86. A line drawn across the entrance to the river Dee from the disused lighthouse at Point of Aire to Hilbre Point at SJ20318846.

87. A line drawn across the entrance to the river Mersey from the landward end of the pier at New Brighton to SJ32259699.

88. A line drawn across the entrance to the river Alt from SD29570180 to SD29000386.

89. A line drawn from the seaward side of Marine Drive where it is crossed by Southport Pier at SD33021787 to the landward end of St. Anne's pier at Lytham St. Annes.

90. Lines drawn—

(*a*) from Rossall Point at SD31094757 to Hilpsford Point on the Isle of Walney at SD20866200; and

(*b*) from Shope Tree Scar on the Isle of Walney at SD16687252 to Haverigg Point at SD14007790.

91. A line drawn across the entrance to the river Esk from SD07449400 to Drigg Point at SD07229511.

92. A line drawn across the entrance to the rivers Calder and Ehen from NY02320259 to NY01910347.

93. A line drawn between the seaward ends of the pier and jetty at the outer entrance to Workington harbour.

94. A line drawn between the seaward ends of the piers at the outer entrance to Maryport harbour.

95. A line drawn across the Solway Firth from the landward end of the pier at Silloth in Cumberland to Southerness Point in Kirkcudbrightshire.

CHAPTER 55

Nigeria Independence Act, 1960

ARRANGEMENT OF SECTIONS

Section
1. Provision for the fully responsible status of Nigeria.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. Modification of Overseas Service Act, 1958.
5. Short title and interpretation.

SCHEDULES:

First Schedule.—Legislative powers in Nigeria.

Second Schedule.—Amendments not affecting law of Nigeria.

An Act to make provision for, and in connection with, the attainment by Nigeria of fully responsible status within the Commonwealth. [29th July, 1960]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision for the fully responsible status of Nigeria.

1.—(1) On the first day of October, nineteen hundred and sixty (in this Act referred to as "the appointed day"), the Colony and the Protectorate as respectively defined by the Nigeria (Constitution) Orders in Council, 1954 to 1960, shall together constitute part of Her Majesty's dominions under the name of Nigeria.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Nigeria or any part thereof as part of the law thereof, and as from that day—

(*a*) Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Nigeria or any part thereof; and

(*b*) the provisions of the First Schedule to this Act shall have effect with respect to legislative powers in Nigeria.

(3) Without prejudice to subsection (2) of this section, nothing in subsection (1) thereof shall affect the operation in Nigeria or any part thereof on and after the appointed day of any enactment, or any other instrument having the effect of law, passed or made with respect thereto before that day.

Consequential modifications of British Nationality Acts.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—

(*a*) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word "and" in the last place where it occurs were omitted, and at the end there were added the words "and Nigeria";

(*b*) in the First Schedule to the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words "Nigeria Protectorate" were omitted:

Provided that a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with the Nigeria Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Nigeria under the law thereof.

(2) Subject to the subsequent provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

(*a*) under the law of Nigeria he becomes on that day a citizen of Nigeria; and

(*b*) he, his father or his father's father was born in any of the territories comprised in Nigeria.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection if he, his father or his father's father—

(*a*) was born in the United Kingdom or in a colony; or

(*b*) is or was a person naturalised in the United Kingdom and Colonies; or

(*c*) was registered as a citizen of the United Kingdom and Colonies; or

(*d*) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (*b*) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or (4) of this section to a territory of any of the following descriptions, that is to say, a colony, protectorate, protected state or United Kingdom trust territory, shall, subject to the next following subsection, be construed as a reference to a territory which is of that description on the appointed day; and the said subsection (3) shall not apply

to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not on that day of one of those descriptions.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

Consequential modification of other enactments.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression " colony " in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Nigeria or any part thereof.

(2) As from the appointed day—

(*a*) the expression " colony " in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Nigeria or any part thereof; and

(*b*) in the definitions of " Commonwealth force " in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of " Commonwealth country " in subsection (1) of section one hundred and thirty-five of the said Act of 1957—

(i) the word " or " (being, in the said Acts of 1955, that word in the last place where it occurs in those definitions) shall be omitted; and

(ii) at the end there shall be added the words " or Nigeria ".

(3) Any Order in Council made on or after the appointed day under either of the said Acts of 1955 providing for that Act to continue in force beyond the date on which it would otherwise expire shall not operate to continue that Act in force beyond that date as part of the law of Nigeria or any part thereof.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parlia-

ment, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day:

Provided that this subsection shall not extend to Nigeria or any part thereof as part of the law thereof.

Modification of Overseas Service Act, 1958.

4.—(1) In relation to any person who at the date of the passing of this Act is serving in the naval forces of the Federation of Nigeria established by section three of the Nigeria (Constitution) Order in Council, 1954, the Overseas Service Act, 1958 (which authorises the Secretary of State to appoint officers to be available for civilian employment in the public service of an overseas territory in accordance with arrangements made by the Secretary of State with the government of that territory and to make provision as to superannuation in respect of officers so appointed) shall have effect as if service in those forces and service on or after the appointed day in the naval forces of Nigeria were civilian employment in the public service of that Federation or, as the case may be, of Nigeria.

(2) In relation to any person who, having served in the naval forces of the said Federation in accordance with arrangements made by the Secretary of State with the government of that Federation, has by reason of death or retirement ceased so to serve before the date of the passing of this Act, subsection (2) of section four of the said Act of 1958 (which authorises the Secretary of State to pay pensions to or in respect of persons who have served as officers to whom that Act applies) shall have effect as if that person were a person who has served as such an officer and as if those arrangements were such arrangements as are mentioned in subsection (1) of section one of that Act.

Short title and interpretation.

5.—(1) This Act may be cited as the Nigeria Independence Act, 1960.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES

FIRST SCHEDULE

Section 1.

LEGISLATIVE POWERS IN NIGERIA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by any legislature established for Nigeria or any part thereof.

2. No law and no provision of any law made on or after the appointed day by any such legislature as aforesaid shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of any such legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Nigeria or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.

3. Any such legislature as aforesaid shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to any such legislature as aforesaid.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Nigeria.

6. Nothing in this Act shall confer on any such legislature as aforesaid any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

In this paragraph, the expression " the constitutional provisions " means this Act, any Order in Council made before the appointed day which revokes the Nigeria (Constitution) Orders in Council, 1954 to 1960, and any law, or instrument made under a law, of any such legislature as aforesaid made on or after that day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any of the provisions of this Act, that Order in Council or any such law or instrument previously made.

Section 3.

SECOND SCHEDULE

AMENDMENTS NOT AFFECTING LAW OF NIGERIA

Diplomatic immunities

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

(*a*) in subsection (2), the word " or " (in the last place where it occurs before the words " for any state ") shall be omitted, and immediately before the words " for any state " there shall be inserted the words " or Nigeria ";

(*b*) in subsection (3), immediately before the words " and ' Agent-General ' " there shall be inserted the words " or for Nigeria ".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, immediately before the word " and " in the last place where it occurs there shall be inserted the word " Nigeria ".

Financial

3. In section two of the Import Duties Act, 1958, in subsection (4), after the words " New Zealand " there shall be inserted the word " Nigeria ".

4. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression " Dominion " shall include Nigeria; and, during any period falling on or after the appointed day during which there is in force as part of the law of Nigeria any instrument passed or made before that day which makes provision corresponding to the undertaking required to be given by the Government of a Dominion under paragraph (*a*) of subsection (1) of section one of that Act, paragraphs (*a*) and (*b*) of the said subsection (1) shall be deemed to have been complied with in the case of Nigeria.

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) and the definition of " visiting force " for the purposes of that Act which is contained in section eight thereof shall apply in relation to forces raised in Nigeria as they apply in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

(*a*) in paragraph (*a*) of subsection (1) of section one (which specifies the countries to which that Act applies) the word " or " in the first place where it occurs shall be omitted, and at the end there shall be added the words " Nigeria or ";

(*b*) in paragraph (*a*) of subsection (1) of section ten the expression " colony " shall not include Nigeria or any part thereof;

and, until express provision with respect to Nigeria is made by an Order in Council under section eight of that Act (which relates to the

application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Nigeria. 2ND SCH.

Ships and aircraft

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, the word " or " (in the last place where it occurs before the words " or in any ") shall be omitted, and immediately before the words " or in any " there shall be inserted the words " or Nigeria ".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, the word " or " in the last place where it occurs shall be omitted and at the end there shall be added the words " or Nigeria ".

9. In the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, the word " or " (in the last place where it occurs before the words " or in any ") shall be omitted, and immediately before the words " or in any " there shall be inserted the words " or Nigeria ".

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Nigeria or any part thereof; and the penal provisions of that Act shall not apply to persons in Nigeria (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Nigeria.

Copyright

12. The references in section thirty-one of the Copyright Act, 1956, to a colony shall not include Nigeria or any part thereof.

13. If the Copyright Act, 1911, so far as in force in the law of Nigeria or any part thereof is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Nigeria or that part thereof, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

14. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)), the word " and " shall be omitted in all places where it occurs except the first such place and except in the expression " Rhodesia and Nyasaland ", and at the end there shall be added the words " and Nigeria ".

2ND SCH.

Commonwealth Institute

15. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) the word " and " shall be omitted and at the end there shall be added the words " and Nigeria ".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Colonial Courts of Admiralty Act, 1890 ...	53 & 54 Vict. c. 27.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act, 1926.	16 & 17 Geo. 5. c. 40.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.
Visiting Forces (British Commonwealth) Act, 1933.	23 & 24 Geo. 5. c. 6.
Colonial Stock Act, 1934	24 & 25 Geo. 5. c. 47.
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restriction) Act, 1939.	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949.	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952.	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Overseas Service Act, 1958	6 & 7 Eliz. 2. c. 14.
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19.