NIGERIA

1954 No. 1146

The Nigeria (Constitution) Order in Council, 1954

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ARRANGEMENT OF ORDER

CHAPTER I

INTRODUCTORY

Section
1. Citation, commencement, revocation and reservation of power.
2. Interpretation.
3. Establishment of Federation of Nigeria.
4. Territorial divisions.

CHAPTER II

THE LEGISLATIVE HOUSES

5. Establishment of Legislative Houses.

The House of Representatives

6. Composition of House of Representatives.
7. Speaker and Deputy Speaker of House of Representatives.
8. Election of Representative Members.
9. Qualifications for representative membership of House of Representatives.
10. Disqualifications for representative membership of House of Representatives.
11. Special Members of House of Representatives.
12. Temporary Members of House of Representatives.
13. Special Member of House of Representatives unable to act.
14. Tenure of seats by Representative Members.
15. Tenure of seats by Special Members of House of Representatives.
16. Determination of questions as to membership of House of Representatives.

The Legislative Houses of the Northern Region

17. Composition of Northern House of Chiefs.
18. Selection of Chiefs as members of Northern House of Chiefs.
19. Adviser on Moslem law.
20. President and Deputy President of Northern House of Chiefs.
21. Composition of Northern House of Assembly.
22. Special Members of Northern House of Assembly.
23. President and Deputy President of Northern House of Assembly.

The Legislative Houses of the Western Region

Section
24. Composition of Western House of Chiefs.
25. Recognition of Chiefs and designation of Head Chiefs.
26. Head Chiefs and Chiefs to be members of Western House of Chiefs.
27. Special Members of Western House of Chiefs.
28. President and Deputy President of Western House of Chiefs.
29. Composition of Western House of Assembly.
30. Special Members of Western House of Assembly.
31. Speaker and Deputy Speaker of Western House of Assembly.

The Eastern House of Assembly

32. Composition of Eastern House of Assembly.
33. Speaker and Deputy Speaker of Eastern House of Assembly.

The House of Assembly of the Southern Cameroons

34. Composition of House of Assembly of Southern Cameroons.
35. Native-Authority Members of House of Assembly of Southern Cameroons.
36. Special Members of House of Assembly of Southern Cameroons.

Elected Members of the Houses of Assembly

37. Election of Elected Members.
38. Qualifications for elected membership of House of Assembly.
39. Disqualifications for elected membership of House of Assembly.

Temporary Membership of the Northern House of Assembly and the Legislative Houses of the Western Region and the Southern Cameroons

40. Temporary Members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons.
41. Certain members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons unable to act.

Tenure of Office by Members of Regional Legislative Houses and House of Assembly of Southern Cameroons

42. Tenure of seats by Official Members of Northern House of Assembly.
43. Tenure of seats by Special Members of Houses of Assembly.
44. Tenure of seats by Special Members of Western House of Chiefs.
45. Tenure of seats by Chiefs in Northern House of Chiefs.
46. Tenure of seats by Chiefs in Western House of Chiefs.
47. Tenure of seats by Elected Members of House of Assembly.
48. Tenure of seats by Native-Authority Members of House of Assembly of Southern Cameroons.

Miscellaneous

49. Determination of questions as to membership of Legislative Houses of Regions and Southern Cameroons.
50. Discharge of functions of President or Speaker after dissolution of Regional Legislative House.

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

Section
51. Establishment of Legislatures.
52. Federal Legislature may be authorised to make laws by Legislatures of Regions and Southern Cameroons
53. Implementation of treaties etc.
54. External trade.
55. Legislatures may authorise grants or loans for any purpose.
56. Emoluments of officers employed in connection with government of Southern Cameroons.
57. Existing laws.
58. Inconsistency between laws enacted by different Legislatures.

Legislative Procedure

59. Legislatures to observe Royal Instructions.
60. Introduction of Bills in Legislative Houses.
61. Restrictions with regard to Bills etc. that charge the revenue.
62. Bills and motions in House of Representatives and Legislative Houses of Northern Region and Southern Cameroons affecting public officers etc.
63. Bills and motions in Legislative Houses of Western and Eastern Regions affecting public officers etc.
64. Reserved powers.
65. Assent to Bills.
66. Disallowance of laws.
67. Introduction of Bills by message of Governor in Western and Eastern Regions.
68. Bills liable to special procedure.
69. Notice of joint sitting and summoning of joint sitting.
70. Procedure in joint sitting and powers of joint sitting.
71. Standing Orders for Legislative Houses.
72. Presiding in Legislative Houses.
73. Legislative Houses may transact business notwithstanding vacancies etc.
74. Quorum in Legislative Houses.
75. Voting in Legislative Houses.
76. Oath of allegiance to be taken by members of Legislative Houses.
77. Privileges of Legislative Houses.
78. Official languages in Legislative Houses.
79. Penalty for unqualified persons sitting or voting in Legislative Houses.
80. Sessions of Legislative Houses.
81. Powers of Governor-General and Governors to address Legislative Houses.
82. Prorogation and dissolution of Legislative Houses.

CHAPTER IV

EXECUTIVE POWERS

83. Extent of executive authority of Federation.
84. Use and operational control of police.
85. Extent of executive authority of Regions.
86. Extent of executive authority of Southern Cameroons.

The Council of Ministers

87. Establishment of Council of Ministers.
88. Composition of Council of Ministers.

Section
89. Functions of Council of Ministers and exercise of Governor-General's powers.
90. Tenure of office of Ministers.
91. Temporary Members of Council of Ministers.
92. Minister unable to act.
93. Determination of questions as to membership of Council of Ministers.
94. Presiding in Council of Ministers.
95. Council of Ministers may transact business notwithstanding vacancies etc.
96. Summoning Council of Ministers and quorum therein.
97. Voting in Council of Ministers.
98. Assignment of responsibility to members of Council of Ministers.
99. Parliamentary Secretaries to Ministers.
100. Permanent Secretaries to supervise certain Federal departments.
101. Governor-General's Secretary and Secretary to Council of Ministers.
102. Leave of absence for Ministers etc.
103. Oaths to be taken by Ministers etc.

The Executive Councils of the Regions

104. Establishment of Executive Councils for Regions.
105. Functions of Executive Councils and exercise of Governors' powers.
106. Composition of Executive Council of Northern Region.
107. Appointment of Regional Ministers in Northern Region.
108. Composition of Executive Council of Western Region.
109. Appointment of Regional Ministers in Western Region.
110. Composition of Executive Council of Eastern Region.
111. Appointment of Regional Ministers in Eastern Region.
112. Tenure of office of Premier.
113. Tenure of office of Regional Minister.
114. Determination of questions as to membership of Executive Councils of Regions.
115. Presiding in Executive Councils of Regions.
116. Executive Councils of Regions may transact business notwithstanding vacancies etc.
117. Summoning Executive Councils of Regions and quorum therein.
118. Voting in Executive Councils of Regions.
119. Assignment of responsibility to members of Executive Councils of Regions.
120. Parliamentary Secretaries to Regional Ministers.
121. Permanent Secretaries to supervise certain Regional departments.
122. Oaths to be taken by Regional Ministers etc.
123. Leave of absence for Regional Ministers etc.

The Executive Council of the Southern Cameroons

124. Establishment of Executive Council for Southern Cameroons.
125. Functions of Executive Council of Southern Cameroons.
126. Composition of Executive Council of Southern Cameroons.
127. Tenure of seats of Unofficial Members of Executive Council of Southern Cameroons.
128. Temporary Member of Executive Council of Southern Cameroons.
129. Unofficial Member of Executive Council of Southern Cameroons unable to act.

Section
130. Presiding in Executive Council of Southern Cameroons.
131. Summoning Executive Council of Southern Cameroons and quorum therein.
132. Oaths to be taken by members of Executive Council of Southern Cameroons.
133. Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.
134. Determination of questions as to membership of Executive Council of Southern Cameroons.

Administrative Relations between Federation and Regions

135. Co-ordination of executive authority of Federation, Regions and Southern Cameroons.
136. Performance of Federal functions by Regional officers and of Regional functions by Federal officers.
137. Directions by Governor-General to Commissioner of Cameroons.

CHAPTER V

JUDICIAL POWERS

The Federal Supreme Court

138. Establishment of Federal Supreme Court.
139. Judges of Federal Supreme Court.
140. Oaths to be taken by judges of Federal Supreme Court.
141. Salaries of judges of Federal Supreme Court.

Establishment of Courts for the Regions, the Southern Cameroons and Lagos

142. Courts of Regions and Lagos.
143. Courts of Southern Cameroons.

Jurisdiction of the Courts

144. Exclusive original jurisdiction of Federal Supreme Court.
145. Questions as to interpretation of this Order.
146. Federal Legislature may confer original jurisdiction on Federal Supreme Court.
147. Appellate jurisdiction of Federal Supreme Court.
148. Appeals in capital cases.
149. Enforcement of orders of Federal Supreme Court.
150. Rules of court.
151. Provision for procedure of Federal Supreme Court and enforcement of judgments etc.
152. Jurisdiction of courts of Regions, Southern Cameroons and Lagos.

CHAPTER VI

FINANCE

153. Interpretation.
154. Prescribed authority.
155. Import duties other than duties on motor spirit and tobacco.
156. Import duties on motor spirit and tobacco.
157. Excise duties.
158. Export duties.
159. Calculation of payments in certain cases.

Section
160. Federal income tax.
161. Mining royalties.
162. Certain other revenues.
163. Annual payment to Southern Cameroons.
164. Payments by Regions to Federation.
165. Payments under Nigeria (Revenue Allocation) Order in Council, 1951.
166. Development grant to Regions and Southern Cameroons.
167. Other payments by Federation to Regions.
168. Sums charged on revenues.
169. Time and manner of making payments.
170. Regulations.
171. Regulations to enable prescribed authority to discharge functions.

CHAPTER VII

THE PUBLIC SERVICES

Part 1—General

172. Interpretation.

Control of the Public Services

173. Appointment etc. of officers in public service of Federation.
174. Federal Public Service Commission.
175. Federal Commission to advise Governor-General.
176. Federal Commission to advise other officers.
177. Regulations regarding Federal Commission.
178. Appointment etc. of Regional public officers.
179. Regional Public Service Commissions.
180. Application of sections 175, 176 and 177 to Regional Commissions.

Offices in Existence at the Date of Commencement of this Order and Officers serving at that Date

181. Transfer of offices and officers to public service of Federation.
182. Allocation to Regions of offices in public service of Federation.
183. Assignment of officers.
184. Regions to be financially liable for allocated offices.
185. Governor-General may transfer officers.
186. Established officers not accepting transfer to retire.
187. Abolition of offices allocated to Region.
188. Contracts of service.

Exercise of Powers

189. Exercise of powers under Chapter VII.

Application of Pensions Laws and Liability for Certain Pensions

190. Application of pensions laws.
191. Liability for pensions of certain officers.

Part 2—Regulations relating to Certain Pensions

192. Regulations regarding grant of pensions and gratuities to certain persons.
193. Existing overseas officers.
194. Existing African officers.
195. Future overseas officers.

Section
196. Officer may elect to receive pension and gratuity or additional allowance and gratuity in certain cases.
197. Miscellaneous provisions.
198. Financial responsibility for additional allowance or gratuity.

CHAPTER VIII

TRANSITIONAL PROVISIONS

Transitional Provisions relating to Chapter I

199. Provisions relating to section 4.

Transitional Provisions relating to Chapter II

200. Provisions relating to section 17.
201. Provisions relating to section 18.
202. Provisions relating to sections 21 and 22.
203. Provisions relating to section 25.
204. Provisions relating to section 26.
205. Provisions relating to section 28.
206. Provisions relating to section 30.
207. Provisions relating to section 31.
208. Provisions relating to section 33.
209. Provisions relating to section 37.
210. Provisions relating to section 50.

Transitional Provisions relating to Chapter III

211. Provisions relating to section 65.
212. Provisions relating to section 71.
213. Provisions relating to section 77.
214. Provisions relating to section 82.

Transitional Provisions relating to Chapter IV

215. Provisions relating to section 88.
216. Provisions relating to section 106.
217. Provisions relating to section 108.
218. Provisions relating to section 110.

Transitional Provisions relating to Chapter V

219. Powers of West African Court of Appeal and Supreme Court of Nigeria.

Miscellaneous

220. Existing assets and liabilities.
221. Outstanding public debt.
222. Removal of difficulties.

SCHEDULES

FIRST SCHEDULE—The Legislative Lists.

SECOND SCHEDULE—Territory comprised in the Northern Region, the Western Region, the Eastern Region, the Southern Cameroons and Lagos.

THIRD SCHEDULE—Offences involving disqualification for election.

FOURTH SCHEDULE—Method of calculating additional allowance or additional gratuity in lieu thereof.

At the Court at Balmoral, the 30th day of August, 1954

Present,

The Queen's Most Excellent Majesty in Council

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

CHAPTER I

INTRODUCTORY

Citation, commencement, revocation and reservation of power

1.—(1) This Order may be cited as the Nigeria (Constitution) Order in Council, 1954.

(2) (*a*) This Order shall come into operation on the first day of October, 1954:

Provided that—

(i) where by or under this Order any power is conferred upon the Governor-General to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Governor of Nigeria to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954;

(ii) where by or under this Order any power is conferred upon the Governor of the Northern Region, the Western Region or the Eastern Region to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region, as the case may be, to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954.

(*b*) Any Proclamation, Order or regulation made under any provision of this Order other than section 35 by the Governor of Nigeria or the Lieutenant-Governor of a former Region in pursuance of this subsection shall not come into operation before the first day of October, 1954.

(*c*) Any appointment, Proclamation, Order or regulation made, or other thing done, by the Governor of Nigeria in pursuance of this subsection, shall have effect as if it had been made or done by the Governor-General, and any appointment, Proclamation, Order or regulation made, or other thing done by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former

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

Eastern Region in pursuance of this subsection, shall have effect as if it had been made or done by the Governor of the Northern Region, the Western Region or the Eastern Region, as the case may be.

(3) The Nigeria (Constitution) Order in Council, 1951(**a**), the Nigeria (Constitution) (Amendment) Order in Council, 1953(**b**), the Nigeria (Constitution) (Amendment) (No. 2) Order in Council, 1953(**c**), and the Nigeria (Revenue Allocation) Order in Council, 1951(**d**), shall be revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

(5) Nothing in this Order shall affect the power of Her Majesty in Council to make laws for the peace, order and good government of Nigeria or any part thereof.

Interpretation

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

" the Cameroons " means the Cameroons under United Kingdom Trusteeship, which consist of that part of the territories known as the Cameroons to which the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, relates, namely that part thereof that lies to the west of the boundary defined by the Franco-British Declaration of the tenth day of July, 1919, and more exactly defined in the declaration made by the Governor of the Colony and Protectorate of Nigeria and the Governor of the French Cameroons that was confirmed by an exchange of notes between His Majesty's Government in the United Kingdom and the French Government dated the ninth day of January, 1931 ;

" the Colony " means the Colony of Nigeria as defined in the Colony of Nigeria Boundaries Order in Council, 1913(**e**) ;

" Concurrent Legislative List " means the list of matters included in Part II of the First Schedule to this Order ;

" Division " means an area declared to be a Division by Proclamation made under subsection (1) of section 4 of this Order ;

" the Eastern Region " means the Eastern Region of Nigeria established by section 3 of this Order ;

" Exclusive Legislative List " means the list of matters included in Part I of the First Schedule to this Order ;

" the Federal Legislature " means the Legislature of the Federation ;

" the Federation " means the Federation of Nigeria established by section 3 of this Order ;

" the former Eastern Region " means the Eastern Region established by the Nigeria (Constitution) Order in Council, 1951 ;

" the former Northern Region " means the Northern Region established by the Nigeria (Constitution) Order in Council, 1951 ;

" the former public service of Nigeria " means the service of the Crown in respect of the government of Nigeria or any part thereof at any time before the commencement of this Order ;

" former Region " means the former Northern Region, the former Western Region or the former Eastern Region ;

(**a**) S.I. 1951/1172 (1951 II, p. 14). (**b**) S.I. 1953/740 (1953 II, p. 1508).
(**c**) S.I. 1953/1566 (1953 II, p. 1511). (**d**) S.I. 1951/2127 (1951 II, p. 81).
(**e**) Rev. XVI, p. 885: S.R. & O. 1913, p. 2393.

" the former Western Region " means the Western Region established by the Nigeria (Constitution) Order in Council, 1951 ;

" the Governor " means, in relation to any Region or any office or authority established for any Region, or any person who holds or is acting in any such office or who is a member of any such authority, the Governor of that Region ;

" the Governor-General " means the Governor-General and Commander-in-Chief of the Federation ;

" the Governor of Nigeria " means the Governor and Commander-in-Chief of Nigeria ;

" Lagos " means the Federal Territory of Lagos established by section 3 of this Order ;

" Legislative House " means the House of Representatives, a Regional Legislative House or the House of Assembly of the Southern Cameroons ;

" the Legislature of the Federation " means the Legislature established by subsection (1) and subsection (2) of section 51 of this Order ;

" the Legislature of a Region " means the Legislature established for any Region by subsection (3) of section 51 of this Order ;

" the Legislature of the Southern Cameroons " means the Legislature established by subsection (4) of section 51 of this Order ;

" meeting " means any sitting or sittings of a 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 ;

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

" the Northern Region " means the Northern Region of Nigeria established by section 3 of this Order ;

" oath " includes an affirmation ;

" oath of allegiance " means an oath or affirmation of allegiance in the form set out in the Schedule to the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(**a**) ;

" the Protectorate " means the Protectorate of Nigeria, which consists of the territories in West Africa, excluding the Colony, that are bounded on the south by the Atlantic Ocean, on the west, north and north-east by the line of the frontier between the British and French territories, and on the east by the Cameroons ;

" public office " means any office of emolument in the public service of the Federation or the public service of a Region and includes, where the context so admits, an office of emolument in the former public service of Nigeria ;

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

" the Public Seal " means, in relation to any Instrument made by the Governor-General, the Public Seal of the Federation, and in relation to any Instrument made by the Governor of a Region, the Public Seal of that Region ;

" the public service of the Federation " means the service of the Crown in a civil capacity in respect of the government of the Federation ;

(a) S.I. 1954/1147, p. 2939 below.

" the public service of a Region " means, in relation to any Region, the service of the Crown in a civil capacity in respect of the government of that Region ;

" Region " means the Northern Region, the Western Region or the Eastern Region ;

" Regional Legislative House " means the Northern House of Chiefs, the Northern House of Assembly, the Western House of Chiefs, the Western House of Assembly or the Eastern House of Assembly ;

" session " means the sittings of a Legislative House commencing when the House first sits after being established 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 a Legislative House is sitting continuously without adjournment and includes any period during which the House is in committee ;

" the Southern Cameroons " means the Southern Cameroons established by section 3 of this Order ; and

" the Western Region " means the Western Region of Nigeria established by section 3 of this Order.

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

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

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

(i) in the case of the Northern Region or the Western Region, shall be construed as a reference to the Regional Legislative Houses established 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 the police shall not include a reference to local-government and native-authority police.

(3) For the purposes of this Order, the resignation of a member of any authority established by this Order shall be deemed to have effect—

(*a*) in the case of a notice that is required to be addressed to any person, from the time at which the notice is received by that person ;

(*b*) in the case of a notice that is required to be addressed to a Legislative House, from the time that the notice is brought to the attention of that House.

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

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

(ii) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and, in the case

of the Governor of Nigeria, the Lieutenant-Governor of a former Region, the Governor-General and the Governor of a Region, shall be construed as including, to the extent to which a deputy is authorised to act, that deputy;

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

(*b*) For the purposes of this Order, a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of services in a public office.

(*c*) The offices referred to in subsection (2) of section 8 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, shall, for the purposes of this Order, be offices of emolument in the public service of the Federation and the offices referred to in subsection (2) of section 17 of that Order shall, for the purposes of this Order, be offices of emolument in the public service of a Region.

(*d*) For the purposes of this Order—

(i) the offices of Minister, Temporary Member of the Council of Ministers, Unofficial or Temporary Member of the Executive Council of the Southern Cameroons, Parliamentary Secretary to a Minister, member of the House of Representatives and member of the House of Assembly of the Southern Cameroons shall not be considered to be offices in the public service of the Federation;

(ii) the offices of Regional Minister, Parliamentary Secretary to a Regional Minister and member of a Regional Legislative House shall not be considered to be offices in the public service of a Region.

(*e*) Subject to the provisions of this subsection, if it is declared—

(i) by any law enacted by the Federal Legislature that the person holding or acting in any office in the public service of the Federation shall be deemed not to be a person holding or acting in an office of emolument in that public service for the purposes of paragraph (*d*) of subsection (1) of section 10 or paragraph (*d*) of subsection (1) of section 39 of this Order; or

(ii) by any law enacted by the Legislature of a Region that the person holding or acting in any office in the public service of that Region shall be deemed not to be a person holding or acting in an office of emolument in that public service for those purposes;

the provisions of this Order shall have effect accordingly.

(*f*) (i) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region to make any appointment to any public office, a person may be appointed to that office, notwithstanding that some other person is holding that office, when that other person is on leave of absence pending relinquishment of the office.

(ii) Where two or more persons are holding the same office by reason of an appointment made pursuant to subparagraph (i) of this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

(5) For the avoidance of doubts it is hereby declared that any person whose office or 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 to that office or as a member of that House, Council or other body, as the case may be, from time to time.

(6) 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, applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(7) Where any power is conferred by this Order to make any Proclamations, Orders, rules or regulations or to give any directions, the power shall be construed as including a power exercisable in like manner to amend or revoke any such Proclamation, Order, rule, regulation or direction.

(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.

Establishment of Federation of Nigeria

3.—(1) The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory of Lagos shall form a Federation, which shall be styled the Federation of Nigeria.

(2) (*a*) The Northern Region of Nigeria shall comprise the territory specified in paragraph 1 of the Second Schedule to this Order.

(*b*) The Western Region of Nigeria shall comprise the territory specified in paragraph 2 of the Second Schedule to this Order.

(*c*) The Eastern Region of Nigeria shall comprise the territory specified in paragraph 3 of the Second Schedule to this Order.

(*d*) The Southern Cameroons shall comprise the territory specified in paragraph 4 of the Second Schedule to this Order.

(*e*) The Federal Territory of Lagos shall comprise the territory specified in paragraph 5 of the Second Schedule to this Order.

Territorial divisions

4.—(1) (*a*) The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that the Southern Cameroons and Lagos shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder:

Provided that the number of Divisions shall not exceed—

(i) two in the case of Lagos ; and

(ii) six in the case of the Southern Cameroons.

(*b*) The Governor of a Region, acting in his discretion, may by Proclamation published in the Official Gazette of the Region direct that that Region shall be divided into areas and that any such area shall be

(**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.

a Division for the purposes of this Order or any regulations made thereunder:

Provided that the number of Divisions in a Region shall not exceed—

(i) ninety-two in the case of the Northern Region; and

(ii) forty-two in the case of the Western Region or the Eastern Region.

(2) (*a*) The Governor-General, acting in his discretion, may by directions in writing declare that Nigeria shall be divided into areas for the purpose of any matter to which the executive authority of the Federation extends.

(*b*) The Governor of a Region, acting in his discretion, may by directions in writing declare that that Region shall be divided into areas for the purpose of any matter to which the executive authority of the Region extends.

(*c*) The Commissioner of the Cameroons may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purpose of any matter to which the executive authority of the Southern Cameroons extends.

CHAPTER II

THE LEGISLATIVE HOUSES

Establishment of Legislative Houses

5.—(1) There shall be, for the Federation, a Legislative House, which shall be styled the House of Representatives.

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

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

(4) There shall be, for the Eastern Region, a Legislative House, which shall be styled the Eastern House of Assembly.

(5) There shall be, for the Southern Cameroons, a Legislative House, which shall be styled the House of Assembly of the Southern Cameroons.

The House of Representatives

Composition of House of Representatives

6. The members of the House of Representatives shall be—

(*a*) a Speaker appointed in accordance with subsection (1) of section 7 of this Order;

(*b*) three Ex-officio Members, namely the Chief Secretary of the Federation, the Attorney-General of the Federation and the Financial Secretary of the Federation;

(*c*) one hundred and eighty-four Representative Members elected in accordance with regulations made under section 8 of this Order, of whom—

(i) ninety-two shall be elected in the Northern Region;

(ii) forty-two shall be elected in the Western Region;

(iii) forty-two shall be elected in the Eastern Region;

(iv) six shall be elected in the Southern Cameroons; and

(v) two shall be elected in Lagos;

(*d*) such Special Members as may be appointed in accordance with section 11 of this Order; and

(*e*) such Temporary Members as may be appointed in accordance with section 12 of this Order.

Speaker and Deputy Speaker of House of Representatives

7.—(1) (*a*) The Governor-General shall, by Instrument under the Public Seal, appoint to be Speaker of the House of Representatives a person who is not one of the members of the House mentioned in paragraphs (*b*), (*c*), (*d*) and (*e*) of section 6 of this Order.

(*b*) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this subsection.

(2) The Governor-General may, by Instrument under the Public Seal, appoint to be Deputy Speaker of the House of Representatives one of the members of the House mentioned in paragraphs (*b*), (*c*) and (*d*) of section 6 of this Order.

(3) The Speaker of the House of Representatives shall hold his office during Her Majesty's pleasure:

Provided that he shall in any case vacate his office—

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

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

(4) The Deputy Speaker of the House of Representatives shall hold his office during the Governor-General's pleasure:

Provided that his office shall in any case become vacant—

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

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

(*c*) if he becomes a Minister or a Parliamentary Secretary to a Minister.

Election of Representative Members

8.—(1) Subject to the provisions of this Order, the Governor-General may by regulation make provision for the election of persons as Representative Members of the House of Representatives, including (without prejudice to the generality of the foregoing power) the following matters:—

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

(*b*) the registration of electors in Nigeria or any part thereof;

(*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 Representative Members to the House of Representatives and the allocation to any such electoral district of seats in that House;

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

and any regulations made under this subsection may provide for different methods of election in respect of different parts of Nigeria.

(2) The Governor-General may by regulation make provision for—

(*a*) the disqualification of any person for membership of the House of Representatives 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, or in connection with, the compilation or revision of any electoral register; and

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

(3) (*a*) The Governor-General may by regulation provide that—

(i) in any case in which an election of members to the House of Representatives is carried out by a process of indirect election, 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;

(ii) in any case in which an election of members to the House of Representatives is carried out by a process of direct election, 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.

(*b*) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to the House of Representatives.

(4) (*a*) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Representatives 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(**a**) or the Direct Taxation Ordinance(**b**), as from time to time amended, as they apply in relation to any part of Nigeria or under any enactment replacing either of those Ordinances in relation to any part of Nigeria.

(5) The Governor-General may by regulation provide for determining whether any person has become a Representative Member of the House of Representatives and whether the seat of any Representative Member in that House has become vacant.

(6) (*a*) Regulations made under this section shall provide that each Division of the Northern Region, the Western Region, the Eastern Region and the Southern Cameroons shall be represented in the House of Representatives by at least one Representative Member.

(*b*) For the purposes of this subsection a Representative Member shall be held to represent a Division in the House of Representatives if he has been elected thereto either in respect of that Division as a whole or in respect of any part of that Division.

(**a**) Laws of Nigeria, Rev. 1948, Chapter 92.
(**b**) Laws of Nigeria, Rev. 1948, Chapter 54.

Qualifications for representative membership of House of Representatives

9.—(1) Subject to the provisions of section 10 of this Order, a person shall be qualified to be elected as a Representative Member of the House of Representatives if—

(*a*) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of a person who seeks election in the Northern Region, is a male person ; and

(*b*) (i) he was born in the Region in which he seeks election or his father was born in that Region ; or

(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of a person who seeks election in the Northern Region, or of at least one year in the case of a person who seeks election in any other Region,

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

(2) In this section references to a Region shall, except where express reference is made to the Northern Region, include references to the Southern Cameroons and to Lagos.

Disqualifications for representative membership of House of Representatives

10.—(1) No person shall be qualified to be elected as a Representative Member of the House of Representatives who—

(*a*) is, by virtue of his own act, under any acknowledgment 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 Her Majesty's dominions ; or

(*c*) has been sentenced by a court in any part of Her 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 public office; or

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

(*f*) is a member of the Northern House of Chiefs by virtue of being a first-class Chief ; or

(*g*) is a member of the Western House of Chiefs by virtue of being the only Head Chief in a Division of the Western Region ; or

(*h*) is, by any regulations made under section 8 of this Order, disqualified for election to that House.

(2) (*a*) No person shall be qualified to be elected as a Representative Member of the House of Representatives 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 mentioned in the Third Schedule to this Order, and has not received a free pardon.

(*b*) No person shall be qualified to be elected in the Northern Region as a Representative Member of the House of Representatives 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 that is declared, under paragraph (*b*) of subsection (2) of section 39 of this Order, to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

Special Members of House of Representatives

11.—(1) The Governor-General, 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 that, in his opinion, are not otherwise adequately represented in the House:

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

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

Temporary Members of House of Representatives

12.—(1) If a Special Member of the House of Representatives is incapable of taking part in the proceedings of the House by reason of a declaration made under section 13 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of the House.

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

(3) (*a*) The seat of a Temporary Member of the House of Representatives shall become vacant when the Special Member on account of whose incapacity he has been appointed is, under section 13 of this Order, declared to be able again to discharge his functions or when the seat of that Special Member in the House becomes vacant.

(*b*) Subject to the provisions of paragraph (*a*) of this subsection, the provisions of section 15 of this Order shall apply in relation to a Temporary Member of the House of Representatives as they apply in relation to a Special Member of that House.

Special Member of House of Representatives unable to act

13. The Governor-General, acting in his discretion, may, by Instrument under the Public Seal, declare that a Special Member of the House of Representatives is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

Tenure of seats by Representative Members

14. The seat in the House of Representatives of any Representative Member shall become vacant—

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

(*b*) if he resigns his seat in the House by writing under his hand addressed to the Speaker of the House ; or

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

(*d*) if he becomes a member of a Regional Legislative House or the House of Assembly of the Southern Cameroons; or

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

(*f*) if any circumstances arise that, if he were not a Representative Member of the House, would cause him to be disqualified for election as such under paragraph (*a*), (*b*), (*c*), (*d*), (*e*) or (*h*) of subsection (1) of section 10 of this Order.

Tenure of seats by Special Members of House of Representatives

15. A Special Member of the House of Representatives shall hold his seat in the House during Her Majesty's pleasure:

Provided that his seat shall in any case become vacant—

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

(*b*) if he resigns his seat in the House by writing under his hand addressed to the Governor-General; or

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

Determination of questions as to membership of House of Representatives

16.—(1) Any question whether—

(*a*) any person has become a member (other than a Representative Member) of the House of Representatives; or

(*b*) the seat of any member (other than a Representative Member) of the House of Representatives has become vacant; or

(*c*) any Special Member of the House of Representatives is incapable of taking part in the proceedings of that House by reason of a declaration made under section 13 of this Order,

shall be referred to, and determined by, the Governor-General, acting in his discretion.

(2) Any question whether any person has become a Representative Member of the House of Representatives or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 8 of this Order.

The Legislative Houses of the Northern Region

Composition of Northern House of Chiefs

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

(*a*) the Governor;

(*b*) all first-class Chiefs;

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

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

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

(2) A person appointed Deputy President of the Northern House of Chiefs in pursuance of paragraph (*b*) of subsection (2) of section 20 of this Order shall be deemed to be a member of the House.

(3) For the purposes of this section—

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

Selection of Chiefs as members of Northern House of Chiefs

18. 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 17 of this Order ;

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

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

Adviser on Moslem law

19.—(1) The adviser on Moslem law shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The adviser on Moslem law shall hold his seat in the Northern House of Chiefs during the Governor's pleasure :

Provided that his seat shall in any case become vacant—

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

(*b*) if he resigns his seat by writing under this hand addressed to the Governor.

(3) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare that the adviser on Moslem law is, by reason of absence or illness or any other cause, temporarily unable to discharge his functions as a member of the Northern House of Chiefs, and thereupon the adviser on Moslem law shall not take part in the proceedings of the House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(4) (*a*) If the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section, the Governor, acting in his discretion, may appoint another person temporarily to discharge his functions.

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

(*b*) A person appointed under this subsection, shall, while discharging the functions of the adviser on Moslem law, be deemed to have been appointed to be the adviser on Moslem law under subsection (1) of this section and, subject to the provisions of this section, the provisions of this Order shall have effect accordingly.

(*c*) A person appointed under this subsection shall discharge the functions of the adviser on Moslem law during the Governor's pleasure:

Provided that he shall in any case cease to discharge those functions—

(i) when the adviser on Moslem law is, under subsection (3) of this section, declared to be able again to discharge his functions ; or

(ii) if the seat of the adviser on Moslem law becomes vacant ; or

(iii) if he resigns his appointment by writing under his hand addressed to the Governor.

(5) Any question whether—

(*a*) any person has become, or is entitled to discharge the functions of, the adviser on Moslem law ; or

(*b*) the adviser on Moslem law is incapable of taking part in the proceedings of the Northern House of Chiefs by reason of a declaration made under subsection (3) of this section ; or

(*c*) the seat in that House of the adviser on Moslem law has become vacant,

shall be referred to, and determined by, the Governor, acting in his discretion.

(6) 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.

President and Deputy President of Northern House of Chiefs

20.—(1) The Governor shall be the President of the Northern House of Chiefs.

(2) The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint to be Deputy President of the Northern House of Chiefs—

(*a*) one of the members of the House mentioned in paragraphs (*b*) and (*c*) of subsection (1) of section 17 of this Order ; or

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

(3) The Deputy President of the Northern House of Chiefs shall hold his office during the Governor's pleasure:

Provided that his office shall in any case become vacant—

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

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

(*c*) in the case of a person appointed in pursuance of paragraph (*a*) of subsection (2) of this section, if—

(i) he ceases to be a member of the Northern House of Chiefs ; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

Composition of Northern House of Assembly

21.—(1) The members of the Northern House of Assembly shall be—

(*a*) four Official Members appointed, either by name or by reference to an office, by the Governor, acting in his discretion, by Instrument under the Public Seal, from among the persons who are officers in the public service of the Northern Region ;

(*b*) one hundred and thirty-one Elected Members elected in accordance with regulations made under section 37 of this Order ;

(*c*) such Special Members as may be appointed in accordance with section 22 of this Order ; and

(*d*) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person appointed President of the Northern House of Assembly in pursuance of paragraph (*b*) of subsection (1) of section 23 of this Order shall be deemed to be a member of the House.

Special Members of Northern House of Assembly

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

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

President and Deputy President of Northern House of Assembly

23.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint to be President of the Northern House of Assembly—

(*a*) one of the members of the House mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 21 of this Order ; or

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

(2) The Governor may, by Instrument under the Public Seal, appoint to be Deputy President of the Northern House of Assembly one of the members of the House mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 21 of this Order.

(3) The President and the Deputy President of the Northern House of Assembly shall hold office during the Governor's pleasure:

Provided that the office of the President or the Deputy President shall in any case become vacant—

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

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

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

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

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

The Legislative Houses of the Western Region

Composition of Western House of Chiefs

24.—(1) The members of the Western House of Chiefs shall be—

(*a*) such Head Chiefs and other Chiefs as are referred to in subsubsection (3) of section 26 of this Order;

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

(*c*) such Special Members as may be appointed in accordance with section 27 of this Order; and

(*d*) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person elected as President of the Western House of Chiefs in pursuance of paragraph (*b*) of subsection (1) of section 28 of this Order shall be deemed to be a Member of the House.

Recognition of Chiefs and designation of Head Chiefs

25.—(1) The 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 Governor shall have regard to whether such person holds a title that 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 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 this section on the Governor shall be exercised by him in his discretion.

(*b*) The decision of the 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.

Head Chiefs and Chiefs to be members of Western House of Chiefs

26.—(1) In this section—

"Chief" means any person who is for the time being recognised as a Chief in pursuance of section 25 of this Order, and includes a Head Chief;

"Head Chief" means any person who is for the time being designated as a Head Chief in pursuance of that section;

"prescribed" means prescribed by regulations made under subsection (4) of this section.

(2) The Chiefs who are members of the House of Chiefs by virtue of this section 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 subsection (4) of this section;

(*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 subsection (4) of this section:

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 subsection (4) of this section.

(4) Subject to the provisions of this Order, the Governor, acting in his discretion, may by regulation—

(*a*) make provision for the selection of Chiefs to be members of the House of Chiefs in accordance with paragraph (*a*) of subsection (1) of section 24 of this Order;

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

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

(*d*) prescribe anything that is by subsection (3) of this section to be prescribed.

Special Members of Western House of Chiefs

27. The Governor may, by Instrument under the Public Seal, appoint persons who are for the time being recognised as Chiefs in pursuance of section 25 of this Order to be Special Members of the Western House of Chiefs:

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

President and Deputy President of Western House of Chiefs

28.—(1) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(*a*) one of the members of the House mentioned in paragraphs (*a*) and (*c*) of subsection (1) of section 24 of this Order; or

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

(2) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (*a*) and (*c*) of subsection (1) of section 24 of this Order.

(3) As often as the office of the President or the Deputy President falls vacant otherwise than by reason of a dissolution of the Western House of Chiefs, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the President or the Deputy President of the Western House of Chiefs shall become vacant—

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

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

(*c*) in the case of a person elected to be President in pursuance of paragraph (*a*) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

Composition of Western House of Assembly

29.—(1) The members of the Western House of Assembly shall be-

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

(*b*) such Special Members as may be appointed in accordance with section 30 of this Order ; and

(*c*) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person elected as Speaker of the Western House of Assembly in pursuance of paragraph (*b*) of subsection (1) of section 31 of this Order shall be deemed to be a member of the House.

Special Members of Western House of Assembly

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

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

Speaker and Deputy Speaker of Western House of Assembly

31.—(1) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(*a*) one of the members of the House mentioned in paragraphs (*a*) and (*b*) of subsection (1) of section 29 of this Order ; or

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

(2) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House mentioned in paragraphs (*a*) and (*b*) of subsection (1) of section 29 of this Order.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Western House of Assembly, the members of that House shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Western House of Assembly shall become vacant—

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

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

(*c*) in the case of a person elected as Speaker in pursuance of paragraph (*a*) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

The Eastern House of Assembly

Composition of Eastern House of Assembly

32.—(1) The members of the Eastern House of Assembly shall be eighty-four Elected Members elected in accordance with regulations made under section 37 of this Order.

(2) A person appointed Speaker of the Eastern House of Assembly in pursuance of paragraph (*b*) of subsection (1) of section 33 of this Order shall be deemed to be a member of the House.

Speaker and Deputy Speaker of Eastern House of Assembly

33.—(1) The Governor shall, by Instrument under the Public Seal, appoint to be Speaker of the Eastern House of Assembly—

(*a*) a member of the House ; or

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

(2) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House.

(3) As often as the office of the Deputy Speaker falls vacant otherwise than by reason of a dissolution of the Eastern House of Assembly, the members thereof shall as soon as is practicable elect a person to that office in like manner as is provided in subsection (2) of this section.

(4) The Speaker of the Eastern House of Assembly shall hold his office during the Governor's pleasure :

Provided that his office shall in any case become vacant—

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

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

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

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

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

(5) The office of the Deputy Speaker of the Eastern House of Assembly shall become vacant—

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

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

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

The House of Assembly of the Southern Cameroons

Composition of House of Assembly of Southern Cameroons

34. The members of the House of Assembly of the Southern Cameroons shall be—

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

(*b*) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons ;

(*c*) thirteen Elected Members elected in accordance with regulations made under section 37 of this Order ;

(*d*) six Native-Authority Members selected in accordance with regulations made under section 35 of this Order ;

(*e*) such Special Members as may be appointed in accordance with section 36 of this Order ; and

(*f*) such Temporary Members as may be appointed in accordance with section 40 of this Order.

Native-Authority Members of House of Assembly of Southern Cameroons

35.—(1) Subject to the provisions of this Order, the Governor-General, acting in his discretion, may by regulation make provision—

(*a*) for the selection of persons as Native-Authority Members of the House of Assembly of the Southern Cameroons to represent the Native Authorities in the Southern Cameroons ; and

(*b*) for determining whether any person has become a Native-Authority Member of the House of Assembly of the Southern Cameroons and whether the seat of any Native-Authority Member in that House has become vacant.

(2) For the purposes of this section " Native Authority " means any body of persons that is, for the time being, a native authority by virtue of the provisions of the Native Authority Ordinance(**a**), as from time

(**a**) Laws of Nigeria, Rev. 1948, Chapter 140.

to time amended, as it applies in relation to the Southern Cameroons or any enactment replacing that Ordinance in its application to the Southern Cameroons.

Special Members of House of Assembly of Southern Cameroons

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

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

Elected Members of the Houses of Assembly

Election of Elected Members

37.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the election of persons as Elected Members of the House of Assembly of a Region, including (without prejudice to the generality of the foregoing power) the following matters:—

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

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

(*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 Elected Members to the House of Assembly and the allocation to any such electoral district of seats in that House;

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

and any regulations made under this subsection may provide for different methods of election in respect of different parts of the Region.

(2) The Governor may by regulation make provision for—

(*a*) the disqualification of any person for membership of the 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, or in connection with, the compilation or revision of any electoral register; and

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

(3) (*a*) The Governor may by regulation provide that—

(i) in any case in which an election of members to the House of Assembly is carried out by a process of indirect election, 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;

(ii) in any case in which an election of members to the House of Assembly is carried out by a process of direct election, 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.

(*b*) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to a House of Assembly.

(4) (*a*) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Assembly of a Region 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, as from time to time amended, as they apply in relation to any part of Nigeria or under any enactment replacing either of those Ordinances in relation to any part of Nigeria.

(5) The Governor may by regulation provide for determining whether any person has become an Elected Member of the House of Assembly of a Region and whether the seat of any Elected Member in that House has become vacant.

(6) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region, to the Governor and to the House of Assembly of that Region shall be construed as if they were references to the Southern Cameroons, to the Governor-General, acting in his discretion, and to the House of Assembly of the Southern Cameroons.

Qualifications for elected membership of House of Assembly

38.—(1) Subject to the provisions of section 39 of this Order a person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region if—

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

(*b*) (i) he was born in that Region or his father was born in that Region; or

(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of the Northern Region, or of at least one year in the case of any other 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) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region other than the Northern Region, and for that purpose references therein to such Region, and to the House of Assembly thereof, shall be construed as if they were references to the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

Disqualifications for elected membership of House of Assembly

39.—(1) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons who—

(*a*) is, by virtue of his own act, under any acknowledgment 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 Her Majesty's dominions; or

(*c*) has been sentenced by a court in any part of Her 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 public office; or

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

(*f*) is a member of any other House of Assembly or of a House of Chiefs; or

(*g*) is, by any regulations made under section 37 of this Order, disqualified for election to that House.

(2) (*a*) No person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region or of the Southern Cameroons 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 mentioned in the Third Schedule to this Order, and has not received a free pardon.

(*b*) No person shall be qualified to be elected as an Elected Member of the Northern 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 that is declared by the Governor of the Northern Region to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

Temporary Membership of the Northern House of Assembly and the Legislative Houses of the Western Region and the Southern Cameroons

Temporary Members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons

40.—(1) If an Official Member of the Northern House of Assembly who has been appointed to that House by name or a Special Member of the Northern House of Assembly, the Western House of Chiefs or the Western House of Assembly, is incapable of taking part in the proceedings of such House by reason of a declaration made under section 41 of this Order, the Governor may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of such House:

Provided that—

(i) if the member in respect of whom such person is appointed is an Official Member of the Northern House of Assembly, such person shall be a person who is an officer in the public service of the Northern Region and he may be appointed either by name or by reference to his office ;

(ii) if the member in respect of whom such person is appointed is a Special Member of the Western House of Chiefs, such person shall be a person who is for the time being recognised as a Chief in pursuance of section 25 of this Order.

(2) The powers conferred by this section on the Governor shall, except in relation to a Temporary Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

(3) The foregoing provisions of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern and Western Houses of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Governor-General and the reference to the Public Seal shall be construed as if it were a reference to the Public Seal of the Southern Cameroons.

(4) (*a*) The seat of a Temporary Member appointed under this section shall become vacant when the Official or Special Member on account of whose incapacity he has been appointed is, under section 41 of this Order, declared to be able again to discharge his functions or when the seat of that Official or Special Member becomes vacant.

(*b*) Subject to the provisions of paragraph (*a*) of this subsection, the provisions of sections 42, 43 and 44 of this Order shall apply in relation to a Temporary Member appointed under this section as they apply in relation to the Official Member or Special Member on account of whose incapacity that Temporary Member has been appointed.

Certain members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons unable to act

41.—(1) (*a*) The Governor may, by Instrument under the Public Seal, declare that an Official Member of the Northern House of Assembly who has been appointed to that House by name, or a Special Member of the Northern House of Assembly, the Western House of Chiefs or the Western House of Assembly is, by reason of absence or illness or, in the case of an Official Member of the Northern House of Assembly, because he is administering the government of the Northern Region, temporarily unable to discharge his functions as a member of such House, and thereupon that member shall not take part in the proceedings of such House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(*b*) The power conferred by this subsection upon the Governor of a Region shall, except in relation to a Special Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

(2) The Governor-General, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, declare that a Special Member of the House of Assembly of the Southern Cameroons is, by

reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

Tenure of Office by Members of Regional Legislative Houses and House of Assembly of Southern Cameroons

Tenure of seats by Official Members of Northern House of Assembly

42. An Official Member of the Northern House of Assembly shall hold his seat in the House during the Governor's pleasure:

Provided that the seat of any such member who has been appointed to that House by name shall in any case become vacant—

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

(*b*) if, with the permission of the Governor, acting in his discretion, he resigns his seat in the House by writing under his hand addressed to the Governor ; or

(*c*) if he ceases to be an officer in the public service of the Northern Region.

Tenure of seats by Special Members of Houses of Assembly

43.—(1) A Special Member of the Northern House of Assembly or the Western House of Assembly shall hold his seat in the House during the Governor's pleasure:

Provided that his seat shall in any case become vacant—

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

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

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

(2) The provisions of subsection (1) of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern House of Assembly and the Western House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Governor-General.

Tenure of seats by Special Members of Western House of Chiefs

44. The seat of a Special Member of the Western House of Chiefs shall become vacant—

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

(*b*) if he resigns his seat in the House by writing under his hand addressed to the Governor ; 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 his absence within one month after the end of the second meeting ; or

(*d*) if the Governor so directs.

Tenure of seats by Chiefs in Northern House of Chiefs

45. 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 18 of this Order shall become vacant—

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

(*b*) if he becomes a first-class Chief for the purposes of section 17 of this Order ; or

(*c*) if he becomes a member of the House of Representatives ; or

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

Tenure of seats by Chiefs in Western House of Chiefs

46.—(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 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 26 of this Order shall become vacant—

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

(*b*) if he ceases to be a Chief in the Division from which he was selected ; or

(*c*) if he becomes a member of the House by virtue of being the only Head Chief in that Division ; or

(*d*) if he becomes a member of the House of Representatives ; or

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

Tenure of seats by Elected Members of House of Assembly

47. The seat in the House of Assembly of a Region or of the Southern Cameroons of any Elected Member of that House shall become vacant—

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

(*b*) if he resigns his seat in the House of Assembly by writing under his hand addressed to the President or Speaker of the House ; or

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

(*d*) if he becomes a member of the House of Representatives ; or

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

(*f*) if any circumstances arise that, if he were not an Elected Member of the House, would cause him to be disqualified for election as such under paragraph (*a*), (*b*), (*c*), (*d*), (*e*) or (*g*) of subsection (1) of section 39 of this Order.

Tenure of seats by Native-Authority Members of House of Assembly of Southern Cameroons

48. The seat in the House of Assembly of the Southern Cameroons of any Native-Authority Member of that House shall become vacant—

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

(*b*) if he resigns his seat in the House by writing under his hand addressed to the President of the House ; 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 his absence within one month after the end of the second meeting ; or

(*d*) if he becomes a member of the House of Representatives ; or

(*e*) if he becomes a member of any Regional Legislative House ; or

(*f*) if he becomes an Elected Member or a Special Member of the House of Assembly of the Southern Cameroons ; or

(*g*) in such circumstances (if any) as may be prescribed by regulations made under section 35 of this Order.

Miscellaneous

Determination of questions as to membership of Legislative Houses of Regions and Southern Cameroons

49.—(1) Any question whether—

(*a*) any person has become a member (other than an Elected Member) of a Regional Legislative House ; or

(*b*) the seat of any member (other than an Elected Member) of a Regional Legislative House has become vacant ; or

(*c*) any member of a Regional Legislative House is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (1) of section 41 of this Order,

shall be referred to, and determined by, the Governor, acting in his discretion.

(2) Any question whether—

(*a*) any person has become a member (other than an Elected Member or a Native-Authority Member) of the House of Assembly of the Southern Cameroons ; or

(*b*) the seat of any member (other than an Elected Member or a Native-Authority Member) of the House of Assembly of the Southern Cameroons has become vacant ; or

(*c*) any member of the House of Assembly of the Southern Cameroons is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (2) of section 41 of this Order,

shall be referred to, and determined by, the Governor-General, acting in his discretion.

(3) Any question whether any person has become an Elected Member of a Regional Legislative House or the House of Assembly of the Southern Cameroons or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 37 of this Order, and any question whether any

person has become a Native-Authority Member of the House of Assembly of the Southern Cameroons or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 35 of this Order.

Discharge of functions of President or Speaker after dissolution of Regional Legislative House

50. Any functions conferred on the President or Speaker of a Regional Legislative House (other than the Northern House of Chiefs) by or under this Order or by any other law may, between a dissolution of the Regional Legislative House and the first sitting of that House after that dissolution, be performed by such other person, if any, as the Governor of the Region, acting in his discretion, may appoint in that behalf.

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

Establishment of Legislatures

51.—(1) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Nigeria (other than Lagos) or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Lagos or any part thereof with respect to any matter whether or not it is included in the Exclusive Legislative List or the Concurrent Legislative List.

(3) Subject to the provisions of this Order, the Governor of a Region may, with the advice and consent of the Legislative Houses of that Region, make laws for the peace, order and good government of that Region or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(4) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Assembly of the Southern Cameroons, make laws for the peace, order and good government of the Southern Cameroons or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

Federal Legislature may be authorised to make laws by Legislatures of Regions and Southern Cameroons

52.—(1) The Legislature of a Region may, by law enacted under this Order, confer upon the Federal Legislature authority to make laws for that Region with respect to any matter that is not included in the Federal Legislative List or the Concurrent Legislative List.

(2) Any such authority may be general or may be conferred for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and it may be revoked at any time by law by the Legislature by which it was conferred, whereupon any

law enacted by the Federal Legislature in pursuance of that authority shall have effect as if it were a law enacted by the Legislature of the Region by which that authority was conferred.

(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

Implementation of treaties etc.

53.—(1) The Federal Legislature may, by law enacted under this Order, make provision in relation to any Region or the Southern Cameroons for the implementation in Nigeria of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List:

Provided that where any such provision is made after the commencement of this Order with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List, that provision shall not have effect—

(*a*) in relation to a Region unless and until the Governor has declared by notice published in the Official Gazette of the Region that it shall so have effect;

(*b*) in relation to the Southern Cameroons unless and until the Commissioner of the Cameroons has declared by notice published in the Official Gazette of the Southern Cameroons that it shall so have effect.

(2) The Legislature of a Region may, by law enacted under this Order, make provision for the implementation in that Region of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

(3) The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the implementation in the Southern Cameroons of treaties, conventions and agreements with and other obligations towards or arrangements relating to, countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.

External trade

54.—(1) Subject to the provisions of this section, the Federal Legislature may make laws with respect to trade and commerce between Nigeria and other countries including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.

(2) The Federal Legislature may, by law enacted under this Order, establish an authority (to be styled the Central Marketing Board) for the export of commodities from Nigeria, and may confer on that authority exclusive power to export any commodity from Nigeria.

(3) The Federal Legislature may, by law enacted under this Order, make provision for the powers and functions of the Central Marketing Board and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

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

(*b*) to export any commodity from Nigeria on behalf of any person or authority in Nigeria;

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

(4) The power conferred upon the Federal Legislature by the foregoing provisions of this section shall not extend to any matter with respect to which the Legislature of a Region or the Legislature of the Southern Cameroons is empowered to make laws by subsections (5), (6) and (7) of this section.

(5) (*a*) Subject to the provisions of this section, the Legislature of a Region may, by law enacted under this Order, establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria by the Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Central Marketing Board.

(*b*) Subject to the provisions of this section, the Legislature of the Southern Cameroons may, by law enacted under this Order, establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria by the Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria by the Central Marketing Board.

(6) The Legislature of a Region may, by law enacted under this Order—

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

(i) to acquire any commodity in that Region for export from Nigeria by the Central Marketing Board;

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

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

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

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

Legislatures may authorise grants or loans for any purpose

55. The Federal Legislature or the Legislature of a Region or the Southern Cameroons may, by law enacted under this Order, authorise the making of any grant or loan of money for any purpose whether or not that purpose is one with respect to which that Legislature may otherwise make laws.

Emoluments of officers employed in connection with government of Southern Cameroons

56. The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for paying the emoluments of the Commissioner of the Cameroons and of any other officer employed in connection with the government of the Southern Cameroons, notwithstanding that he is an officer in the public service of the Federation.

Existing laws

57.—(1) For the purposes of this section "an existing law" means a law in force or having any effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria.

(2) Subject to the provisions of this Order, an existing law shall have effect in relation to Lagos as if it were a law enacted by the Federal Legislature.

(3) Subject to the provisions of this Order—

(*a*) an existing law shall, in relation to any part of Nigeria other than Lagos, have effect, in so far as it relates to any matter included in the Exclusive Legislative List, as if it were a law enacted by the Federal Legislature ;

(*b*) an existing law that was enacted by any legislature in Nigeria other than the Legislature of a former Region shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect in relation to any part of Nigeria other than Lagos as if it were a law enacted by the Federal Legislature ;

(*c*) an existing law that was enacted by the Legislature of the former Northern Region shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect in relation to the Northern Region as if it were a law enacted by the Legislature of that Region ;

(*d*) an existing law that was enacted by the Legislature of the former Western Region shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect in relation to the Western Region as if it were a law enacted by the Legislature of that Region ;

(*e*) an existing law that was enacted by the Legislature of the former Eastern Region shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect—

(i) in relation to the Eastern Region as if it were a law enacted by the Legislature of that Region ;

(ii) in relation to the Southern Cameroons as if it were a law enacted by the Legislature of the Southern Cameroons ;

(*f*) an existing law shall, in so far as it relates to any matter other than a matter included in the Exclusive Legislative List or the Concurrent Legislative List, have effect—

(i) in relation to a Region, as if it were a law enacted by the Legislature of that Region ;

(ii) in relation to the Southern Cameroons, as if it were a law enacted by the Legislature of the Southern Cameroons.

(4) Subject to the provisions of this Order, any existing law, in so far as it has effect by virtue of this section as if it were a law enacted by any legislature in Nigeria, shall, for the purposes of this Order, be

deemed to have been enacted by that legislature, and may be amended and repealed as if it were a law enacted by that legislature.

(5) (*a*) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall, subject to the provisions of subsection (4) of this section, have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(*b*) In this subsection "existing law" includes any instrument made in pursuance of an existing law.

Inconsistency between laws enacted by different Legislatures

58.—(1) If any law enacted by the Legislature of a Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Legislature of the Region, or of the Southern Cameroons, as the case may be, if enacted before the law enacted by the Federal Legislature, shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void.

(2) For the purposes of this section a law enacted by the Federal Legislature that has effect under section 52 of this Order as if it were a law enacted by the Legislature of a Region or of the Southern Cameroons shall be deemed to have been enacted by that Legislature.

Legislative Procedure

Legislatures to observe Royal Instructions

59.—(1) Subject to the provisions of this Order, the Federal Legislature 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 Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor-General in that behalf.

(2) Subject to the provisions of this Order, the Legislature of a Region 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 Her Majesty's Sign Manual and Signet that may from time to time be addressed to the Governor of that Region in that behalf.

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

Introduction of Bills in Legislative Houses

60.—(1) Subject to the provisions of this Order and of the Standing Orders of the House, any member of a Legislative House may introduce any Bill, or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the Standing Orders of the House.

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

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

(*c*) In this subsection "a money Bill" means a Bill that, in the opinion of the Governor, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of 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 matters or any of them.

(*d*) In paragraph (*c*) of this subsection 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.

Restrictions with regard to Bills etc. that charge the revenue

61.—(1) Except upon the recommendation of the Governor-General or with the consent of the Governor-General, the House of Representatives shall not proceed upon any Bill, motion or petition that, in the opinion of the Speaker 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.

(2) Except upon the recommendation of the Governor or with the consent of the Governor, a Regional Legislative House shall not proceed upon any Bill, motion or petition that, in the opinion of the President or Speaker 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.

(3) Except upon the recommendation of the Commissioner of the Cameroons or with the consent of the Commissioner, the House of Assembly of the Southern Cameroons shall not proceed upon any Bill, motion or petition that, 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.

Bills and motions in House of Representatives and Legislative Houses of Northern Region and Southern Cameroons affecting public officers etc.

62.—(1) If the Governor-General or the Attorney-General of the Federation gives notice to the House of Representatives or any committee thereof that, in his opinion, a Bill or motion that is before the House or the committee, as the case may be, 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 any public officer or former public 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-General 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-General, within that period, certifies by writing under his hand that any alteration that would be effected by such motion would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, such motion shall not have effect unless it has been approved by a Secretary of State.

(2) If the Governor-General considers that any such alteration as aforesaid, which would be effected by any Bill presented to him for his assent, would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, he shall reserve the Bill for the signification of Her Majesty's pleasure.

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

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

(5) The Governor-General shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with subsection (1) of this section if, in his opinion, any alteration that would be effected by any such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(6) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(7) The provisions of this section shall be without prejudice to the powers of the House of Representatives to debate or dispose of any Bill or motion relating only to the creation of any new office.

(8) The provisions of this section shall apply in relation to the Legislative Houses of the Northern Region as they apply in relation to the House of Representatives, and for that purpose references to the Governor-General and the Attorney-General of the Federation shall be construed as if they were references to the Governor and the Attorney-General of that Region.

(9) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Attorney-General of the Federation shall be construed as if they were references to the Commissioner of the Cameroons or the Legal Secretary of the Southern Cameroons.

Bills and motions in Legislative Houses of Western and Eastern Regions affecting public officers etc.

63.—(1) In this section "reserved Bill or motion" means any Bill or motion that 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 any public officer or former public officer or his widow, children, dependants or personal representatives.

(2) It shall be the duty of the President or Speaker or other person presiding in each Legislative House of the Western Region or the Eastern Region, or in any committee thereof, to consider whether any Bill or motion before the House or the committee, as the case may be, is a reserved Bill or motion, and if he is of opinion that it is a reserved Bill or motion he shall forthwith so inform the House and the Governor, and no further proceedings shall, save with the consent of the Governor, be taken upon the Bill or motion during the period commencing on the day on which the House is informed or the day on which the Governor is informed, whichever is the earlier, and ending two days after the day on which the Governor is informed.

(3) The Governor may, with respect to any Bill or motion that is before either Legislative House of the Western Region or the Eastern Region, or any committee thereof, at any time give notice to the President or Speaker or other person presiding in the House or the committee, as the case may be, that the Bill or motion is, in the opinion of the Governor, a reserved Bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Governor, be taken upon the Bill or motion.

(4) Where a Bill or motion, other than a motion for the amendment of a Bill that has been passed by either Legislative House of the Western Region or the Eastern Region, appears to the Governor to be a Bill or motion that would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, then—

(*a*) in the case of a Bill, he shall, when the Bill is presented for his assent, reserve the Bill for the signification of Her Majesty's pleasure;

(*b*) in the case of a motion, he may, within a period of seven days from the date on which it was passed, certify by writing under his hand that he considers that any alteration that has been or would be effected by such motion is one that affects, or would so affect, any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, and in such case the motion shall not have effect unless and until it is approved by a Secretary of State.

(5) Any such notice as is referred to in subsection (3) of this section may be given by the Governor in such manner as he may think fit.

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

(7) The Governor shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has

been given in accordance with subsection (3) of this section if, in his opinion, any alteration that would be effected by such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(8) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(9) Nothing in this section shall be construed so as to derogate from the powers of a Legislative House of the Western Region or the Eastern Region conferred by this Order to debate or dispose of any Bill or motion relating to the creation of any new office.

Reserved powers

64.—(1) If the Governor-General 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-General thinks reasonable and expedient, the Governor-General may, at any time that 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-General thinks fit that 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-General 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-General 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-General 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-General shall cause notice of such revocation to be published in the Official Gazette of the Federation; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

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

(6) The provisions of this section shall apply in relation to the Legislative Houses of a Region as they apply in relation to the House of Representatives, and for that purpose shall have effect as if—

(*a*) references to the Governor-General and the Official Gazette of the Federation were references to the Governor and the Official Gazette of that Region;

(*b*) the words "or in any joint sitting of delegates convened under section 69 of this Order" were inserted in subsection (1) of this section immediately after the words "including any committee thereof".

(7) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Official Gazette of the Federation shall be construed as if they were references to the Official Gazette of the Southern Cameroons.

Assent to Bills

65.—(1) A Bill passed by the House of Representatives shall not become a law unless either the Governor-General has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

(2) When a Bill has been passed by the House of Representatives it shall be presented to the Governor-General for assent; and thereupon the Governor-General shall, acting in his discretion, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

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

(3) A law assented to by the Governor-General in pursuance of subsection (2) of this section shall come into operation on the date of its publication in the Official Gazette of the Federation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(4) (*a*) A Bill reserved for the signification of Her Majesty's pleasure in pursuance of subsection (2) of this section shall become a law as soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor-General has signified such assent by Proclamation published in the Official Gazette of the Federation.

(*b*) Every such law shall come into operation on the date of such Proclamation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(5) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of a Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose references to the Governor-General, the House of Representatives and

the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, a Regional Legislative House and the Official Gazette of that Region.

(6) For the purposes of this section—

(*a*) a Bill shall be held to have been passed by the Legislative Houses of the Northern Region or the Western Region only if it has been agreed to by both Houses either—

(i) without amendment ; or

(ii) with such amendments only as are agreed to by both Houses ;

(*b*) a Bill or amendment shall be deemed to have been, or to be, agreed to by any Legislative House if it is deemed to have been passed by that House by virtue of a declaration made under section 64 of this Order.

(7) The provisions of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the House of Representatives, and for that purpose references to the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Legislature of the Southern Cameroons and the Official Gazette of the Southern Cameroons.

Disallowance of laws

66.—(1) Any law to which the Governor-General, or the Governor of a Region, has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) (*a*) Whenever any law enacted by the Federal Legislature has been disallowed by Her Majesty, the Governor-General shall cause notice of such disallowance to be published in the Official Gazette of the Federation.

(*b*) Whenever any law enacted by the Legislature of a Region has been disallowed by Her Majesty, the Governor of that Region shall cause notice of such disallowance to be published in the Official Gazette of the Region.

(*c*) Whenever any law enacted by the Legislature of the Southern Cameroons has been disallowed by Her Majesty, the Governor-General shall cause notice of such disallowance to be published in the Official Gazette of the Southern Cameroons.

(3) (*a*) 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 that law had not been made.

(*b*) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Introduction of Bills by message of Governor in Western and Eastern Regions

67.—(1) The Governor of the Western Region, acting in his discretion, may—

(*a*) send by message to the President or Speaker of a Legislative House of the Region a draft of any Bill or motion that it appears to the Governor should be introduced or moved in that House ;

(*b*) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a request of the Governor made in accordance with paragraph (*b*) of subsection (1) of this section is not complied with, the message to which the Bill or motion relates shall be deemed for all purposes to have been introduced or moved in the House to which the message was sent on the date specified in the message.

(3) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references in subsections (1) and (2) of this section to the Governor of the Western Region and a Legislative House of that Region shall be construed as if they were references to the Governor of the Eastern Region and the House of Assembly of that Region.

Bills liable to special procedure

68.—(1) If, after a Bill has been passed by one House of the Legislature of the Northern Region or the Western Region and sent to the other House of that Region (in this section referred to as " the second House ")—

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

(*b*) the Governor is otherwise satisfied that there is no reasonable prospect of the Bill's 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's being passed as aforesaid by both Houses ;

the Governor, acting in his discretion, 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 section 70 of this Order, 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 60 of this Order.

Notice of joint sitting and summoning of joint sitting

69.—(1) When a Bill has become liable to the special procedure prescribed by section 70 of this Order, the Governor, acting in his discretion, 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 section referred to as " the prescribed period ") as may be specified in such message or Proclamation.

(2) When the Governor has sent or made 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 section referred to as "delegates") for the purpose specified in such message or Proclamation:

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

(*c*) The Governor, acting in his discretion, may summon such delegates as have been selected 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 70 of this Order shall have effect.

Procedure in joint sitting and powers of joint sitting

70.—(1) In this section "the joint sitting" means any joint sitting of delegates convened by the Governor under section 69 of this Order and "the Bill" means the Bill in respect of which such joint sitting is so summoned.

(2) (*a*) The 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 that may arise as to the right of any person to sit or vote in the joint sitting shall be determined by the Governor acting in his discretion.

(*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 69 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 Governor, acting in his discretion, 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 Governor, acting in his discretion, may 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 Governor, acting in his discretion, as to the amendments that are so admissible shall be final.

Standing Orders for Legislative Houses

71.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the House of Representatives may make 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-General for assent:

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

(2) The provisions of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose references to the Governor-General shall be construed as if they were references to the Governor.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives.

Presiding in Legislative Houses

72.—(1) There shall preside at the sittings of the House of Representatives—

(*a*) the Speaker of that House ; or

(*b*) in the absence of the Speaker, the Deputy Speaker of the House ; or

(*c*) in the absence of the Speaker and of the Deputy Speaker, such member of the House as the House may elect for that purpose.

(2) There shall preside at the sittings of a Regional Legislative House—

(*a*) the President or Speaker of that House ; or

(*b*) in the absence of the President or Speaker, the Deputy President or Deputy Speaker of the House ; or

(*c*) in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect for that purpose.

(3) There shall preside at the sittings of the House of Assembly of the Southern Cameroons—

(*a*) the President ; or

(*b*) in the absence of the President, such member of the House as the Commissioner of the Cameroons may appoint ; or

(*c*) in the absence of the President and of any member so appointed, such member of the House as the House may elect for that purpose.

Legislative Houses may transact business notwithstanding vacancies etc.

73. A Legislative House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof, including any vacancy not filled when the House is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House.

Quorum in Legislative Houses

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

(*a*) fifty members, in the case of the House of Representatives;

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

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

(*d*) eleven members, in the case of the House of Assembly of the Southern Cameroons.

Voting in Legislative Houses

75. Save as is otherwise provided in this Order—

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

Provided that—

(i) the President or Speaker or other member presiding shall not have an original vote but he may give a casting vote if on any question the votes are equally divided;

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

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

Oath of allegiance to be taken by members of Legislative Houses

76.—(1) Subject to the provisions of subsection (2) of this section, no member of the House of Representatives shall (except for the purpose of enabling this section to be complied with) sit or vote in the House until he has taken the oath of allegiance before the House.

(2) If, between the time when a person becomes a member of such House and the time when the House next sits 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 oath of allegiance before a judge of such court as the Governor-General may direct; and the taking and subscribing of the oath 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 Speaker that the person in question has taken and subscribed the oath of allegiance before him.

(3) The provisions of this section shall apply in relation to the members of a Legislative House of a Region (including, in the case of the Northern House of Chiefs, the adviser on Moslem law) as they apply in relation to the members of the House of Representatives, and for that purpose references in subsections (1) and (2) of this section to the Governor-General and the Speaker shall be construed as if they were references to the Governor of that Region and the President or Speaker of the House.

(4) The provisions of this section shall apply in relation to the members of the House of Assembly of the Southern Cameroons as they apply in relation to the members of the House of Representatives, and for that purpose references in subsections (1) and (2) of this section to the Speaker shall be construed as if they were references to the President of the House.

Privileges of Legislative Houses

77.—(1) The Federal 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, 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.

(2) (*a*) The provisions of this section shall apply in relation to the Legislative Houses of a Region as they apply in relation to the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of that Region.

(*b*) For the purpose of the application of this section to the Northern House of Chiefs references to the members thereof shall include the adviser on Moslem law.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of the Southern Cameroons.

Official languages in Legislative Houses

78.—(1) The official language of the House of Representatives and of the Legislative Houses of the Western Region, the Eastern Region and the Southern Cameroons 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 in Legislative Houses

79.—(1) Any person who sits or votes in a Legislative House knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes in that House.

(2) The said penalty shall be recoverable by action—

(*a*) in the case of a person sitting or voting in the House of Representatives, at the suit of the Attorney-General of the Federation in the High Court of Lagos;

(*b*) in the case of a person sitting or voting in any Legislative House of a Region, at the suit of the Attorney-General of the Region in the High Court of that Region;

(*c*) in the case of a person sitting or voting in the House of Assembly of the Southern Cameroons, at the suit of the Legal Secretary of the Southern Cameroons in the High Court of the Southern Cameroons.

Sessions of Legislative Houses

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

(*b*) The first session of the House of Representatives shall begin within twelve months after the commencement of this Order; and thereafter sessions of the House shall be held from time to time, but 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) The provisions of this section shall apply in relation to a Legislative House of a Region as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the Governor and the Official Gazette of that Region.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Official Gazette of the Federation shall be construed as if they were references to the Official Gazette of the Southern Cameroons.

Powers of Governor-General and Governors to address Legislative Houses

81.—(1) The Governor-General may, in his discretion, address the House of Representatives or the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.

(2) The Governor of a Region may, in his discretion, address the House of Assembly or, in the case of the Northern Region or the Western Region, either Legislative House or both such Houses assembled together, at any time that he thinks fit, and may for that purpose require the attendance of members.

Prorogation and dissolution of Legislative Houses

82.—(1) The Governor-General may at any time by Proclamation published in the Official Gazette of the Federation prorogue or dissolve the House of Representatives:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

(2) The Governor of the Northern Region or the Western Region may at any time by Proclamation published in the Official Gazette of the Region—

(*a*) prorogue the Legislative Houses of that Region or either of them ; or

(*b*) dissolve the Legislative Houses of that Region:

Provided that, unless they have been sooner dissolved, he shall in any case dissolve the Legislative Houses at the expiration of five years from the date of the first sitting of either of those Houses after any dissolution.

(3) The Governor of the Eastern Region may at any time by Proclamation published in the Official Gazette of that Region prorogue or dissolve the Eastern House of Assembly:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

(4) The Governor-General, acting in his discretion, may at any time by Proclamation published in the Official Gazette of the Southern Cameroons prorogue or dissolve the House of Assembly of the Southern Cameroons:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

CHAPTER IV

Executive Powers

Extent of executive authority of Federation

83. The executive authority of the Federation shall extend to the execution and maintenance of the constitution of the Federation and to all matters with respect to which the Federal Legislature has for the time being power to make laws.

Use and operational control of police

84. The use and operational control of the police shall be directed and exercised by the Governor-General, acting in his discretion, either directly or through such officers or authorities as may be duly authorised by him in that behalf.

Extent of executive authority of Regions

85. The executive authority of a Region shall extend to the execution and maintenance of the constitution of the Region and to all matters with respect to which the Legislature of the Region has for the time being power to make laws.

Extent of executive authority of Southern Cameroons

86. The executive authority of the Southern Cameroons shall extend to the execution and maintenance of the constitution of the Southern Cameroons and to all matters with respect to which the Legislature of the Southern Cameroons has for the time being power to make laws.

The Council of Ministers

Establishment of Council of Ministers

87. There shall be a Council of Ministers for the Federation.

Composition of Council of Ministers

88. The members of the Council of Ministers shall be—

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

(*b*) three Ex-officio Members, namely, the Chief Secretary of the Federation, the Attorney-General of the Federation and the Financial Secretary of the Federation;

(*c*) ten members, who shall be styled Ministers, of whom—

(i) three shall be appointed by the Governor-General by Instrument under the Public Seal from among the Representative Members of the House of Representatives elected in the Northern Region;

(ii) three shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Western Region;

(iii) three shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Eastern Region; and

(iv) one shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Southern Cameroons;

(*d*) such Temporary Members as may be appointed in accordance with the provisions of section 91 of this Order.

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

89.—(1) The Council of Ministers shall be the principal instrument of policy for Nigeria in matters to which the executive authority of the Federation 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 Her Majesty in Council, any Instructions under Her 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.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor-General shall—

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

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

(ii) powers conferred upon him by subsections (1) and (2) of section 7, paragraph (*c*) of section 88 and subsection (1) of section 99 of this Order; or

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor-General's pleasure; 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.

(3) Where by this Order the Governor-General is directed to exercise a power on the recommendation of any person or of any authority other than the Council of Ministers he shall exercise that power in accordance with such recommendation.

Tenure of office of Ministers

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

(*a*) when after any dissolution of the House of Representatives he is informed by the Governor-General that the Governor-General is about to reappoint him as a Minister or to appoint another person as a Minister; or

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

(*c*) if he resigns his seat by writing under his hand addressed to the Governor-General; or

(*d*) if he absents himself from Nigeria without written permission given by the Governor-General acting in his discretion; or

(*e*) if the Governor-General, being satisfied that the Minister has failed to carry out the policy, or any decision, of the Council, so directs; or

(*f*) if the Governor-General so directs on the recommendation of the House of Representatives signified by resolution in favour of which there are cast the votes of not less than two-thirds of the total number of members of the House for the time being (exclusive of the Speaker and of any Special Member who is incapable of taking part in the proceedings of the House by reason of a declaration made under section 13 of this Order).

(2) When any such resolution as is referred to in paragraph (*f*) of subsection (1) of this section is proposed in the House of Representatives the votes of the members shall be given in a manner that does not disclose how any particular member votes.

Temporary Members of Council of Ministers

91.—(1) If a Minister is incapable of taking part in the proceedings of the Council of Ministers by reason of a declaration made under section 92 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of the Council of Ministers:

Provided that—

(*a*) if the Minister on account of whose incapacity he is appointed is a Representative Member of the House of Representatives elected in a Region, such person shall be appointed from among the Representative Members of that House elected in that Region; and

(*b*) if the Minister on account of whose incapacity he is appointed is a Representative Member of the House of Representatives elected in the Southern Cameroons, such person shall be appointed from among the Representative Members of that House elected in the Southern Cameroons.

(2) (*a*) The seat of a Temporary Member of the Council of Ministers shall become vacant when the Minister on account of whose incapacity he has been appointed is, under section 92 of this Order, declared to be able again to discharge his functions or when the seat of that Minister in the Council becomes vacant.

(*b*) Subject to the provisions of paragraph (*a*) of this subsection, the provisions of section 90 of this Order shall apply in relation to a Temporary Member of the Council of Ministers as they apply in relation to a Minister.

(3) References in section 98, subsection (1) of section 99 and sections 100 and 102 of this Order to a Minister shall be construed as including references to a Temporary Member of the Council of Ministers.

Minister unable to act

92. The Governor-General may, by writing under his hand, declare that a Minister is, by reason of absence or illness, temporarily unable to discharge his functions as a member of the Council of Ministers, and thereupon that Minister shall not take part in the proceedings of the Council until he is declared in manner aforesaid to be able again to discharge his said functions.

Determination of questions as to membership of Council of Ministers

93. Any question whether—

(*a*) any person is a member of the Council of Ministers; or

(*b*) any Minister is incapable of taking part in the proceedings of the Council of Ministers by reason of a declaration made under section 92 of this Order,

shall be referred to, and determined by, the Governor-General, acting in his discretion.

Presiding in Council of Ministers

94.—(1) The Governor-General shall, so far as is practicable, preside at meetings of the Council of Ministers.

(2) (*a*) In the absence of the Governor-General there shall preside at any meeting of the Council of Ministers—

(i) such member as the Governor-General, acting in his discretion, may appoint; or

(ii) in the absence of a member so appointed, the senior Ex-officio Member present.

(*b*) For the purposes of this subsection, the Ex-officio Members of the Council of Ministers shall have seniority in the order in which they are mentioned in section 88 of this Order.

Council of Ministers may transact business notwithstanding vacancies etc.

95. The Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Summoning Council of Ministers and quorum therein

96.—(1) The Council of Ministers shall not be summoned except by the authority of the Governor-General, acting in his discretion:

Provided that the Governor-General shall summon the Council if five or more members of the Council so request in writing.

(2) No business shall be transacted in the Council of Ministers if objection is taken by any member present that, in addition to the Governor-General or other member presiding, there are present less than five members.

Voting in Council of Ministers

97.—(1) Where any matter is dependent upon the decision of the Council of Ministers 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.

(2) (*a*) The Governor-General shall not have an original vote in the Council of Ministers but he may, acting in his discretion, give a casting vote if on any question the votes are equally divided.

(*b*) Any other member of the Council of Ministers shall have an original vote and, when presiding in accordance with the provisions of section 94 of this Order, may also give a casting vote if on any question the votes are equally divided.

Assignment of responsibility to members of Council of Ministers

98.—(1) (*a*) Subject to the provisions of this Order, the Governor-General, acting in his discretion, may by directions in writing charge any member of the Council of Ministers with responsibility for any matter or group of matters to which the executive authority of the Federation extends:

Provided that a Minister shall not be charged with responsibility for police.

(*b*) For the purposes of this section the Governor-General, acting in his discretion, may charge any member of the Council of Ministers with responsibility for any department of government.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister but shall vest in the Attorney-General of the Federation.

Parliamentary Secretaries to Ministers

99.—(1) The Governor-General may appoint a Parliamentary Secretary from among the Representative Members and Special Members of the House of Representatives to assist any Minister in the discharge of responsibilities assigned to him in pursuance of section 98 of this Order.

(2) A Parliamentary Secretary to a Minister shall hold his office during the Governor-General's pleasure:

Provided that his office shall in any case become vacant—

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

Provided that, if he ceases to be a member of the House by reason of a dissolution thereof, he shall not on that account cease to hold office until an appointment of a Minister is next made after that dissolution; or

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

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

Permanent Secretaries to supervise certain Federal departments

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

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

Governor-General's Secretary and Secretary to Council of Ministers

101.—(1) There shall be an officer to be styled Secretary to the Governor-General and the Council of Ministers, who shall be appointed by the Governor-General, acting in his discretion.

(2) The said officer—

(*a*) in his capacity as Secretary to the Governor-General shall have such functions as the Governor-General, acting in his discretion, may direct ;

(*b*) in his capacity as Secretary to the Council of Ministers shall, subject to any Instructions under Her Majesty's Sign Manual and Signet addressed to the Governor-General in that behalf, be responsible for arranging the business for, and keeping the minutes of, meetings of the Council of Ministers and for conveying the decisions of the Governor-General to the appropriate person or authority, and shall have such other functions as the Governor-General may direct.

Leave of absence for Ministers etc.

102. The Governor-General, acting in his discretion, may grant leave of absence from his duties to any Minister or Parliamentary Secretary to a Minister.

Oaths to be taken by Ministers etc.

103. No person shall enter upon the duties of his office as a member of the Council of Ministers or as a Parliamentary Secretary to a Minister until he has taken the oath of allegiance and, except in the case of the Governor-General, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Federal Legislature.

The Executive Councils of the Regions

Establishment of Executive Councils for Regions

104. There shall be an Executive Council for each Region.

Functions of Executive Councils and exercise of Governors' powers

105.—(1) The Executive Council of a Region shall be the principal instrument of policy 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 Her Majesty in Council, any Instructions under Her 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.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the 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—

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

(ii) powers conferred upon him by subsection (2) of section 23 and subsection (1) of section 33 of this Order; or

(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor's pleasure; 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.

(3) Where by this Order the Governor of a Region is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

Composition of Executive Council of Northern Region

106. The members of the Executive Council of the Northern Region shall be—

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

(*b*) three Ex-officio Members, namely, the Civil Secretary of the Region, the Attorney-General of the Region and the Financial Secretary of the Region; and

(*c*) thirteen members appointed in accordance with the provisions of section 107 of this Order, who shall be styled Regional Ministers.

Appointment of Regional Ministers in Northern Region

107.—(1) Every Regional Minister of the Northern Region shall be appointed by Instrument under the Public Seal either from among the members of the Northern House of Chiefs mentioned in paragraphs (*b*) and (*c*) of subsection (1) of section 17 of this Order or from among the members of the Northern House of Assembly mentioned in paragraphs (*b*) and (*c*) of subsection (1) of section 21 of this Order.

(2) Of the Regional Ministers of the Northern Region—

(*a*) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and

(*b*) the others shall be appointed by the Governor on the recommendation of the Premier:

Provided that if the Premier is a member of the Northern House of Assembly, at least two but not more than four of the other Ministers shall be appointed from among the members of the Northern House of Chiefs, and if the Premier is not a member of

the Northern House of Assembly, at least one but not more than three of the other Ministers shall be appointed from among the members of the Northern House of Chiefs.

Composition of Executive Council of Western Region

108. The members of the Executive Council of the Western Region shall be—

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

(*b*) not less than nine members appointed in accordance with the provisions of section 109 of this Order, who shall be styled Regional Ministers.

Appointment of Regional Ministers in Western Region

109.—(1) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (*a*) and (*c*) of subsection (1) of section 24 of this Order or from among the members of the Western House of Assembly mentioned in paragraphs (*a*) and (*b*) of subsection (1) of section 29 of this Order.

(2) Of the Regional Ministers of the Western Region—

(*a*) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and

(*b*) the others shall be appointed by the Governor on the recommendation of the Premier:

Provided that if the Premier is a member of the Western House of Assembly, three (but not more than three) of the other Ministers shall be appointed from among the members of the Western House of Chiefs, and if the Premier is not a member of the Western House of Assembly, two (but not more than two) of the other Ministers shall be appointed from among the members of the Western House of Chiefs.

(3) The number of Regional Ministers of the Western Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 108 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

Composition of Executive Council of Eastern Region

110. The members of the Executive Council of the Eastern Region shall be—

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

(*b*) not less than nine members appointed in accordance with the provisions of section 111 of this Order, who shall be styled Regional Ministers.

Appointment of Regional Ministers in Eastern Region

111.—(1) Every Regional Minister of the Eastern Region shall be appointed by Instrument under the Public Seal from among the Elected Members of the Eastern House of Assembly.

(2) Of the Regional Ministers of the Eastern Region—

(*a*) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and

(*b*) the others shall be appointed by the Governor on the recommendation of the Premier.

(3) The number of Regional Ministers of the Eastern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 110 of this Order, be such as the Governor may on the recommendation of the Premier from time to time prescribe.

Tenure of office of Premier

112. The Premier shall hold his seat in the Executive Council of a Region during the Governor's pleasure:

Provided that his seat shall in any case become vacant—

(*a*) when, after any dissolution of the Regional Legislative House from among the members of which he was appointed, he is informed by the Governor that the Governor is about to reappoint him as Premier or to appoint another person as Premier; or

(*b*) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

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

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

Tenure of office of Regional Minister

113.—(1) The seat in the Executive Council of a Region of a Regional Minister other than the Premier shall become vacant—

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

(*b*) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

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

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

(*e*) if the Governor, on the recommendation of the Premier, so directs; or

(*f*) in the case of the Eastern Region, if the Governor, on the recommendation of the Eastern House of Assembly signified by resolution, so directs.

(2) When any such resolution as is referred to in paragraph (*f*) of subsection (1) of this subsection is proposed in the Eastern House of Assembly—

(*a*) the votes of the members shall be given in a manner that does not disclose how any particular member votes; and

(*b*) the Speaker or other member presiding shall not have a casting vote.

Determination of questions as to membership of Executive Councils of Regions

114. Any question whether any person is a member of the Executive Council of a Region shall be referred to, and determined by, the Governor, acting in his discretion.

Presiding in Executive Councils of Regions

115.—(1) The Governor shall, so far as is practicable, preside at meetings of the Executive Council of a Region.

(2) In the absence of the Governor there shall preside at any meeting of the Executive Council of a Region—

(*a*) the Premier ; or

(*b*) in the absence of the Premier, such other member of the Council as the Governor, acting in his discretion, may appoint.

Executive Councils of Regions may transact business notwithstanding vacancies etc.

116. The Executive Council of a Region shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, including any vacancies not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Summoning Executive Councils of Regions and quorum therein

117.—(1) The Executive Council of a Region shall not be summoned except by the authority of the Governor, acting in his discretion:

Provided that the Governor shall summon the Council if the Premier requests him in writing so to do.

(2) No business shall be transacted in the Executive Council of a Region if objection is taken by any member present that, in addition to the Governor or other member presiding, there are present less than eight members in the case of the Executive Council of the Northern Region or less than six members in the case of the Executive Council of the Western Region or the Executive Council of the Eastern Region.

Voting in Executive Councils of Regions

118.—(1) 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 the majority of the votes of the members present and voting are cast in favour thereof.

(2) (*a*) The Governor shall not have an original vote in the Executive Council of a Region, but he may, acting in his discretion, give a casting vote if on any question the votes are equally divided.

(*b*) Any other member of the Executive Council of a Region shall have an original vote and, when presiding in the Council in accordance with the provisions of section 115 of this Order, may also give a casting vote if on any question the votes are equally divided.

Assignment of responsibility to members of Executive Councils of Regions

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

(*b*) For the purposes of this section the Governor may charge any member of the Executive Council of a Region with responsibility for any department of government.

(*c*) The powers conferred by this section on the Governor of a Region shall be exercised by the Governor of the Northern Region in his discretion and shall be exercised by the Governor of the Western Region and the Governor of the Eastern Region on the recommendation of the Premier.

(2) Responsibility for legal matters which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Regional Minister but shall vest in the Attorney-General of each Region:

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

Parliamentary Secretaries to Regional Ministers

120.—(1) The Governor of a Region may appoint a Parliamentary Secretary from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers to assist any Regional Minister in the discharge of responsibilities assigned to him in pursuance of section 119 of this Order.

(2) The office of a Parliamentary Secretary to a Regional Minister shall become vacant—

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

(*b*) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

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

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

(*e*) if the Governor so directs.

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

Permanent Secretaries to supervise certain Regional departments

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

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

Oaths to be taken by Regional Ministers etc.

122. No person shall enter upon the duties of his office as a member of the Executive Council of a Region or as a Parliamentary Secretary to a Regional Minister until he has taken the oath of allegiance

and, except in the case of the Governor, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of that Region.

Leave of absence for Regional Ministers etc.

123.—(1) The Governor of a Region may grant leave of absence from his duties to a Regional Minister or to a Parliamentary Secretary to a Regional Minister.

(2) The power conferred by this section on the Governor of a Region shall be exercised by the Governor of the Northern Region in his discretion and shall be exercised by the Governor of the Western Region and the Governor of the Eastern Region on the recommendation of the Premier.

The Executive Council of the Southern Cameroons

Establishment of Executive Council for Southern Cameroons

124. There shall be an Executive Council for the Southern Cameroons.

Functions of Executive Council of Southern Cameroons

125. Subject to the provisions of this Order, the Executive Council of the Southern Cameroons shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under any Order of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of such Orders and Instructions as aforesaid, by or under any other law.

Composition of Executive Council of Southern Cameroons

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

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

(*b*) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons;

(*c*) four Unofficial Members, who shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal of the Southern Cameroons, from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (*c*), (*d*) and (*e*) of section 34 of this Order; and

(*d*) such Temporary Members as may be appointed in accordance with the provisions of section 128 of this Order.

Tenure of seats of Unofficial Members of Executive Council of Southern Cameroons

127. An Unofficial Member of the Executive Council of the Southern Cameroons shall hold his seat in the Council during the Governor-General's pleasure:

Provided that he shall in any case vacate his seat—

(*a*) when after any dissolution of the House of Assembly of the Southern Cameroons he is informed by the Governor-General that

the Governor-General is about to reappoint him as an Unofficial Member of the Council or to appoint another person as an Unofficial Member of the Council ; or

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

(*c*) if he resigns his seat by writing under his hand addressed to the Governor-General ; or

(*d*) if he absents himself from Nigeria without the written permission of the Commissioner of the Cameroons.

Temporary Member of Executive Council of Southern Cameroons

128.—(1) If an Unofficial Member of the Executive Council of the Southern Cameroons is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, appoint to be a Temporary Member of the Council a person who is a member of the House of Assembly of the Southern Cameroons eligible for appointment as an Unofficial Member of the Council.

(2)—(*a*) The seat in the Executive Council of the Southern Cameroons of a Temporary Member of the Council shall become vacant when the Unofficial Member on account of whose incapacity he has been appointed is, under section 129 of this Order, declared to be able again to discharge his functions or when the seat of that Unofficial Member in the Council becomes vacant.

(*b*) Subject to the provisions of paragraph (*a*) of this subsection, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Unofficial Member of Executive Council of Southern Cameroons unable to act

129. The Governor-General, acting in his discretion, may, by writing under his hand, declare that an Unofficial Member of the Executive Council of the Southern Cameroons is, by reason of absence or illness, temporarily unable to discharge his functions as a member of the Council, and thereupon that member shall not take part in the proceedings of the Council until he is declared in manner aforesaid to be able again to discharge his said functions.

Presiding in Executive Council of Southern Cameroons

130.—(1) The Commissioner of the Cameroons shall, so far as is practicable, preside at meetings of the Executive Council of the Southern Cameroons.

(2) (*a*) In the absence of the Commissioner there shall preside at any meeting of the Council—

(i) such member as the Commissioner may appoint ; or

(ii) in the absence of a member so appointed, the senior Ex-officio Member of the Council present.

(*b*) For the purposes of this subsection, the Ex-officio Members of the Council shall have seniority in the order in which they are mentioned in section 126 of this Order.

Summoning Executive Council of Southern Cameroons and quorum therein

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

Provided that the Commissioner shall summon the Council if three or more members of the Council so request in writing.

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

Oaths to be taken by members of Executive Council of Southern Cameroons

132. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

133. The Executive Council of the Southern Cameroons shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time ; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

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

134. Any question whether—

(*a*) any person is a member of the Executive Council of the Southern Cameroons ; or

(*b*) any Unofficial Member of the Council is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order,

shall be referred to, and determined by, the Governor-General acting in his discretion.

Administrative Relations between Federation and Regions

Co-ordination of executive authority of Federation, Regions and Southern Cameroons

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

Performance of Federal functions by Regional officers and of Regional functions by Federal officers

136.—(1) No functions relating to the exercise of the executive authority of the Federation or of the Southern Cameroons shall be conferred upon any officer or authority of a Region without the consent of the Governor of that Region, which consent shall, in relation to the use and operational control of the police, be given by the Governor, acting in his discretion.

(2) No functions relating to the exercise of the executive authority of a Region shall be conferred upon any officer or authority of the Federation without the consent of the Governor-General.

Directions by Governor-General to Commissioner of Cameroons

137.—(1) The Governor-General, acting in his discretion, may give to the Commissioner of the Cameroons such directions with respect to the exercise of the executive authority of the Southern Cameroons as he may decide are desirable.

(2) The Commissioner shall comply with any directions given to him under this section or shall cause them to be complied with.

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

CHAPTER V

JUDICIAL POWERS

The Federal Supreme Court

Establishment of Federal Supreme Court

138.—(1) There shall be a Federal Supreme Court for Nigeria.

(2) The judges of the Federal Supreme Court shall be—

(*a*) a Chief Justice of the Federation;

(*b*) two Federal Justices or such greater number as may be prescribed by or under any law enacted by the Federal Legislature; and

(*c*) such acting Federal Justices as may be appointed under subsection (3) of section 139 of this Order.

(3) The Federal Supreme Court shall be a superior court of record and shall sit in Lagos and in such other places in Nigeria, if any, as the Chief Justice of the Federation may, with the approval of the Governor-General, appoint.

(4) The Chief Justice of the Federation shall be President of the Federal Supreme Court, and shall take precedence of all other judges of that Court, and the seniority of the other judges of that Court shall be determined in accordance with such directions as may be given by the Governor-General acting in his discretion.

Judges of Federal Supreme Court

139.—(1) The Chief Justice of the Federation and the Federal Justices shall be appointed by the Governor-General by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State.

(2) (*a*) A person shall not be qualified to be appointed as the Chief Justice of the Federation or a Federal Justice unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or

(ii) he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court.

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

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

(*b*) If the office of any Federal Justice is vacant, or if any Federal Justice is appointed to act as the Chief Justice of the Federation or is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion, may appoint a person qualified for appointment as a Federal Justice to act as a Federal Justice.

(4) The Chief Justice of the Federation and the Federal Justices shall hold office during Her Majesty's pleasure and acting Federal Justices shall hold office during the Governor-General's pleasure:

Provided that the office of any judge of the Federal Supreme Court shall in any case become vacant—

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

(*b*) when he attains the age of sixty-five years, or, if the Governor-General, acting in his discretion, so directs, within six months of his attaining that age.

Oaths to be taken by judges of Federal Supreme Court

140. No person shall enter upon the duties of his office as a judge of the Federal Supreme Court until he has taken before the Governor-General, or some person authorised by the Governor-General in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Federal Legislature.

Salaries of judges of Federal Supreme Court

141. There shall be paid to the judges of the Federal Supreme Court such salary and allowances as may be prescribed by any law enacted by the Federal Legislature:

Provided that the salary of any such judge shall not be diminished during his continuance in office.

Establishment of Courts for the Regions, the Southern Cameroons and Lagos

Courts of Regions and Lagos

142.—(1) Subject to the provisions of this section, the Legislature of a Region may, by law enacted under this Order, establish Courts of Justice for that Region, and in particular (without prejudice to the generality of the foregoing power) establish a High Court of Justice for that Region.

(2) The following provisions shall apply to a High Court established for a Region in accordance with subsection (1) of this section—

(*a*) the court shall be a superior court of record and shall consist of a Chief Justice, who shall be President of the Court, and such number of other judges as may be prescribed by or under any law enacted by the Legislature of that Region;

(*b*) the judges of the court shall be appointed by the Governor by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State;

(*c*) (i) a person shall not be qualified to be appointed a judge of the court unless he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court;

(ii) in computing, for the purposes of this paragraph, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included;

(*d*) a judge of the court shall hold his office during Her Majesty's pleasure:

Provided that his office shall in any case become vacant—

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

(ii) when he attains the age of sixty-two years, or, if the Governor, acting in his discretion, so directs, within six months of his attaining that age;

(*e*) no person shall enter upon the duties of his office as a judge of the court until he has taken or made before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form and manner prescribed by any law enacted by the Legislature of that Region;

(*f*) there shall be paid to the judges of the court such salary and allowances as may be prescribed by any law enacted by the Legislature of the Region:

Provided that the salary of any such judge shall not be diminished during his continuance in office.

(3) The foregoing provisions of this section shall apply in relation to Lagos as they apply in relation to a Region, and for that purpose references therein to the Legislature of a Region and to the Governor shall be construed as if they were references to the Federal Legislature and to the Governor-General.

Courts of Southern Cameroons

143.—(1) Subject to the provisions of this section, the Legislature of the Southern Cameroons may, by law enacted under this Order, establish Courts of Justice for the Southern Cameroons, and in particular (without prejudice to the generality of the foregoing power) establish a High Court of Justice for the Southern Cameroons.

(2) The following provisions shall apply to the High Court established for the Southern Cameroons in accordance with subsection (1) of this section—

(*a*) the court shall be a superior court of record :

(*b*) those persons who are for the time being the Chief Justice and the other judges of the High Court established for Lagos under section 142 of this Order shall be the Chief Justice and the other judges of the High Court established for the Southern Cameroons.

Jurisdiction of the Courts

Exclusive original jurisdiction of Federal Supreme Court

144. The Federal Supreme Court shall, to the exclusion of any other court in Nigeria, have original jurisdiction—

(*a*) in any dispute between the Federation and a Region or the Southern Cameroons or between Regions or between the Southern Cameroons and a Region, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends ;

(*b*) in any matter in which a writ or order of mandamus or prohibition or an injunction is sought against an officer or authority of the Federation as such ;

(*c*) in any matter arising under any treaty ;

(*d*) in any matter affecting consular officers or other representatives of countries or of international or similar organizations outside Nigeria ;

(*e*) in respect of any question as to the interpretation of this Order that is referred to it in pursuance of section 145 of this Order ; and

(*f*) in any matter with respect to which jurisdiction is conferred upon it in pursuance of section 146 of this Order.

Questions as to interpretation of this Order

145.—(1) (*a*) If any question as to the interpretation of this Order arises in any proceedings in any court established for a Region or the Southern Cameroons or Lagos other than the High Court, the person presiding in that court may apply to the High Court for an order of that High Court referring the question to the Federal Supreme Court:

Provided that he shall so apply to the High Court—

(i) if any party to the proceedings so requires ; or

(ii) if the question appears to him to be a substantial question of law as to the validity of a law enacted by the Federal Legislature.

(*b*) If any application is made in pursuance of this subsection to the High Court established for a Region or the Southern Cameroons or Lagos, that court may, as it sees fit, either make the order or refuse it:

Provided that if the High Court is required by any law enacted by the Federal Legislature to make the order or if, in the opinion of the High Court, the application relates to a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall make the order.

(2) If any question as to the interpretation of this Order arises in any proceedings in the High Court established for a Region or the Southern Cameroons or Lagos, that High Court may, if it sees fit, refer that question to the Federal Supreme Court:

Provided that if the High Court is required by any law enacted by the Federal Legislature to refer the question to the Federal Supreme Court or if, in the opinion of the High Court, the question is a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall refer the question to the Federal Supreme Court.

Federal Legislature may confer original jurisdiction on Federal Supreme Court

146. The Federal Legislature may, by law enacted under this Order, confer original jurisdiction on the Federal Supreme Court with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List:

Provided that no original jurisdiction shall be conferred on the Federal Supreme Court with respect to any criminal matter.

Appellate jurisdiction of Federal Supreme Court

147.—(1) Subject to the provisions of section 148 of this Order, the Federal Supreme Court—

(*a*) shall, to the exclusion of any other court in Nigeria, have jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions, the Southern Cameroons and Lagos on any question as to the interpretation of the provisions of this Order;

(*b*) shall have such jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions, the Southern Cameroons and Lagos given in the original jurisdiction of those High Courts as the Federal Legislature may by law enacted under this Order confer upon it;

(*c*) shall have such jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions and the Southern Cameroons given in the appellate jurisdiction of those High Courts as may be conferred upon it—

(i) in respect of any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Federal Legislature;

(ii) in respect of any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be; and

(*d*) shall have such jurisdiction to hear and determine appeals from decisions of the High Court established for Lagos given in the appellate jurisdiction of that High Court as may be conferred upon it by any law enacted by the Federal Legislature.

(2) In this section—

(*a*) "decision" includes judgment, decree, order, conviction and sentence;

(*b*) references to appeals and appellate jurisdiction shall be construed to include references to cases stated and questions of law reserved.

Appeals in capital cases

148.—(1) (*a*) Subject to the provisions of this section, in the case of any person upon whom any court established for a Region other than the High Court has imposed a sentence of death, an appeal shall lie as of right at the instance of that person from that court to the High Court and thence to the Federal Supreme Court or, if it is provided by any law enacted by the Legislature of that Region that an appeal lies from the first-mentioned court to any other court or courts established for the Region, an appeal shall thereafter lie as aforesaid to the High Court and thence to the Federal Supreme Court.

(*b*) The provisions of paragraph (*a*) of this subsection shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons.

(*c*) The provisions of paragraph (*a*) of this subsection shall apply in relation to Lagos as they apply to a Region, and for that purpose references therein to a Region and to the Legislature of that Region shall be construed as if they were references to Lagos and to the Federal Legislature.

(2) The right to appeal to any court conferred by subsection (1) of this section shall be subject to any law and any rules of court for the time being in force regulating the practice and procedure of that court with respect to appeals.

(3) In this section "appeal" means an appeal against conviction and includes, in respect of a conviction of an offence for which it is provided by law that either death or some other punishment may be imposed, an appeal against the sentence of death.

Enforcement of orders of Federal Supreme Court

149.—(1) All authorities throughout Nigeria shall act in aid of the Federal Supreme Court.

(2) Without prejudice to section 151 of this Order, the Federal Supreme Court shall have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of that Court, that the High Courts established for any of the Regions, the Southern Cameroons and Lagos have power to make as respects the area within their jurisdiction; and any such order, and any other order of the Federal Supreme Court, shall be enforced by all courts and authorities in any of the Regions, the Southern Cameroons or Lagos as if it were an order duly made by the High Court established therefor.

Rules of court

150.—(1) In this section "rules of court" mean rules for regulating generally the practice and procedure of a court and with respect to appeals to, or reviews by, the court, including (without prejudice to the

generality of the foregoing provision) rules as to the persons practising before the court, as to the time within which any requirement of the rules is to be complied with, as to the costs of and incidental to any proceedings in the court, and as to the fees to be charged in respect of proceedings therein, and rules providing for the summary determination of any appeal that appears to the court to be frivolous or vexatious or to be brought for the purpose of delay.

(2) (*a*) Subject to the provisions of any law enacted by the Federal Legislature in pursuance of section 151 of this Order, the Federal Supreme Court may, with the approval of the Governor-General, make rules of court for use by the Court.

(*b*) Rules made under this section may fix the mimimum number of judges who are to sit for any purpose, so, however, that no matter shall be finally determined by less than three judges.

(*c*) Subject to the provisions of any law enacted by the Federal Legislature in pursuance of section 151 of this Order or of any rules of court, the Chief Justice of the Federation shall determine what judges are to sit for any purpose.

(*d*) Subject as aforesaid, any final determination by the Federal Supreme Court shall require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court:

Provided that nothing in this paragraph shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

(3) The Legislature of a Region, by law enacted under this Order, may make provision for the making of rules of court for use by the courts established for that Region.

(4) The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the making of rules of court for use by the courts established for the Southern Cameroons.

(5) The Federal Legislature may, by law enacted under this Order, make provision for the making of rules of court for use by the courts established for Lagos.

Provision for procedure of Federal Supreme Court and enforcement of judgments etc.

151.—(1) The Federal Legislature may, by law enacted under this Order, make provision with respect to any of the matters referred to in section 150 of this Order or confer upon the Federal Supreme Court such additional or supplemental powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise any jurisdiction conferred upon it by this Order or by any other law.

(2) (*a*) The Federal Legislature may, by law enacted under this Order, make provision for—

(i) the service and execution in Nigeria of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court outside Nigeria, and the attendance of persons in Nigeria at any such court;

(ii) the service and execution in any Region or in the Southern Cameroons or Lagos of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court in any other part of Nigeria, and the attendance of persons in any Region, the Southern Cameroons or Lagos at any such court.

(*b*) The Legislature of a Region may make provision for the service and execution in that Region of the civil and criminal processes, judgments, decrees, orders and decisions of any court, and the attendance of persons in that Region at any court.

(*c*) The Legislature of the Southern Cameroons may make provision for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of any court, and the attendance of persons in the Southern Cameroons at any court.

Jurisdiction of courts of Regions, Southern Cameroons and Lagos

152.—(1) Subject to the provisions of this Order, the courts established for a Region shall have such jurisdiction—

(*a*) with respect to any matter that is included in the Exclusive Legislative List as may be conferred upon them by any law enacted by the Federal Legislature;

(*b*) with respect to any matter that is included in the Concurrent Legislative List as may be conferred upon them by any law enacted by the Federal Legislature or the Legislature of that Region;

(*c*) with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List as may be conferred upon them by any law enacted by the Legislature of that Region or having effect under section 52 of this Order as if it had been so enacted.

(2) The provisions of subsection (1) of this section shall apply in relation to the courts established for the Southern Cameroons as they apply in relation to the courts of a Region, and for that purpose references to the Legislature of a Region shall be construed as if they were references to the Legislature of the Southern Cameroons.

(3) Subject to the provisions of this Order, the courts established for Lagos shall have such jurisdiction as may be conferred upon them by any law enacted by the Federal Legislature.

CHAPTER VI

FINANCE

Interpretation

153. In this Chapter—

the references in subsection (2) of section 155, subsection (3) of section 156, subsection (4) of section 157 and subsection (2) of section 158 to drawbacks, refunds and other repayments are references to such drawbacks, refunds and other repayments as are required to be made under any law;

"financial year" means a period of twelve months beginning on the first day of April in any year, and references to a financial year are, except where it is otherwise expressly provided or required by the context, references to a financial year subsequent to the thirty-first day of March, 1955;

"quarter" means a quarter of a financial year and references to a quarter are, except where the context otherwise requires, references to a quarter subsequent to the thirtieth day of September, 1954.

Prescribed authority

154.—(1) In this Chapter "the prescribed authority" means, in relation to any declaration that is required to be made by the prescribed authority, such person or authority as the Governor-General may appoint for the purpose of making that declaration.

(2) Any declaration made under this Chapter by the prescribed authority may be varied by a subsequent declaration made by such authority and if any declaration made under this Chapter by the prescribed authority is so varied any reference in this Chapter to that declaration shall be construed as a reference to that declaration as so varied.

(3) The correctness of anything contained in any declaration made by the prescribed authority under this Chapter shall not be called in question in any court.

Import duties other than duties on motor spirit and tobacco

155.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of any commodity, other than motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter sums equal to the following percentages respectively of the proceeds of that duty for that quarter, that is to say—

(*a*) to the Northern Region, fifteen per cent.;

(*b*) to the Western Region, twenty per cent.;

(*c*) to the Eastern Region, fourteen and one half per cent.

(2) For the purposes of this section the proceeds of a duty for a quarter shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for.

Import duties on motor spirit and tobacco

156.—(1) (*a*) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit, or of any particular class, variety or description of motor spirit, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to the proceeds of that duty for that quarter.

(*b*) When under paragraph (*a*) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of motor spirit, or of motor spirit of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(2) (*a*) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of tobacco, or of any particular class, variety or description of tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sum as is declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(*b*) When under paragraph (*a*) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided

among the Regions in shares proportionate to the respective amounts of tobacco, or of tobacco of the particular class, variety or description in question, as the case may be, that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) For the purposes of this section the proceeds of a duty for a quarter shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for, less any part of that amount that is declared by the prescribed authority to be attributable to motor spirit or tobacco (as the case may be) distributed, or intended to be distributed, for consumption in the Southern Cameroons.

(4) For the purposes of this section any amount of motor spirit or tobacco that is distributed for consumption in Lagos shall be deemed to be distributed for consumption in the Western Region.

Excise duties

157.—(1) Where under any law enacted by the Federal Legislature an excise duty is levied on a commodity, there shall be paid by the Federation to the Regions in respect of each quarter a sum equal to half of the proceeds of that duty for that quarter.

(2) When under subsection (1) of this section any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds for a quarter of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that duty that are collected in that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for, less any part of that amount that is declared by the prescribed authority to be attributable to quantities of that commodity distributed, or intended to be distributed, for consumption in the Southern Cameroons.

(5) For the purposes of this section any amount of a commodity that is distributed for consumption in Lagos shall be deemed to be distributed for consumption in the Western Region.

Export duties

158.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the export from Nigeria of any commodity (other than tin or tin ore) there shall be paid by the Federation to each Region in respect of each quarter a sum equal to half of the appropriate percentage of the proceeds of that duty for that quarter.

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

(*a*) the proceeds for a quarter of a duty levied on a commodity shall be the amount that is declared by the prescribed authority to be the amount remaining from such of the receipts from that duty as relate to exports of that commodity during that quarter after any drawbacks, refunds or other repayments relating to those receipts have been made or allowed for, less any part of that amount that is declared by the prescribed authority to be attributable to the Southern Cameroons;

(*b*) the appropriate percentage of the proceeds for a quarter of a duty levied on a commodity shall, in relation to any Region, be whichever of the following percentages the Governor-General by regulation prescribes in that behalf, that is to say, either—

(i) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were derived from that Region; or

(ii) the percentage of the said proceeds that is declared by the prescribed authority to be attributable to exports of that commodity that were purchased in that Region; or

(iii) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the quarter immediately preceding that quarter; or

(iv) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the calendar year commencing three months before the commencement of the financial year in which that quarter falls.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section any amount of a commodity that is derived from Lagos shall be deemed to be derived from the Western Region and any amount of a commodity that is purchased in Lagos shall be deemed to be purchased in the Western Region.

Calculation of payments in certain cases

159. When in the opinion of the Governor-General it is impossible or impracticable, owing to the imposition of a new duty or for any other reason, to calculate what sum is payable to a Region in respect of any quarter in accordance with the provisions of section 156, section 157 or section 158 of this Order, there shall be paid by the Federation to that Region a sum calculated in such manner as the Governor-General shall direct; and such sum shall be deemed to have been calculated and paid in accordance with the provisions of those sections.

Federal income tax

160.—(1) Where under any law enacted by the Federal Legislature any tax is levied on incomes or profits, there shall be paid by the Federation to each Region in respect of each year of assessment

after the thirty-first day of March, 1954, a sum equal to the amount of that part of the proceeds of that tax for that year that is declared by the prescribed authority to be attributable to the incomes and profits of persons, other than bodies corporate, resident in that Region during that year.

(2) (*a*) For the purposes of this section the proceeds of a tax for a year of assessment shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that tax that are collected in respect of that year after any refunds or other repayments relating to those receipts have been made or allowed for:

Provided that for the purpose of calculating the receipts from any tax collected in respect of the year beginning on the first day of April, 1954, no account shall be taken of any sums collected before the commencement of this Order or of any refunds or other repayments relating to any sums so collected.

(*b*) In this section "year of assessment" means, in relation to a tax levied under any law, a year of assessment for the purposes of that law.

(3) The Governor-General may by regulation make provision for determining the residence of any person for the purposes of this section.

Mining royalties

161.—(1) The proceeds of any royalty received by the Federation in respect of minerals extracted in a Region shall be paid by the Federation to that Region.

(2) For the purposes of this section the proceeds of a royalty shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that royalty after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for.

(3) The Governor-General may by regulation make provision for determining for the purposes of this section the Region in which any minerals were extracted.

(4) References in this section to minerals include references to mineral oil.

Certain other revenues

162.—(1) The Federation shall pay to each Region in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount of revenue derived by the Federation from within that Region during that year from—

(*a*) the licensing of small craft used on inland waters; and

(*b*) rents payable under any of the following laws, that is to say:—The Minerals Ordinance(**a**), the Mineral Oils Ordinance(**b**), the Nigerian Coal Corporation Ordinance, 1950(**c**), the Minerals Development (Lead-Zinc) Ordinance, 1952(**d**), and any law that is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.

(**a**) Laws of Nigeria, Rev. 1948, Chapter 134.
(**b**) Laws of Nigeria, Rev. 1948, Chapter 135.
(**c**) No. 29 of 1950.
(**d**) No. 9 of 1952.

(2) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

Annual payment to Southern Cameroons

163.—(1) The Federation shall pay to the Southern Cameroons in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount (if any) by which the revenues of the Federation for that year that are attributable to the Southern Cameroons exceed the expenditure incurred by the Federation in respect of the Southern Cameroons during that year.

(2) For the purposes of calculating what sum is payable to the Southern Cameroons under subsection (1) of this section in respect of any financial year—

(*a*) of the revenues of the Federation for that year that are derived from duties levied in respect of the import into Nigeria of commodities other than motor spirit and tobacco, one per cent. shall be deemed to be attributable to the Southern Cameroons; and

(*b*) the expenditure incurred by the Federation in respect of the Southern Cameroons during that year shall be deemed to include the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.

(3) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

Payments by Regions to Federation

164.—(1) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the Department of Customs and Excise that is reasonably attributable to the Regions having regard to the shares of the proceeds of the duties referred to in sections 155, 156, 157 and 158 of this Order received by the Regions under those sections in respect of that year; and each Region shall pay to the Federation a sum equal to such part of the amount so declared as is declared by the prescribed authority to be proportionate to the share of the proceeds of those duties received by that Region under those sections in respect of that year.

(2) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the collection of the taxes that are referred to in section 160 of this Order; and each Region shall pay to the Federation a sum equal to such part of that expenditure as is declared by the prescribed authority to be proportionate to the share of the proceeds of those taxes received by that Region under that section in respect of that year.

(3) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be a reasonable proportion of the expenditure incurred by the Federation during that year in respect of the departments concerned with mines having regard to the amount of any sums received by that Region in respect of that year under section 161 of this Order.

(4) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal

to the amount of the expenditure incurred by the Federation during that year on—

(*a*) the payment to persons who have been in the public service of the Federation of pensions in respect of their service in offices allocated to that Region under section 182 of this Order ; and

(*b*) the payment in respect of such service of pensions to widows children, dependants and personal representatives of such persons.

(5) (*a*) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(*b*) In this section " pension " means a pension granted under any law other than the Widows' and Orphans' Pension Ordinance(**a**) as from time to time amended, and includes a gratuity.

Payments under Nigeria (Revenue Allocation) Order in Council, 1951

165.—(1) In this section—

" the Revenue Allocation Order " means the Nigeria (Revenue Allocation) Order in Council, 1951 ;

" the prescribed period " means the period beginning on the first day of April, 1954, and ending immediately before the commencement of this Order.

(2) If any sum that was payable to the former Northern Region, Western Region or Eastern Region either—

(*a*) under section 6 or section 7 of the Revenue Allocation Order ; or

(*b*) in respect of any period before the first day of April, 1954, under section 9, 11, 12, 13 or 14 of the Revenue Allocation Order,

has not been paid before the commencement of this Order, that sum shall be paid by the Federation to the Northern Region, the Western Region or the Eastern Region, as the case may be.

(3) (*a*) Subject to the provisions of paragraph (*b*) of this subsection, the Federation shall pay to the Northern Region, the Western Region and the Eastern Region respectively such sums as would under sections 9 to 14 of the Revenue Allocation Order have been payable in respect of the prescribed period to the former Northern Region, Western Region and Eastern Region respectively if—

(i) the prescribed period had been a financial year ;

(ii) any regulations and orders made under the said sections of the Revenue Allocation Order (other than an order made under subsection (1) of section 10 thereof) that applied in relation to the financial year beginning on the first day of April, 1954, had applied in relation to the prescribed period ;

(iii) a capitation rate had been fixed for the prescribed period under subsection (1) of section 10 of the Revenue Allocation Order equal to half the capitation rate so fixed for the financial year beginning on the first day of April, 1954 ; and

(iv) the reference in subsection (1) of section 13 of the said Order to half the expenditure incurred in the financial year beginning in the year 1950 had been a reference to one quarter of the expenditure so incurred.

(*b*) If, before the commencement of this Order, any payments have been made in respect of the financial year beginning on the first day

(**a**) Laws of Nigeria, Rev. 1948, Chapter 231.

of April, 1954, to the former Northern Region, Western Region or Eastern Region under any of the sections of the Revenue Allocation Order that are referred to in paragraph (*a*) of this subsection—

(i) those payments shall be deemed to have been made by the Federation to the Northern Region, the Western Region or the Eastern Region, as the case may be, in pursuance of paragraph (*a*) of this subsection and the amount of the sum that is payable under the said paragraph (*a*) to the Region in question shall accordingly be reduced by the amount of those payments; and

(ii) if the amount of those payments exceeds the amount of the sum that is payable under the said paragraph (*a*) to the Region in question, that Region shall pay to the Federation a sum equal to the amount of the excess.

Development grant to Regions and Southern Cameroons

166.—(1) There shall be paid by the Federation to each Region a sum, in this section referred to as a "development grant", the amount of which shall be calculated in accordance with the following provisions of this section.

(2) The amount of the development grant that shall be paid to a Region shall be such amount as is declared by the prescribed authority to be equal to the amount of the estimated expenditure under the Development Plan on regional matters that is attributable to that Region reduced by the amount of any such expenditure that is declared by the prescribed authority to have been already incurred at the commencement of this Order.

(3) In this section—

(*a*) "Region" includes the Southern Cameroons;

(*b*) "expenditure means expenditure that is not either—

(i) recurrent expenditure; or

(ii) expenditure that has been, or would under the Development Plan fall to be, met out of money provided in pursuance of the Colonial Development and Welfare Acts, 1940 to 1950(**a**), as from time to time amended;

(*c*) "the Development Plan" means the Revised Plan of Development and Welfare for Nigeria for 1951 to 1956;

(*d*) "regional matters" means matters other than matters included in the Exclusive Legislative List or the Concurrent Legislative List.

Other payments by Federation to Regions

167. In addition to any other sums that the Federation is required by this Chapter to pay to any Region, the Federation—

(*a*) shall pay to the Regions before the first day of October, 1955, the following sums respectively:—

(i) to the Northern Region three million pounds;

(ii) to the Western Region two million pounds;

(iii) to the Eastern Region two million pounds; and

(*b*) shall also pay to the Eastern Region further sums of five hundred thousand pounds and two hundred and fifty thousand pounds, of which further sums the first-mentioned shall be paid on or before the thirty-first day of March, 1955, and the other during the financial year beginning on the first day of April, 1955.

(**a**) 3 & 4 Geo. 6. c. 40; 8 & 9 Geo. 6. c. 20; 12, 13 & 14 Geo. 6. c. 49; 14 & 15 Geo. 6. c. 4.

Sums charged on revenues

168. Any payments that are required by this Chapter to be made by the Federation to a Region or to the Southern Cameroons or by a Region to the Federation are hereby charged on the revenues of the Federation or of that Region, as the case may be.

Time and manner of making payments

169.—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region in respect of a quarter shall be paid to that Region before the end of the next succeeding quarter unless either—

(*a*) the Governor-General and the Governor of the Region agree that the sum shall be paid on or before some later date, in which case it shall be paid on or before that later date; or

(*b*) the amount of the sum is not ascertained in time for payment to be made before the end of the next succeeding quarter, in which case the sum shall be paid on or before such later date as may be agreed between the Governor-General and the Governor of the Region.

(2) Subject to the provisions of subsection (1) of this section and of section 167 of this Order, any payment that is required by this Chapter to be made by the Federation to a Region or the Southern Cameroons or by a Region to the Federation shall be made at such time and in such manner as may be provided by or in pursuance of regulations made under section 170 of this Order.

Regulations

170.—(1) The Governor-General may, subject to the provisions of this Chapter, make provision by regulation for any of the following matters, that is to say:—

(*a*) the times at which, and the manner in which, the Federation shall pay to a Region or a Region shall pay to the Federation any sums that are required by this Chapter to be so paid by the Federation or that Region;

(*b*) the periods in relation to which the proceeds of any royalty referred to in section 161 of this Order shall from time to time be calculated, and the periods in respect of which payments shall from time to time be made in pursuance of that section;

(*c*) the making of provisional payments by the Federation to a Region or by a Region to the Federation in respect of any sums that are required by this Chapter to be paid by the Federation to that Region or by that Region to the Federation; and the subsequent payment or repayment, as the case may be, of any amounts by which such provisional payments are less than, or exceed, the sums in respect of which they were made;

(*d*) deciding in case of doubt whether any expenditure is expenditure as defined by section 166 of this Order, and whether any expenditure is expenditure on regional matters for the purposes of that section.

(2) The Governor-General may, subject to the provisions of this Chapter, provide by regulation for the manner in which any amount of money, any amount of expenditure, and any amount of a commodity, shall be calculated for the purposes of this Chapter.

(3) Save where the context otherwise requires, references in this section to a Region include references to the Southern Cameroons.

Regulations to enable prescribed authority to discharge functions

171.—(1) The Governor-General may, by regulation, make such provision as appears to him to be necessary for enabling the prescribed authority to discharge any functions that are conferred on the prescribed authority by this Chapter or by any regulations made thereunder.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, any regulations made thereunder may make provision for any of the following matters, that is to say—

(*a*) the imposition upon any person of a duty to furnish information relating to any matter;

(*b*) the registration or licensing of any person for any purpose;

(*c*) the imposition upon any person of a duty to keep books, accounts or records relating to any matter;

(*d*) the prohibition of the import, export or sale of anything in respect of which any person fails to furnish information in accordance with regulations made under this section;

(*e*) the prohibition of the import, export or sale of anything by persons who are not registered or licensed for that purpose in accordance with regulations made under this section;

(*f*) the definition and trial of offences connected with any such regulations and the imposition of penalties therefor.

CHAPTER VII

THE PUBLIC SERVICES

Part I—General

Interpretation

172. In this Chapter, unless it is otherwise expressly provided or required by the context—

(*a*) " established officer " means any person who immediately before the commencement of this Order was the holder of an office in the former public service of Nigeria for which specific provision was made in the estimates of the Government of Nigeria or of the Government of a former Region for the financial year beginning on the first day of April, 1954, and includes a person holding any such office for a specified term under a contract;

" existing African Officer " means a person—

(i) who, immediately before the commencement of this Order, was the substantive holder of an office declared to be pensionable under the provisions of the Pensions Ordinance, 1951(**a**); and

(ii) who is not an overseas officer;

" existing overseas officer " means a person—

(i) who, immediately before the commencement of this Order, was the substantive holder of an office declared to be pensionable under the provisions of the Pensions Ordinance, 1951; and

(ii) who is, either individually or as a member of a class, declared by the Governor-General to be an overseas officer;

(a) No. 29 of 1951.

" future overseas officer " means a person—

(i) who is appointed after the commencement of this Order to an office in the public service of the Federation or to an office in the public service of a Region that is a pensionable office under the provisions of any pensions law ; and

(ii) who is, either individually or as a member of a class, declared by the Governor-General to be an overseas officer ;

" pensions law " means a law relating to pensions, gratuities or other like benefits that may be granted to officers in the former public service of Nigeria, the public service of the Federation or the public service of a Region or to the widows, children, dependants or personal representatives of such officers ;

" substantive holder ", in relation to any office, includes a person who is serving in that office on probation but does not include a person (other than a person serving on probation) who is serving in that office for a specified term under a contract ;

" the transitional period " means the period beginning at the commencement of this Order and ending two years thereafter ;

(*b*) references to an office allocated to a Region are references to an office so allocated under section 182 of this Order ;

(*c*) references to an officer assigned to perform the functions of an office allocated to a Region are references to an officer assigned under section 183 of this Order to perform the functions of such an office.

Control of the Public Services

Appointment etc. of officers in public service of Federation

173.—(1) Power to make appointments to offices in the public service of the Federation (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall vest in the Governor-General.

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

(*b*) The Governor-General 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 officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

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

(3) The provisions of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her 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.

Federal Public Service Commission

174.—(1) There shall be for the Federation a Public Service Commission (in this Chapter referred to as " the Federal Commission "), which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order.

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

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

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

Federal Commission to advise Governor-General

175.—(1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Federal Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, or the dismissal or disciplinary control of officers in the public service of the Federation, or any other matter that, in his opinion, affects the public service of the Federation.

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

Federal Commission to advise other officers

176.—(1) The Governor-General may (in such manner as he thinks fit) require or permit any officer to whom he delegates any power under section 173 of this Order to refer to the Federal Commission for their advice, on such conditions as the Governor-General may prescribe, any matter relating to the exercise of that power.

(2) It shall be the duty of the Federal Commission to advise any officer on any question that he refers to it in accordance with the provisions of this section, and in any case in which he is required by the Governor-General to refer any matter to the Commission for their advice, that officer shall act in accordance with the advice given to him by the Commission unless the Governor-General authorises him to act otherwise.

Regulations regarding Federal Commission

177. Subject to the provisions of this Order, the Governor-General may make regulations for giving effect to the provisions of sections 173 to 176 of this Order and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for any of the following matters, that is to say:—

(*a*) the membership of the Federal Commission ;

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

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

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

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

(*f*) the definition and trial of offences connected with the functions of the Federal Commission and the imposition of penalties for such offences:

Provided that no penalty for any such offence shall exceed a fine of two hundred pounds and imprisonment for a term of one year.

Appointment etc. of Regional public officers

178.—(1) Power to make appointments to offices in the public service of a Region (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in the public service of that Region shall vest in the Governor.

(2) (*a*) Subject to the provisions of paragraph (*b*) in this subsection the Governor of a Region may delegate (in such manner and on such conditions as he may think fit) to any officer having authority over a department of government of the Region 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 officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(*c*) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include elegibility 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 provision of this section shall be subject to the provisions of any Instructions that may be issued by Her Majesty under Her 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.

Regional Public Service Commissions

179.—(1) There shall be for each Region a Public Service Commission (in this Chapter referred to in relation to a Region as "the Regional Commission") which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177, as applied by section 180, of this Order.

(2) The members of a Regional Commission shall be appointed by the Governor of the Region.

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

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

Application of sections 175, 176 *and* 177 *to Regional Commissions*

180.—Sections 175 to 177 of this Order shall apply in relation to a Region as they apply in relation to the Federation and for that purpose shall have effect as if the references in the said sections to the Governor-General, the Federal Commission and the public service of the Federation were references to the Governor, the Regional Commission and the public service of the Region, as if the references in subsection (1) of section 176 to section 173 of this Order were a reference to section 178 of this Order and as if the reference in section 177 to sections 173 to 176 of this Order were a reference to sections 178 and 179 of this Order and sections 175 and 176 of this Order as applied by this section.

Offices in Existence at the Date of Commencement of this Order and Officers serving at that Date

Transfer of offices and officers to public service of Federation

181.—(1) Every office in the former public service of Nigeria shall at the commencement of this Order become an office in the public service of the Federation.

(2) (*a*) Any established officer who is holding an office in the former public service of Nigeria at the time when that office becomes an office in the public service of the Federation under subsection (1) of this section shall thereupon become an officer in the public service of the Federation.

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

(3) References in this section to offices in the former public service of Nigeria are references to such offices in that service (other than the offices of Governor and Lieutenant-Governor) as were in existence immediately before the commencement of this Order and were offices of emolument under the Crown for the purpose of the Nigeria (Constitution) Order in Council, 1951.

Allocation to Regions of offices in public service of Federation

182.—(1) During the transitional period the Governor-General may, by Order, allocate to any Region, any office that—

(*a*) becomes an office in the public service of the Federation under section 181 of this Order ; and

(*b*) is in his opinion primarily concerned with any matter in respect of which the Government of that Region has executive authority.

(2) Every office so allocated to a Region shall remain an office in the public service of the Federation until it is abolished under section 187, or becomes an office in the public service of a Region under section 185 of this Order.

(3) (*a*) Before allocating to the Northern Region, the Western Region or the Eastern Region any office that was not an office on the establishment of the former Northern Region, Western Region or Eastern Region, as the case may be, the Governor-General shall consult with the Governor of the Region.

(*b*) For the purposes of this subsection an office shall be deemed to have been an office on the establishment of the former Northern Region, Western Region or Eastern Region if immediately before the commencement of this Order it was an office for which specific provision was made in the estimates of the Government of that Region.

(4) This section shall not apply in relation to the office of judge of the Supreme Court of Nigeria.

Assignment of officers

183.—(1) (*a*) The functions of any office allocated to a Region shall be performed by such officer in the public service of the Federation as the Governor-General may from time to time assign to perform those functions:

Provided that the Governor-General shall not so assign any officer other than an established officer without the consent of the Governor of the Region concerned.

(*b*) Nothing in this subsection shall preclude any officer from being appointed in accordance with the provisions of this Chapter to act in any office allocated to a Region but the references in the following provisions of this Chapter to officers assigned to perform the functions of offices so allocated do not include references to officers appointed to act in such offices.

(2) During the transitional period the provisions of section 173 of this Order shall apply in relation to any officer assigned to perform the functions of an office allocated to a Region, and in relation to any officer appointed to act in such an office, as if the reference therein to the Commissioner of the Cameroons or any officer having authority over a department of government of the Federation were a reference to the Governor of that Region.

(3) Any officer assigned to perform the functions of an office allocated to a Region, or any officer in the public service of the Federation appointed to act in such an office shall, notwithstanding that he is an officer in the public service of the Federation, be subject to direction and control as respects the performance of the functions of that office as if he were an officer in the public service of that Region.

Regions to be financially liable for allocated offices

184.—(1) Such sums as are from time to time declared by the Governor-General to be payable out of public funds to, or in respect of, any officer assigned to perform the functions of an office allocated to a Region, or any officer in the public service of the Federation appointed to act in such an office, shall be paid by that Region.

(2) The reference in this section to sums payable out of public funds does not include a reference to sums so payable for any purpose referred to in paragraph (*a*) or paragraph (*b*) of subsection (4) of section 164 of this Order.

(3) The provisions of this section shall not apply in relation to any pension or gratuity granted under any law or in accordance with a contract.

Governor-General may transfer officers

185.—(1) During the transitional period the Governor-General may, with the consent of the officer concerned, transfer any officer in the public service of the Federation to the public service of a Region:

Provided that the Governor-General shall not transfer any such officer to the public service of a Region without the agreement of the Governor of that Region unless such officer is the officer for the time being assigned to perform the functions of an office allocated to that Region.

(2) (*a*) Where an officer, who is the officer for the time being assigned to perform the functions of an office allocated to a Region, is transferred to the public service of that Region under this section, that office shall thereupon become an office in the public service of that Region.

(*b*) The provisions of this subsection shall not apply in relation to the offices of Civil Secretary, Legal Secretary or Financial Secretary of the Western Region or of the Eastern Region.

(3) (*a*) Where any officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region is transferred to the public service of that Region under this section, the terms and conditions of service that are applied to that officer in respect of his service in the public service of that Region shall not be less favourable to him than the terms and conditions of service that applied to him immediately before the commencement of this Order.

(*b*) If the office held by an officer at the time when he is transferred to the public service of a Region (in this paragraph referred to as his "existing office") is not the office that was held by him immediately before the commencement of this Order, he shall for the purposes of paragraph (*a*) of this subsection be deemed to have been holding his existing office immediately before the commencement of this Order.

(4) Where it appears to the Governor-General—

(*a*) that a High Court will not be established for a Region in pursuance of section 142 of this Order before the end of the transitional period, or

(*b*) that a High Court so established for a Region will not assume its functions for the purposes of section 219 of this Order before the end of the transitional period,

the Governor-General may, by Proclamation published in the Official Gazette of the Federation, direct that in relation to such offices allocated to that Region as may be specified in such Proclamation (being offices that are in the opinion of the Governor-General connected with the functioning in that Region of the Supreme Court of Nigeria) the transitional period shall, for the purposes of this section and section 186 of this Order, be deemed to extend to such date as may be specified in such Proclamation.

Established officers not accepting transfer to retire

186.—(1) An established officer who, at the expiration of the transitional period—

(*a*) is the officer for the time being assigned to perform the functions of an office allocated to a Region ; and

(*b*) has not accepted an appointment either in the public service of the Federation in an office which is not so allocated or in any other pensionable office,

shall retire from the public service of the Federation.

(2) For the avoidance of doubts, it is hereby declared that an officer who retires in accordance with subsection (1) of this section shall not, by reason only of so retiring, be entitled to any pension or gratuity other than such as may be granted to him under the provisions of regulations made under Part 2 of this Chapter or of any pensions law, or to any additional pension.

(3) In this section " other pensionable office " means an office, other than an office in the public service of the Federation, service in which may, under the Pensions Ordinance, 1951(**a**), be taken into account in determining whether an officer is eligible for a pension.

Abolition of offices allocated to Region

187.—(1) Subject to the provisions of subsections (2) and (3) of this section, an office allocated to a Region may be abolished by direction of the Governor-General at any time before it becomes an office in the public service of a Region under section 185 of this Order.

(2) Where an established officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region retires from the public service of the Federation under subsection (1) of section 186 of this Order that office shall be deemed to be abolished immediately after the said officer has so retired.

(3) Where an officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region is under section 185 of this Order transferred to the public service of a Region other than the Region to which that office is allocated, that office shall be deemed to be abolished immediately after the said officer has been so transferred.

Contracts of service

188. Any contract made before the commencement of this Order by any person with the Government of Nigeria or with any person acting on behalf of the said Government to serve the said Government for a specified period in a public office shall, as from the date of the commencement of this Order, have effect as if it had been made with the Government of the Federation and references in such contract to the Government of Nigeria or to any officer of the said Government shall be construed, and any such contract shall be enforceable, accordingly.

Exercise of Powers

Exercise of powers under Chapter VII

189.—(1) In the exercise of the powers conferred on him by this Chapter the Governor-General shall act in his discretion:

(**a**) No. 29 of 1951.

Provided that in appointing the members of the Federal Commission other than the Chairman the Governor-General shall consult with the Council of Ministers but shall not be required to act in accordance with the advice of that Council.

(2) Subsection (1) of this section shall apply in relation to the Governor of a Region as it applies in relation to the Governor-General, and for that purpose shall have effect as if the references therein to the Governor-General, the Federal Commission and the Council of Ministers were references to the Governor of a Region, the Regional Commission and the Executive Council of the Region.

Application of Pensions Laws and Liability for Certain Pensions

Application of pensions laws

190.—(1) In this section—

"existing pensions law" means any pension law that has effect under section 57 of this Order as if it were a law enacted by the Federal Legislature;

"dependants" means in relation to any person the widow, children, dependants and personal representatives of such person.

(2) Subject to the provisions of this Order—

(*a*) any existing pensions law that applies immediately before the commencement of this Order in relation to—

(i) any person who was an officer in the former public service of Nigeria and who has ceased to be an officer in that service before the commencement of this Order; or

(ii) the dependants of any such person;

shall continue to apply in relation to that person or those dependants, as the case may be; and

(*b*) any existing pensions law that applies immediately before the commencement of this Order in relation to—

(i) any officer who becomes an officer in the public service of the Federation under section 181 of this Order; or

(ii) the dependants of such officer

shall continue to apply in relation to that officer or his dependants, as the case may be, in respect of the service of that officer in the former public service of Nigeria, and shall also apply in relation to that officer or his dependants, as the case may be, in respect of the service of that officer in the public service of the Federation.

(3) Any law enacted by the Federal Legislature may be applied in relation to any person referred to in subsection (2) of this section in respect of any of the service referred to in that subsection instead of the existing pensions law that applies by virtue of that subsection if the law enacted by the Federal Legislature is not less favourable to that person than the existing pensions law.

(4) Subject to the provisions of this Order, where any officer is transferred under section 185 of this Order to the public service of a Region any pensions law that, in accordance with the foregoing provisions of this section, applies in relation to that officer or his dependants immediately before such transfer in respect of the service of that officer in the public service of the Federation shall apply in relation to that officer or his dependants, as the case may be, in respect of the service of that officer in the public service of that Region:

Provided that if the Widows and Orphans Pension Ordinance applies in relation to such officer or his dependants immediately before such transfer it shall continue to apply in relation to him or them as if he were still an officer in the public service of the Federation.

(5) Where any officer is transferred under section 185 of this Order to the public service of a Region, any law enacted by the Legislature of that Region may be applied in relation to that officer or his dependants in respect of the service of that officer in the public service of that Region instead of the pensions law that applies by virtue of subsection (4) of this section, if the law enacted by the Legislature of the Region is not less favourable to such officer or his dependants, as the case may be, than the pensions law that applies by virtue of the said subsection (4).

(6) (*a*) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Federation or of a Region after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first appointed to a pensionable office in such service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(*b*) The reference in paragraph (*a*) of this subsection to any person who is appointed to the public service of the Federation or of a Region does not include a reference to any officer who becomes an officer in the public service of the Federation under section 181, or who is transferred to the public service of a Region under section 185 of this Order.

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

(8) At any time during the transitional period, the Governor-General may, by Order published in the Official Gazette of the Federation, provide that any such pensions law as is mentioned in subsection (2) or subsection (4) of this section shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this section, or otherwise for giving effect or enabling effect to be given to those provisions; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Liability for pensions of certain officers

191.—(1) Subject to the provisions of section 198 of this Order, the following provisions of this section shall have effect in relation to any pension, gratuity or other like benefit (in this section referred to as "the pension") that may be payable, under any pensions law or under regulations made under Part 2 of this Chapter, to any officer who becomes an officer in the public service of the Federation under section 181 of this Order, or to the widow, children, dependants or personal representatives of such officer:—

(*a*) if the officer is not transferred to the public service of a Region under section 185 of this Order, the pension shall, subject to the

provisions of subsection (4) of section 164 of this Order, be paid by the Federation;

(*b*) if the officer is transferred to the public service of a Region under section 185 of this Order or having been so transferred to the public service of a Region is thereafter appointed to the public service of another Region, the cost of the pension shall be shared by the Federation and each Region in the public service of which the officer has served, so that the Federation shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation and each such Region shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of that Region.

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

Part 2—Regulations relating to Certain Pensions

Regulations regarding grant of pensions and gratuities to certain persons

192.—(1) The Governor-General may, with the approval of a Secretary of State, make regulations regarding the grant of pensions and gratuities on retirement—

(*a*) to existing overseas officers;

(*b*) to existing African officers;

(*c*) to future overseas officers who complete ten years' qualifying service.

(2) Subject to the provisions of this Part, any such regulations may be made to have effect from any date that is not earlier than the commencement of this Order.

Existing overseas officers

193.—(1) Regulations made under this Part shall provide—

(*a*) that an existing overseas officer (whether serving in the public service of the Federation or in the public service of a Region) may, after giving such notice as is prescribed by such regulations, retire at any time after the commencement of this Order;

(*b*) that an existing overseas officer, on retiring under the provisions of such regulations, may be granted such pension as may be prescribed therein or, in lieu of such pension, a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region;

(*c*) that an existing overseas officer who has been transferred to the public service of the Western Region or the Eastern Region under section 185 of this Order and has served thereafter in either or both of such public services for a total period of not less than one year, may, on retiring from the public service of the Western Region or the Eastern Region under the provisions of such regulations or of any pensions law, be granted in addition to his pension or gratuity an additional allowance or, in lieu of such

additional allowance, an additional gratuity, calculated in accordance with the provisions set out in the Fourth Schedule to this Order.

(2) In computing for the purposes of regulations made in pursuance of paragraph (*c*) of subsection (1) of this section the period for which an officer has served in the public service of the Western Region or the Eastern Region or in both of those public services, no account shall be taken of any period spent on vacation leave for which the officer was eligible by virtue of service other than service in one of those public services.

Existing African officers

194.—(1) Regulations made under this Part shall provide—

(*a*) that an existing African officer holding a Secretary of State's appointment who satisfies a Secretary of State that his career in the public service has been prejudiced by the provisions of this Order or that, because of those provisions, he has reasonable cause for anxiety about his career in the public service, may retire and, on retiring under the provisions of such regulations, may be granted such pension as may be prescribed therein or, in lieu of such pension, a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region ;

(*b*) that an existing African officer, other than an officer holding a Secretary of State's appointment, who satisfies the Governor-General that his career in the public service has been prejudiced by the provisions of this Order or that, because of those provisions, he has reasonable cause for anxiety about his career in the public service may retire and, on retiring under the provisions of such regulations, may be granted such pension as may be prescibed therein or, in lieu of such pension, a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region ;

(*c*) that an existing African officer who has been transferred to the public service of the Westen Region or the Eastern Region under section 185 of this Order and has served thereafter in either or both of such public services for a total period of not less than one year may, on retiring from the public service of the Western Region or the Eastern Region under the provisions of such regulations or of any pensions law, be granted in addition to his pension or gratuity an additional allowance or, in lieu of such additional allowance, an additional gratuity calculated in accordance with the provisions set out in the Fourth Schedule to this Order.

(2) In computing for the purposes of regulations made in pursuance of paragraph (*c*) of subsection (1) of this section the period for which an officer has served in the public service of the Western Region or the Eastern Region or in both of those public services, no account shall be taken of any period spent on vacation leave for which the officer was eligible by virtue of service other than service in one of those public services.

(3) For the purposes of this section an officer shall be regarded as holding a Secretary of State's appointment if he holds an office appointment to which was, at the time when he was appointed thereto, subject to the approval of a Secretary of State.

Future overseas officers

195.—(1) Regulations made under this Part shall provide—

(*a*) that a future overseas officer, after giving such notice as is prescribed by such regulations, may retire after completing ten years' qualifying service wholly in Nigeria or after completing ten years' qualifying service of which the three years immediately before his retirement were served either in the public service of the Federation or in the public service of a Region;

(*b*) that a future overseas officer may, on retiring under the provisions of such regulations, be granted such pension as may be prescibed therein.

(2) In this section "qualifying service" means, in relation to any officer, service that, under the pensions law applying in relation to that officer, may be taken into account in determining whether that officer is eligible for a pension or gratuity.

Officers may elect to receive pension and gratuity or additional allowance and gratuity in certain cases

196. Regulations made under this Part shall provide that any officer to whom there has been granted—

(*a*) any such pension as is referred to in paragraph (*b*) of subsection (1) of section 193 or paragraph (*a*) or (*b*) of subsection (1) of section 194 of this Order, or

(*b*) any such additional allowance as is referred to in paragraph (*c*) of subsection (1) of section 193 or paragraph (*c*) of subsection (1) of section 194 of this Order,

may at his option, which shall be exercisable on or before the date of his retirement, be paid in lieu of such pension or additional allowance a reduced pension or reduced additional allowance at the rate of three-fourths of such pension or additional allowance together with a gratuity equal to twelve and one half times the amount by which such pension or additional allowance is so reduced.

Miscellaneous provisions

197.—(1) No officer shall retire under the provisions of regulations made under this Part without the permission of the Governor-General in the case of an officer in the public service of the Federation, or of the Governor in the case of an officer in the public service of a Region:

Provided that the Governor-General or the Governor, as the case may be, shall not withhold his permission unless proceedings for the officer's dismissal are being taken or are about to be taken.

(2) Where an officer in the public service of the Federation or of a Region retires under regulations made under this Part, the pensions law applicable to that officer—

(*a*) shall, subject to the provisions of this Part and of any regulations made under this Part, apply in relation to the grant of any pension and in relation to any pension granted in pursuance of regulations made under this Part; and

(*b*) shall, subject as aforesaid, apply in relation to the grant of any additional allowance and in relation to any additional allowance granted in pursuance of regulations made under this Part as if that additional allowance were a pension.

(3) An officer shall not while he is serving on probation be granted any pension or gratuity in pursuance of regulations made under this Part.

Financial responsibility for additional allowance or gratuity

198.—(1) Where any such additional allowance or additional gratuity as is referred to in paragraph (*c*) of subsection (1) of section 193 or in paragraph (*c*) of subsection (1) of section 194 of this Order is granted to any officer, then—

(*a*) in the case of an officer whose whole service that qualifies for pension has been in Nigeria, the cost of such allowance or gratuity shall be shared by the Federation and each Region in the public service of which that officer has served, so that the Federation shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation and each such Region shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of that Region ; and

(*b*) in the case of any other officer, such allowance or gratuity shall be paid by the Region in the public service of which the officer is serving at the time when he retires.

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

CHAPTER VIII

TRANSITIONAL PROVISIONS

Transitional Provisions relating to Chapter I

Provisions relating to section 4

199.—(1) (*a*) Any Proclamation declaring any area to be a Division for the purposes of the Nigeria (Constitution) Order in Council, 1951, made under section 6 of that Order or having effect as if it had been so made that was in force immediately before the commencement of this Order shall have effect—

(i) in so far as it relates to Lagos or the Southern Cameroons as if it were a Proclamation made under paragraph (*a*) of subsection (1) of section 4 of this Order ;

(ii) in so far as it relates to a Region as if it were a Proclamation made under paragraph (*b*) of subsection (1) of section 4 of this Order.

(*b*) Any Proclamation that has effect by virtue of this subsection shall, for the purposes of this Order, be deemed to have been made under paragraph (*a*) or paragraph (*b*), as the case may be, of subsection (1) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary

for the purposes of this Order and may be amended and revoked as if it were a Proclamation made under paragraph (*a*) or paragraph (*b*), as the case may be, of that subsection.

(2) (*a*) Subject to the provisions of subsection (1) of this section, any direction given for the division of Nigeria or any part thereof into areas that was in force for any purpose immediately before the commencement of this Order shall have effect as if it were a direction given under subsection (2) of section 4 of this Order.

(*b*) Any direction that has effect by virtue of this subsection shall be deemed to have been given under subsection (2) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a direction given under that subsection.

Transitional Provisions relating to Chapter II

Provisions relating to section 17

200. Any person who, immediately before the commencement of this Order, was a person recognised by the Governor of Nigeria as a Chief in the former Northern Region shall, until the Governor of the Northern Region, acting in his discretion, withdraws recognition from that person as a Chief, be deemed to be a Chief for the purposes of section 17 of this Order.

Provisions relating to section 18

201.—(1) Any regulations made under section 56 of the Nigeria (Constitution) Order in Council, 1951, in respect of the House of Chiefs of the former Northern Region and in force immediately before the commencement of this Order shall have effect as if they were regulations made under section 18 of this Order, and the persons who immediately before the commencement of this Order were members of the House of Chiefs of the former Northern Region by virtue of having been selected in accordance with any such regulations shall be deemed to have been selected on the day on which this Order comes into operation as members of the Northern House of Chiefs in accordance with those regulations as they apply in relation to that House by virtue of this subsection.

(2) Any regulations that have effect by virtue of subsection (1) of this section shall, for the purposes of this Order, be deemed to have been made under section 18 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were regulations made under that section.

Provisions relating to sections 21 *and* 22

202.—(1) Until such day as may be appointed by the Governor of the Northern Region by Proclamation published in the Official Gazette of that Region—

(*a*) section 21 of this Order shall have effect as if for paragraph (*b*) of subsection (1) thereof there were substituted the following paragraph:—

"(*b*) ninety Elected Members elected in accordance with regulations made under section 37 of this Order;"; and

(*b*) section 22 of this Order shall have effect as if for the proviso thereto there were substituted the following proviso:—

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

(2) Any person who, immediately before the commencement of this Order, was a Special Member of the House of Assembly of the former Northern Region shall be deemed to have been appointed, on the day on which this Order comes into operation, as a Special Member of the Northern House of Assembly in accordance with section 22 of this Order.

Provisions relating to section 25

203. Any person who, immediately before the commencement of this Order, was a person recognised by the Lieutenant-Governor of the former Western Region as a Chief in respect of a Division, other than the Division of the town of Lagos, in accordance with section 25 of the Nigeria (Constitution) Order in Council, 1951, shall be deemed to be a Chief in that Division for the purposes of this Order and any such person who, immediately before the commencement of this Order, was a person designated by the Lieutenant-Governor of the former Western Region as a Head Chief in accordance with that section shall be deemed to have been designated, on the day on which this Order comes into operation, as a Head Chief in that Division in accordance with subsection (1) of section 25 of this Order.

Provisions relating to section 26

204.—(1) Any regulations made under section 56 of the Nigeria (Constitution) Order in Council, 1951, in respect of the House of Chiefs of the former Western Region and in force immediately before the commencement of this Order shall, except to the extent that they make provision for selecting Chiefs in the Division of the town of Lagos for membership of that House, have effect as if they were regulations made under subsection (4) of section 26 of this Order, and the persons, other than those selected as Chiefs in the Division of the town of Lagos, who immediately before the commencement of this Order were members of the House of Chiefs of the former Western Region by virtue of having been selected in accordance with any such regulations shall be deemed to have been selected, on the day on which this Order comes into operation, as members of the Western House of Chiefs in accordance with those regulations as they apply in relation to that House by virtue of this subsection.

(2) Any regulations that have effect by virtue of subsection (1) of this section shall, for the purposes of this Order, be deemed to have been made under subsection (4) of section 26 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were regulations made under that subsection.

Provisions relating to section 28

205. For the purposes of section 28 of this Order, the first sitting of the Western House of Chiefs after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Provisions relating to section 30

206. Any person who, immediately before the commencement of this Order, was a Special Member of the House of Assembly of the former Western Region shall be deemed to have been appointed, on the day on which this Order comes into operation, as a Special Member of the Western House of Assembly in accordance with section 30 of this Order.

Provisions relating to section 31

207. For the purposes of section 31 of this Order, the first sitting of the Western House of Assembly after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Provisions relating to section 33

208. For the purposes of section 33 of this Order, the first sitting of the Eastern House of Assembly after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Provisions relating to section 37

209.—(1) In this section " the existing regulations " means any regulations made under section 4 of the Nigeria (Electoral Provisions) Order in Council 1951(**a**), or section 63 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(*a*) the existing regulations shall, except to the extent that they make provision for elections in the Division of the town of Lagos, have effect as if they were regulations made under section 37 of this Order ;

(*b*) the persons, other than those elected in the Division of the town of Lagos, who, immediately before the commencement of this Order, were Elected Members of the House of Assembly of the former Northern Region, the House of Assembly of the former Western Region or the House of Assembly of the former Eastern Region shall be deemed to have been elected, on the day on which this Order comes into operation, as Elected Members of the Northern House of Assembly, the Western House of Assembly or the Eastern House of Assembly, as the case may be, in accordance with the existing regulations as those regulations apply in relation to those Houses by virtue of this subsection.

(3) The existing regulations shall have effect in respect of the Southern Cameroons as if they were regulations made under section 37 of this Order and as if they related to the election of Elected Members to the House of Assembly of the Southern Cameroons, and accordingly—

(*a*) the provisions of paragraph (*b*) of subsection (2) of this section shall not apply to the persons who, immediately before the commencement of this Order, were Elected Members of the House of Assembly of the former Eastern Region having been elected as such in the Southern Cameroons ; but

(*b*) those persons shall be deemed to have been elected, on the day on which this Order comes into operation, as Elected Members of the House of Assembly of the Southern Cameroons in accordance with the existing regulations as those regulations apply to the Southern Cameroons by virtue of this subsection.

(**a**) S.I. 1951/612.

(4) Any existing regulations that have effect in respect of any Region or the Southern Cameroons by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 37 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were regulations made under that section.

Provisions relating to section 50

210. For the purposes of section 50 of this Order, the first sitting of a Regional Legislative House after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Transitional Provisions relating to Chapter III

Provisions relating to section 65

211.—(1) For the purposes of section 65 of this Order, a Central Bill passed by the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, that has not been presented to the Governor of Nigeria for assent in accordance with the provisions of section 87 of that Order before the commencement of this Order shall be deemed to be a Bill passed by the House of Representatives, and accordingly the provisions of this Order and in particular the provisions of section 65 of this Order shall apply to such a Central Bill as if it were a Bill passed by the House of Representatives.

(2) For the purposes of section 65 of this Order, a Regional Bill passed by the Legislative Houses of the former Northern Region, the former Western Region or the former Eastern Region that has not been presented or been deemed to have been presented to the Lieutenant-Governor for assent in accordance with the provisions of section 101 of the Nigeria (Constitution) Order in Council, 1951, before the commencement of this Order shall be deemed to be a Bill passed by the Legislative Houses of the Northern Region, the Western Region or the Eastern Region, as the case may be, and accordingly the provisions of this Order and in particular the provisions of section 65 of this Order shall apply to such a Regional Bill as if it were a Bill passed by the Legislative Houses of the Northern Region, the Western Region or the Eastern Region, as the case may be.

Provisions relating to section 71

212.—(1) In this section "the existing Standing Orders" means any Standing Orders made under section 108 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(*a*) the existing Standing Orders made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the House of Representatives;

(*b*) the existing Standing Orders made in respect of the Legislative Houses of the former Northern Region and the former Western Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the Legislative Houses of the Northern Region and the Western Region;

(*c*) the existing Standing Orders made in respect of the House of Assembly of the former Eastern Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the Eastern House of Assembly and the House of Assembly of the Southern Cameroons.

(3) Any existing Standing Orders that have effect in respect of the Federal Legislature or the Legislative Houses of any Region or the Southern Cameroons by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 71 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were Standing Orders made under that section.

Provisions relating to section 77

213.—(1) In this section "the existing laws" means any laws made under section 113 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(*a*) the existing laws made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, and the members thereof, shall have effect as if they were laws made under section 77 of this Order in respect of the House of Representatives and the members thereof;

(*b*) the existing laws made in respect of the Legislative Houses of the former Northern Region and the former Western Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the Legislative Houses of the Northern Region and the Western Region and the members thereof;

(*c*) the existing laws made in respect of the House of Assembly of the former Eastern Region and the members thereof shall have effect as if they were laws made under section 77 of this Order in respect of the Eastern House of Assembly and the House of Assembly of the Southern Cameroons and the members thereof.

(3) Any existing laws that have effect in respect of the Federal Legislature or the Legislative Houses of any Region or the Southern Cameroons by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 77 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws made under that section.

Provisions relating to section 82

214. For the purposes of section 82 of this Order—

(*a*) the first sitting of the House of Representatives after the commencement of this Order shall be deemed to be the first sitting after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from the date of that sitting;

(*b*) a sitting of the Legislative Houses of the Northern Region shall be deemed to have taken place on the fourth day of January, 1952,

and to have been the first sitting of those Houses after a dissolution, and accordingly, unless they have been sooner dissolved, the Governor shall dissolve those Houses at the expiration of five years from that date ;

(*c*) a sitting of the Legislative Houses of the Western Region shall be deemed to have taken place on the seventh day of January, 1952, and to have been the first sitting of those Houses after a dissolution, and accordingly, unless they have been sooner dissolved, the Governor shall dissolve those Houses at the expiration of five years from that date ;

(*d*) a sitting of the Eastern House of Assembly shall be deemed to have taken place on the sixteenth day of February, 1954, and to have been the first sitting of that House after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor shall dissolve that House at the expiration of five years from that date ;

(*e*) a sitting of the House of Assembly of the Southern Cameroons shall be deemed to have taken place on the first day of January, 1952, and to have been the first sitting of that House after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from that date.

Transitional Provisions relating to Chapter IV

Provisions relating to section 88

215. Until such time as the Governor-General first appoints a person to be a Minister in accordance with paragraph (*c*) of section 88 of this Order, those persons who immediately before the commencement of this Order were Ministers in the Council of Ministers established by the Nigeria (Constitution) Order in Council, 1951, shall be members of the Council of Ministers in addition to the members of the Council mentioned in that section.

Provisions relating to section 106

216. Until such time as the Governor first appoints a person to be Premier in accordance with subsection (2) of section 107 of this Order, those persons who immediately before the commencement of this Order were Regional Ministers in the Executive Council of the former Northern Region shall be members of the Executive Council of the Northern Region in addition to the members of the Council mentioned in section 106 of this Order.

Provisions relating to section 108

217. Until such time as the Governor first appoints a person to be Premier in accordance with subsection (2) of section 109 of this Order, those persons who immediately before the commencement of this Order were Regional Ministers in the Executive Council of the former Western Region shall be members of the Executive Council of the Western Region in addition to the members of the Council mentioned in section 108 of this Order.

Provisions relating to section 110

218. Until such time as the Governor first appoints a person to be Premier in accordance with subsection (2) of section 111 of this Order, those persons who immediately before the commencement of this Order were Regional Ministers in the Executive Council of the former Eastern Region shall be members of the Executive Council of the Eastern Region in addition to the members of the Council mentioned in section 110 of this Order.

Transitional Provisions relating to Chapter V

Powers of West African Court of Appeal and Supreme Court of Nigeria

219.—(1) Until such time as the Federal Supreme Court has assumed its functions, the West African Court of Appeal shall be deemed to be the Federal Supreme Court, and the provisions of sections 144, 145, 146, 147, 148, 149, 150 and 151 of this Order shall be construed accordingly, and in particular the reference in paragraph (*c*) of subsection (2) of section 150 of this Order to the Chief Justice of the Federation shall be construed as if it were a reference to the President of the West African Court of Appeal.

(2) Until such time as a High Court has been established for any Region and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of that Region, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(3) Until such time as a High Court has been established for the Southern Cameroons and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of the Southern Cameroons, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(4) Until such time as a High Court has been established for Lagos and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of Lagos, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(5) For the purposes of this section—

(*a*) the Federal Supreme Court shall be deemed to assume its functions on such date as the Governor-General may appoint by Proclamation published in the Official Gazette of the Federation;

(*b*) the High Court established for a Region shall be deemed to assume its functions on such date after its establishment as the Governor may appoint by Proclamation published in the Official Gazette of the Region;

(*c*) the High Court established for the Southern Cameroons shall be deemed to assume its functions on such date after its establishment as the Governor-General, acting in his discretion, may appoint by Proclamation published in the Official Gazette of the Southern Cameroons;

(*d*) the High Court established for Lagos shall be deemed to assume its functions on such date after its establishment as the Governor-General may appoint by Proclamation published in the Official Gazette of the Federation.

Miscellaneous

Existing assets and liabilities

220.—(1) (*a*) The Governor-General shall by regulation make provision for apportioning among the Federation, the Regions and the Southern Cameroons the assets and liabilities, as at the thirtieth day of September, 1954, of Nigeria and the former Regions.

(*b*) The reference in paragraph (*a*) of this subsection to liabilities does not include a reference to any liabilities that form part of the outstanding public debt of Nigeria or of a former Region within the meaning of section 221 of this Order.

(2) Regulations made under this section shall provide—

(*a*) for the appointment, by the Governor-General, of an Apportionment Commissioner charged with the duty of determining any question that may arise with respect to the apportionment of any assets or liabilities made by or under such regulations;

(*b*) for the establishment of an Apportionment Committee charged with the duty of determining appeals from any decision of the Apportionment Commissioner, the chairman of which shall be appointed by a Secretary of State;

(*c*) for the tenure of office of the Apportionment Commissioner and the chairman of the Apportionment Committee;

(*d*) for the appointment and tenure of office of members of the Apportionment Committee other than the chairman.

(3) Regulations made under this section may provide—

(*a*) for the submission of questions to the Apportionment Commissioner and for the bringing of appeals from his decisions to the Apportionment Committee;

(*b*) for the composition of the Apportionment Committee for any particular purpose;

(*c*) generally for the performance by the Apportionment Commissioner and the Apportionment Committee of their functions;

(*d*) for the modification and adaptation of any instrument relating to any such assets or liabilities as are referred to in subsection (1) of this section for the purpose of bringing that instrument into conformity with any apportionment of assets or liabilities made by or under regulations made under this section.

(4) The decision of the Apportionment Committee on any appeal from a decision of the Apportionment Commissioner shall be final.

Outstanding public debt

221.—(1) The outstanding public debt of Nigeria shall become the liability of the Federation and shall be secured on the revenues and assets of the Federation.

(2) (*a*) The outstanding public debt of the former Northern Region shall become the liability of the Northern Region and shall be secured on the revenues and assets of that Region.

(*b*) The outstanding public debt of the former Western Region shall become the liability of the Western Region and shall be secured on the revenues and assets of that Region.

(*c*) The outstanding public debt of the former Eastern Region shall become the liability of the Eastern Region and shall be secured on the revenues and assets of that Region.

(3) In this section " the outstanding public debt of Nigeria " means the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of Nigeria, and references to the outstanding public debt of any former Region are references to the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of that Region.

Removal of difficulties

222. If any difficulty arises 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 any provision of this Order with effect from such date, not being a date earlier than the commencement of this Order, as may be specified in the Order:

Provided that no Order shall be made under this section after the thirtieth day of September, 1955.

W. G. Agnew.

FIRST SCHEDULE

Section 2.

THE LEGISLATIVE LISTS

Part I—The Exclusive Legislative List

Item

1 Accounts of the Government of the Federation, including audit of those accounts.

2 Aliens, including naturalisation of aliens.

3 Archives, other than the public records of the Governments of the former Northern Region, the former Western Region and the former Eastern Region relating to the period between the twenty-third day of January, 1952, and the thirtieth day of September, 1954, and the public records of the Governments of the Regions and the Southern Cameroons.

4 Aviation, including aerodromes, safety of aircraft and ancillary transport and other services.

5 Banks and banking.

6 Bills of exchange and promissory notes

7 Borrowing of monies outside Nigeria for the purposes of the Federation or of any Region or of the Southern Cameroons or of Lagos.

8 Borrowing of monies within Nigeria for the purposes of the Federation or of Lagos.

9 Census.

10 Citizenship of Nigeria.

11 Companies, that is to say, general provision as to the incorporation, regulation and winding-up of bodies corporate, other than bodies incorporated directly by a law enacted by the Legislature of a Region or of the Southern Cameroons, and other than co-operative societies.

12 Copyright.

Item

13 Currency, coinage and legal tender.

14 Customs and excise duties, including export duties.

15 Defence.

16 Deportation.

17 Exchange control.

18 External affairs, that is to say, such external relations (not being relations between the United Kingdom and any Region) as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom.

19 The following higher educational institutions, that is to say—

The University College, Ibadan.
The University College Teaching Hospital.
The Nigerian College of Arts, Science and Technology.
The West African Institute of Social and Economic Research.
The Pharmacy School, Yaba.
The Forest School, Ibadan.
The Veterinary School, Vom.
The Man-o'-War Bay Training Centre.

20 Immigration into and emigration from Nigeria.

21 Legal proceedings between the Government of the Federation and any other person or authority or between the Governments of Regions or between the Government of a Region and the Government of the Southern Cameroons.

22 Maritime shipping and navigation, including—

(*a*) shipping and navigation on tidal waters;

(*b*) shipping and navigation on the River Niger and its affluents and on such other inland waterway as the Governor-General may by Order declare to be an international waterway or to be an inter-Regional waterway;

(*c*) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;

(*d*) such ports as the Governor-General may by Order declare to be Federal Ports (including the constitution and powers of port authorities for Federal Ports).

23 Meteorology.

24 Mines and minerals, including oilfields and oil mining and geological surveys.

25 Museums of the Federation, that is to say—

(*a*) the following existing museums, namely—
The Jos Museum.
The Oron Museum.
The House of Images at Esie.
The Nigeria Museum, Lagos;

(*b*) any museums established by the Government of the Federation.

26 Nuclear energy.

27 Passports and visas.

28 Patents, trade marks, designs and merchandise marks.

29 Pensions and gratuities payable out of the revenues of the Federation.

30 Police, including bureaux of intelligence and investigation.

31 Posts, telegraphs and telephones, including Post Office Savings Banks.

32 Public debt of the Federation.

33 Public relations of the Federation.

Item

34 Public service of the Federation, including the settlement of disputes between the Federation and officers in the public service of the Federation.

35 Railways, including ancillary transport and other services.

36 Taxes on income and profits, except taxes on the incomes or profits accruing in, or derived from, any Region or the Southern Cameroons of Africans resident in any Region or the Southern Cameroons and African communities in any Region or the Southern Cameroons.

37 Trade and commerce among the Regions, the Southern Cameroons and Lagos.

38 Trunk roads, that is to say, the construction, alteration and maintenance of roads declared by the Governor-General by Order to be Federal Trunk Roads.

39 Water from sources declared by the Governor-General, by Order, to be sources affecting more than one Region or a Region and the Southern Cameroons.

40 Weights and measures.

41 Wireless, broadcasting and television other than broadcasting and television provided by the Government of a Region or of the Southern Cameroons; allocation of times and wavelengths for wireless, broadcasting and television transmission.

42 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Federal Legislature, the Government of the Federation or any department or officer of that Government.

43 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon the Federal Legislature, not being a matter with respect to which power to make laws is also conferred upon the Legislature of a Region or the Southern Cameroons.

Part II—The Concurrent Legislative List

1 Administration of estates.

2 Antiquities.

3 Bankruptcy and insolvency.

4 Chemical services, including analytical services.

5 Commercial and industrial monopolies, combines and trusts.

6 Commissions of inquiry.

7 Dangerous drugs.

8 Electricity.

9 Evidence.

10 Fingerprints, identification and criminal records.

11 Gas.

12 Higher education, that is to say, institutions and other bodies offering courses of a university, technological or of a professional character, other than the institutions referred to in item 19 of the Exclusive Legislative List.

13 Industrial development.

14 Insurance.

Item

15 Labour, that is to say, conditions of labour, industrial relations, trade unions and welfare of labour.

16 Movement of persons between Regions, the Southern Cameroons and Lagos.

17 National Monuments, that is to say—

(*a*) monuments in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as National Monuments;

(*b*) monuments in the Southern Cameroons designated by the Governor-General by Order as National Monuments.

18 National Parks, that is to say—

(*a*) the control of any area in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as a National Park;

(*b*) the control of any area in the Southern Cameroons designated by the Governor-General by Order as a National Park.

19 Prisons and other institutions for the treatment of offenders.

20 Professional qualifications in respect of such professions as, and to the extent that, the Governor-General may by Order designate; registration and disciplinary control of members of professions so designated.

21 Promotion of tourist traffic.

22 The maintaining and securing of public safety and public order (but not including defence); the providing, maintaining and securing of such supplies and services as the Governor-General may by Order declare to be essential supplies and services.

23 Quarantine.

24 Registration of business names.

25 Sanctioning of cinematograph films for exhibition.

26 Scientific and industrial research.

27 Statistics.

28 Traffic on Federal Trunk Roads.

29 Trigonometrical, cadastral and topographical surveys.

30 Trustees, that is to say—

(*a*) general and official trustees;

(*b*) trustees of communities or of bodies or associations established for religious, educational, literary, social, scientific or charitable purposes.

31 Water-power.

32 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Legislature of a Region or of the Southern Cameroons, the Government of a Region or the Southern Cameroons or any department or officer of that Government.

33 Any matter with respect to which the Federal Legislature is authorized to make laws for a Region or the Southern Cameroons by the Legislature of that Region or the Southern Cameroons, as the case may be, to the extent of the authority conferred by that Legislature.

34 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon both the Federal Legislature and the Legislature of a Region or the Southern Cameroons.

Part III—Provisions with Respect to Certain Orders

1. Any Order made for the purposes of any of the following items in Part I of this Schedule, that is to say, items 22, 38 and 39, or for the purposes of any of the following items in Part II of this Schedule, that is to say, items 17, 18, 20 and 22, shall be published in the Official Gazette of the Federation.

2. Where any consent is required to the making of any such Order, a notification in the Official Gazette of the Federation that the necessary consent has been given shall be sufficient evidence of that consent.

Part IV—Interpretation

References to any matters in Part I or Part II of this Schedule shall include references to matters incidental and supplementary to those matters, and in particular (without prejudice to the generality of the foregoing provision) shall include—

(*a*) prescribing offences with respect to any of those matters ; and

(*b*) the compulsory acquisition and tenure of land for the purpose of any of those matters.

SECOND SCHEDULE

Section 3.

TERRITORY COMPRISED IN THE NORTHERN REGION, THE WESTERN REGION, THE EASTERN REGION, THE SOUTHERN CAMEROONS AND LAGOS

1. The Northern Region...	Those parts of the Protectorate and the Cameroons that, immediately before the commencement of this Order, were comprised in the former Northern Region.
2. The Western Region...	Those parts of the Colony and the Protectorate that, immediately before the commencement of this Order, were comprised in the former Western Region, but excluding the territory referred to in paragraph 5 of this Schedule.
3. The Eastern Region ...	That part of the Protectorate that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
4. The Southern Cameroons.	That part of the Cameroons that, immediately before the commencement of this Order, was comprised in the former Eastern Region.
5. Lagos	That part of the Colony that, immediately before the commencement of this Order, was comprised in the town of Lagos as delimited by the Lagos Local Government (Delimitation of the Town and Division into Wards) Order in Council, 1953, made under the Lagos Local Government Law, 1953(a).

(a) No. 4 of 1953 of Western Region.

Sections 10 and 39. THIRD SCHEDULE

OFFENCES INVOLVING DISQUALIFICATION FOR ELECTION

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

Chapters VI, VIA and VII (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 that involves the commission of, or the intention to commit, a felony, the felony committed or intended to be committed is an offence mentioned in 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 commissions and corrupt practices).

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

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(**c**) ; and

(*b*) references to those Ordinances are references to those Ordinances as from time to time amended as they apply in relation to any part of Nigeria and include references to any enactment replacing either of those Ordinances in their application to any part of Nigeria.

Sections 193 and 194. FOURTH SCHEDULE

METHOD OF CALCULATING ADDITIONAL ALLOWANCE OR ADDITIONAL GRATUITY IN LIEU THEREOF

1. In this Schedule, unless the context otherwise requires—

" additional allowance " and " additional gratuity " mean respectively the additional allowance and the additional gratuity that may be granted to an officer under regulations made in pursuance of paragraph (*c*) of subsection (1) of section 193 or paragraph (*c*) of subsection (1) of section 194 of this Order ;

(**a**) Laws of Nigeria, Rev. 1948, Chapter 42.
(**b**) Laws of Nigeria, Rev. 1948, Chapter 230.
(**c**) Laws of Nigeria, Rev. 1948, I, p. 15.

"earned pension" means the pension to which an officer would be entitled under regulations made in pursuance of paragraph (*b*) of subsection (1) of section 193 or paragraph (*a*) or paragraph (*b*) of subsection (1) of section 194 of this Order, if he did not accept a gratuity in lieu thereof and did not elect to be paid a reduced pension under section 196 of this Order;

"pensionable emoluments" and "pensionable service" have the meanings assigned to those terms in the Pensions Ordinance, 1951, and the Pensions Regulations, 1951.

2. The additional allowance shall be calculated at the annual rate of one one hundred and eightieth part of the officer's pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service:

Provided that the additional allowance shall not exceed such annual sum as would, when added to the officer's earned pension, make an annual sum equal to the pension for which the officer would have been eligible if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years and had then retired having been granted all the increments of salary for which he would have been eligible by that date.

3. The additional gratuity shall be one sixteenth part of the aggregate amount of the officer's pensionable emoluments during his total pensionable service:

Provided that the additional gratuity payable to any officer shall be subject to a reduction proportionate to the reduction to which, if he had been granted an additional allowance instead of an additional gratuity, his additional allowance would have been subject by virtue of the proviso to paragraph 2 of this Schedule.

EXPLANATORY NOTE

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

This Order makes provision for a constitution for Nigeria under which Nigeria is divided into three Regions, the Southern Cameroons and the Federal Territory of Lagos, which will together form the Federation of Nigeria. It establishes a Federal Legislature with power to make laws for the Federation in respect of certain matters, and to make laws for Lagos, and also establishes a Legislature for each of the Regions and for the Southern Cameroons, with power to make laws in respect of certain matters.