1958 No. 915

The Nigeria (Electoral Provisions) Order in Council, 1958

Made - - - -	3*rd June*, 1958
Laid before Parliament	9*th June*, 1958
Coming into Operation	10*th June*, 1958

At the Court at Buckingham Palace, the 3rd day of June, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course there should be established for the Federation of Nigeria a House of Representatives (hereinafter referred to as " the proposed House of Representatives ") containing three hundred and twenty elected members and it is expedient that the Governor-General and Commander-in-Chief of the Federation of Nigeria should be empowered to make provision for the election of those members :

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

Citation and commencement

1.—(1) This Order may be cited as the Nigeria (Electoral Provisions) Order in Council, 1958.

(2) This Order shall come into operation on the 10th day of June, 1958.

Interpretation

2. The provisions of section 2 of the Nigeria (Constitution) Order in Council, 1954(b), as amended (c), shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Order.

Electoral Commission

3.—(1) There shall be for the Federation an Electoral Commission.

(2) The members of the Commission shall be—

(*a*) a Chief Electoral Commissioner, who shall be Chairman ; and

(*b*) four other members, or such other number of members as the Governor-General, acting in his discretion, may from time to time prescribe.

(3) The members of the Commission shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal.

(a) 53 & 54 Vict. c. 37.
(b) S.I. 1954/1146 (1954 II, p. 2829).
(c) S.I. 1955/432, 1956/836, 1957/1363, 1530, 1958/429 (1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030; 1958 II, p. 2757).

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

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

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

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

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

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

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

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

(7) The Governor-General may make regulations providing for the salaries and allowances to be paid to members of the Commission:

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

(8) The salaries and allowances of the members of the Commission shall be a charge on the Consolidated Revenue Fund of the Federation and shall be statutory expenditure for the purposes of section 154B of the Nigeria (Constitution) Order in Council, 1954, as amended.

Electoral districts

4. The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that Nigeria shall be divided into areas and that each such area shall be an electoral district for the purpose of returning members to the proposed House of Representatives.

Electoral regulations

5.—(1) The Governor-General may by regulation make provision for the election of persons as Representative Members of the proposed House of Representatives to represent the electoral districts prescribed under section 4 of this Order, including (without prejudice to the generality of the foregoing power) the following matters:—

(*a*) qualifications for registration as a voter or for voting at elections;

(*b*) the registration of voters;

(*c*) the ascertainment of the qualifications of candidates for election and voters;

(*d*) the division of electoral districts for any purpose connected with elections;

(*e*) the holding of elections.

(2) Regulations made under this section shall provide that the registration of voters and the conduct of elections shall be subject to the direction and supervision of the Electoral Commission in such manner as may be provided in those regulations.

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

(*a*) the disqualification of any person for membership of the proposed 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;

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

(*c*) the definition and trial of offences connected with the functions of the Electoral Commission (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission and misconduct by members of the Commission) and the imposition of penalties for such offences.

(4) No elections of members to the proposed House of Representatives shall be held under regulations made under subsection (1) of this section until provision shall have been made by Order of Her Majesty in Council for the establishment of the proposed House of Representatives and that provision shall have come into operation; but electoral districts may be established, registration of voters may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of such regulations at any time after the commencement of this Order.

Power to give directions

6.—(1) The Governor-General, acting in his discretion, may by writing under his hand give directions to the members of the Commission for the purpose of ensuring the impartial discharge of their functions as such.

(2) The members of the Commission shall comply with any directions given to them under this section or shall cause them to be complied with.

Construction of Nigeria (Constitution) Order in Council, 1954, and Royal Instructions to Governor-General

7. The references in section 180c of the Nigeria (Constitution) Order in Council, 1954, as amended, and clause 7 of the Instructions under Her Majesty's Sign Manual and Signet to the Governor-General bearing date the third day of September, 1954, as amended, to an office of emolument under the Crown shall not include references to the office of member of the Electoral Commission.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order enables the Governor-General of the Federation of Nigeria to make provision for the election of members to a new House of Representatives that it is proposed should hereafter be established for the Federation of Nigeria in accordance with the recommendations of the Nigeria Constitutional Conference held in London in May and June 1957 and permits registration of voters to take place and other preliminary measures to be taken in pursuance of any such provision.

1958 No. 1523

The Nigeria (Retirement Benefits) Order in Council, 1958

Made - - - -	11*th September*, 1958
Laid before Parliament	17*th September*, 1958
Coming into Operation	18*th September*, 1958

At the Court at Balmoral, the 11th day of September, 1958

Present,

The Queen's Most Excellent Majesty in Council

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

Citation and commencement

1.—(1) This Order may be cited as the Nigeria (Retirement Benefits) Order in Council, 1958.

(2) This Order shall come into operation on the eighteenth day of September, 1958.

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