under Section 150 of this Order the members of the Joint Council of the Northern or Western Region or the members of the Eastern House of Assembly vote (whether in a meeting of such Council or House or otherwise) on the question of whether to approve of the appointment of a person as a Minister ; or

(*b*) when, under Section 152 of this Order, the House of Representatives votes on the question of whether the Governor should be requested to revoke the appointment of a Minister ;

the votes shall be given by ballot in such manner as not to disclose how any individual member votes.

Decision of question as to membership of Council

156. All questions which may arise as to the right of any person to be or remain a Member of the Council shall be determined by the Governor acting in his discretion.

Precedence of members in Council

157.—(1) After the Governor, the Members of the Council shall take precedence as His Majesty may assign and, if precedence be not so assigned, as follows—

First, the *ex officio* Members in the order in which they are referred to in Section 147 of this Order:

Provided that a person holding a substantive appointment of Lieutenant-Governor shall take precedence before a person acting as Lieutenant-Governor and, save as aforesaid, the Lieutenant-Governors of the Northern, Western and Eastern Regions shall take precedence among themselves according to the dates of their respective appointments as Lieutenant-Governor ;

Secondly, members temporarily appointed under Section 154 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex officio* Members, in such order as may be assigned by the Governor acting in his discretion ;

Thirdly, the Ministers according to the length of time for which they have been continuously Ministers, persons who have been continuously Ministers for the same length of time taking precedence according to the alphabetical order of their names.

(2) For the purposes of subsection (1) of this section—

(*a*) in ascertaining the length of time for which any person has been continuously a Minister no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of a dissolution of the House of Representatives and the date of his appointment to fill a vacancy in the Council caused by that dissolution ; and

(*b*) if any person, having been, for any period immediately before the date upon which the existing Executive Council ceases to exist, a member of that Council, is appointed as a Minister in the Council as first constituted under this Order, he shall be deemed to have been a Minister during that period ; and no account shall be taken of any interval between the end of that period and the date upon which such person is first appointed a Minister under this Order.

Presiding in Council

158. The Governor shall, so far as is practicable, attend and preside at all meetings of the Council, and in his absence such member as the Governor, acting in his discretion, may appoint or, in the absence of such member or if no member be so appointed, the member present who stands first in order of precedence, shall preside.

Council may transact business notwithstanding vacancies

159. The Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Summoning and quorum

160.—(1) The Council shall not be summoned except by the authority of the Governor, but it shall be so summoned if six or more members so request in writing.

(2) No business except that of adjournment shall be transacted in the Council if objection is taken by any member present that there are less than seven members present besides the Governor or other member presiding.

Voting

161. Where any matter is dependent upon the decision of the Council, any decision shall be regarded as the decision of the Council if a majority of the votes of the members present and voting are cast in favour thereof. The Governor shall not have an original vote but, if upon any question the votes are equally divided, he may, acting in his discretion, give a casting vote. In the absence of the Governor, the member presiding shall have an original vote and may also, if upon any question the votes are equally divided, give a casting vote.

PART 2—SPECIAL FUNCTION OF MINISTERS

Responsibility defined

162. In this Part "responsibility" for any matter means general responsibility for—

(*a*) submitting to the Council of Ministers questions relating to such matter;

(*b*) ensuring, in association with the appropriate public officer, that effect is given to decisions taken by the Governor in the Council of Ministers relating to such matter; and

(*c*) conducting in the House of Representatives government business relating to such matter.

Ministers to be charged with responsibility

163.—(1) Subject to the provisions of Section 164 of this Order, the Governor, acting in his discretion, may, by directions in writing—

(*a*) charge individual Ministers with responsibility for such matters as may be prescribed by such directions; and

(*b*) revoke or vary any directions given under this subsection.

(2) A Minister who is not charged as aforesaid with responsibility for any matter shall be styled a Minister without portfolio.

(3) Nothing in this section shall prevent the Governor, acting in his discretion, from assigning to *ex officio* Members of the Council of Ministers such functions and responsibilities as he may think fit.

Ministers without portfolio

164.—(1) There shall not be more than three Ministers without portfolio.

Third Schedule matters

(2) In the exercise of the powers conferred on him by Section 163 of this Order, the Governor shall charge each of three Ministers with responsibility for one or more of the matters mentioned in the Third Schedule to this Order:

Provided that the responsibility of any such Minister for any such matter shall not extend to the function mentioned in paragraph (*b*) of Section 162 of this Order.

"*Appropriate public officer*"

165. If, with respect to the responsibility of any Minister for any matter, there shall arise any question as to which officer is the appropriate public officer within the meaning of paragraph (*b*) of Section 162 of this Order, such question shall be determined by the Governor acting in his discretion.

Leave of absence

166. The Governor, acting in his discretion, may grant leave of absence from his duties to any Minister.

CHAPTER VII

The Public Service

Appointment etc. of Public Officers

167.—(1) Power to appoint (including power to promote or transfer), and power to dismiss and to exercise other disciplinary control over, public officers is hereby vested in the Governor.

(2) (*a*) Subject to the provisions of paragraph (*b*) of this subsection, the Governor may delegate (in such manner and on such conditions as he may think fit) to the Lieutenant-Governor of any Region, or to any officer having authority over a public department, any of the powers conferred on the Governor by subsection (1) of this section.

(*b*) The Governor shall not—

(i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation ; or

(ii) delegate any such power with respect to public officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(*c*) (i) In this subsection " public department " means any department of the Government of Nigeria or of any Region.

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

(3) The provisions of this section shall be subject to the provisions of any Instructions which may be issued by His Majesty under His Sign Manual and Signet or through a Secretary of State, and any power conferred by this section or delegated under this section shall be exercised in accordance with the provisions of such Instructions.

Public Service Commission

168.—(1) There shall be, in and for Nigeria, a Public Service Commission (in this Chapter referred to as " the Commission ") and, subject to the provisions of subsection (3) of this section, the Commission shall consist of such persons, appointed in such manner, as may be prescribed by regulations made under Section 171 of this Order.

(2) The Governor may terminate the appointment of any member of the Commission and, subject as aforesaid, the members of the Commission shall hold office upon such terms and conditions as may be prescribed by regulations made under Section 171 of this Order.

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

Commission to advise Governor

169.—(1) The Governor may (either generally or specially and in whatever manner he thinks fit) refer to the Commission for their advice any matter relating to the appointment (including promotion and transfer), or to the dismissal or other disciplinary control, of public officers or of any public officer, or any other matter which, in his opinion, affects the public service.

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

Commission to advise Lieutenant-Governor or other officer

170.—(1) The Governor may (in such manner as he thinks fit) require or permit any Lieutenant-Governor or other officer to whom he delegates any power under Section 167 of this Order to refer to the Commission for their advice, on such conditions as the Governor may prescribe, any matter relating to the exercise of such power:

Provided that such Lieutenant-Governor or other officer shall not be obliged to act in accordance with the advice given to him by the Commission.

(2) It shall be the duty of the Commission to advise any Lieutenant-Governor or other officer on any question which he refers to it in accordance with the provisions of this section.

Regulations regarding Public Service Commission

171. Subject to the provisions of this Order, the Governor may make regulations for giving effect to the foregoing provisions of this Chapter, and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for all or any of the following matters, that is to say:—

(*a*) the membership of the Commission;

(*b*) the appointment, tenure of office and terms of service of members of the Commission;

(*c*) the organisation of the work of the Commission and the manner in which the Commission shall perform its functions;

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

(*e*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(*f*) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences: Provided that no such penalty shall exceed a fine of two hundred pounds and imprisonment for a term of one year.

Preservation of pensions, etc.

172.—(1) All pensions, gratuities or other like benefits which have been, or which may be, granted to any persons who have been, and have ceased to be, public officers at any time before the date of the commencement of Chapters II to IV of this Order (in this section referred to as " the appointed day ") or to the widows, children, dependants or personal representatives of such persons, shall be governed by the law under which they were granted, or, if granted after the appointed day, by the law in force on that day, or, in either case, by any law made thereafter which is not less favourable.

(2) All pensions, gratuities and other like benefits which may be granted to persons who are public officers on the appointed day, or to the widows, children, dependants or personal representatives of such persons, shall be governed by the law in force on that day or by any law made thereafter which is not less favourable.

(3) Any pension, gratuity or other like benefit which may be granted to any person who may be appointed to be a public officer after the appointed day, or to the widow, children, dependants or personal representatives of any such person, shall be governed by the law in force on the day on which such person is so appointed or by any law made thereafter which is not less favourable.

(4) Where any person is entitled to exercise an option for his case to be governed by one of two or more laws, the law specified by him in exercising such option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

Exercise of powers under Chapter VII

173. The powers conferred by this Chapter on the Governor, and any power which may be delegated to a Lieutenant-Governor under Section 167 of this Order, shall be exercised by the Governor or by such Lieutenant-Governor, as the case may be, in his discretion.

FIRST SCHEDULE

Section 5

TERRITORY COMPRISED IN THE THREE REGIONS

1. The Northern Region	That part of the Protectorate which, immediately before the commencement of Chapter 1 of this Order, stands delimited as the Northern Provinces in accordance with Section 5 of the Protectorate and Cameroons Order, together with those portions of the Cameroons which lie to the north of the line described in paragraph 2 of this Schedule.
The Western Region	The Colony together with that part of the Protectorate which, immediately before the commencement of Chapter 1 of this Order, stands delimited as the Western Provinces in accordance with Section 5 of the Protectorate and Cameroons Order.

The Eastern Region	That part of the Protectorate which, immediately before the commencement of Chapter 1 of this Order, stands delimited as the Eastern Provinces in accordance with Section 5 of the Protectorate and Cameroons Order, together with those portions of the Cameroons which lie to the south of the line described in paragraph 2 of this Schedule.

2. From boundary post 64 on the old Anglo-German frontier the line follows the River Gamana upstream to the point where it is joined by the River Sama; thence up the River Sama to the point where it divides into two; thence a straight line to the highest point of Tosso Mountain; thence a straight line eastwards to a point on the main Kentu-Bamenda road where it is crossed by an unnamed tributary of the River Akbang (Heboro on Sheet E of Moisel's map on Scale 1/300,000)—the said point being marked by a cairn; thence down the stream to its junction with the River Akbang; thence the River Akbang to its junction with the River Donga; thence the River Donga to its junction with the River Mburi; thence the River Mburi southwards to its junction with an unnamed stream about one mile north of the point where the new Kumbo-Banyo road crosses the River Mburi at Nyan (*alias* Nton), the said point being about four miles south-east by east of Muwe; thence along this unnamed stream on a general true bearing of 120° for one and a half miles to its source at a point on the new Kumbo-Banyo road, near the source of the River Mfi; thence on a true bearing of 100° for three and five-sixths miles along the crest of the mountains to the prominent peak which marks the Franco-British frontier.

Section 42 (2)

SECOND SCHEDULE

Offences Prescribed for the Purposes of Section 42 (2)

1. The following offences are prescribed for the purposes of subsection (2) of Section 42 of this Order:—

(*a*) an offence under any provision of the following Chapters of the Criminal Code Ordinance:—

Chapters VI, VIA and VIII (which relate to treason, treachery, sedition and the like offences) except an offence under subsection (2) of Section 48 or under Section 60;

Chapter XII (which relates to corruption and abuse of office) except an offence under any of Sections 101 to 111;

Chapter XIII (which relates to selling and trafficking in offices);

Chapter XIV (which relates to offences relating to the administration of justice) except an offence under Section 128, 129, 130, 132 or 133;

Chapter XVI (which relates to offences relating to the coin) except an offence under Section 156 or 160;

Chapters XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX and XL (which relate to stealing and like offences) provided that, in the case of an offence under any of Sections 411 to 417 which involves the commission of, or the intention to commit, a felony, the felony committed or intended to be committed is an offence prescribed by this Schedule;

Chapters XLIII, XLIV, XLV and XLVI (which relate to forgery and like offences and personation);

Chapter XLVII (which relates to fraudulent debtors); and

Chapter XLIX (which relates to secret commission and corrupt practices); and

(*b*) an offence under any provision of the West African Currency Notes Ordinance.

(2) In this Schedule :—

(*a*) references to the Criminal Code Ordinance and the West African Currency Notes Ordinance are references to those ordinances as set out in the Revised Edition of the Laws of Nigeria prepared under the authority of the Revised Edition of the Laws Ordinance, 1947; and

(*b*) references to any enactment include references to any enactment amending or replacing that enactment.

THIRD SCHEDULE

Section 91

MATTERS WITH RESPECT TO WHICH A REGIONAL LEGISLATURE MAY MAKE LAWS

1. Agriculture.

2. Animal health.

3. Fisheries.

4. Forestry.

5. The development, regulation and supervision of local industries.

6. Co-operative Societies.

7. Social Welfare.

8. Education.

9. Acquisition of rights in land within the Region by persons other than Nigerians.

10. Compulsory acquisition of land.

11. Customary land tenures.

12. Lands and buildings vested in any Region.

13. Land settlement.

14. Rent of lands and buildings.

15. Conservation of soil and water resources.

16. Survey of land (but not including the profession of surveyor).

17. Regional Public Works.

18. Town and country planning.

19. The public service of the Region to such extent (if any) as the Governor, acting in his discretion, may by regulations prescribe.

20. Local government including the constitution and powers (including the power to levy rates) of native authorities, township authorities, and other local authorities established for the purpose of local or village administration.

21. Public health and sanitation; hospitals and dispensaries; housing; the registration of births and deaths and marriages; burials and burial grounds.

22. Native courts (but not including appeals from native courts to authorities other than native courts).

23. Save as otherwise expressly provided in this Schedule, jurisdiction and powers of all courts with regard to any of the matters mentioned in this Schedule.

24. Taxation to such extent as may be prescribed by or under any Order of his Majesty in Council.

25. Borrowing of moneys within Nigeria upon the security of the revenues or assets of the Region for purposes relating to any matter mentioned in this Schedule or in the Fourth Schedule to this Order.

26. The appropriation from the revenues and funds of the Region of moneys to meet expenditure relating to any matter mentioned in this Schedule or in the Fourth Schedule to this Order.

27. Loans and advances from the revenues and funds of the Region for purposes relating to any matter mentioned in this Schedule or in the Fourth Schedule to this Order.

28. Any matter declared to be within the competency of the legislature of the Region under Section 92 of this Order.

29. Fees and other charges in respect of any of the matters mentioned in this Schedule.

30. Offences against laws with respect to any of the matters mentioned in this Schedule.

Third Schedule, items 25 to 27.

FOURTH SCHEDULE

MATTERS (ADDITIONAL TO MATTERS MENTIONED IN THE THIRD SCHEDULE) IN RELATION TO WHICH A REGIONAL LEGISLATURE MAY MAKE PROVISION FOR THE APPROPRIATION, LENDING OR BORROWING OF MONEYS.

1. Administration including the Lieutenant-Governor's office, the Regional Secretariat and the Provincial Administration.

2. The Accountant-General's Department.

3. The Nigeria Police.

4. Public Relations.

5. Expenditure reimbursable from funds of Marketing Boards.

6. The Regional Legislature (including, in the case of the Northern Region, the adviser on Moslem law in the Northern House of Chiefs).

7. The Regional Executive.

8. Printing.

9. Charitable Grants.

10. Depreciation of Investments.

EXPLANATORY NOTE

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

This Order in Council divides Nigeria into three Regions.

It establishes a Central Legislature and a Council of Ministers for the whole of Nigeria, and a separate Legislature and Executive Council for each of the three Regions.

The Order also establishes a Public Service Commission for Nigeria.