7. NIGERIA

The Nigeria (Legislative Council) (Amendment) Order in Council, 1949

1949 No. 2001

Made - - - - 28*th October*, 1949
Laid before Parliament 31*st October*, 1949
Coming into Operation *On a date to be notified in the Nigeria Gazette in accordance with Section* 1 (2).

At the Court at Buckingham Palace, the 28th day of October, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by the Nigeria (Legislative Council) Order in Council, 1946(**a**) (hereinafter called " the principal Order "), provision is made for the constitution and powers of a Legislative Council for Nigeria:

And Whereas it is expedient to amend the principal Order in the manner hereinafter appearing:

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

Short title, construction and commencement.

1.—(1) This Order may be cited as the Nigeria (Legislative Council) (Amendment) Order in Council, 1949, and shall be read as one with the principal Order, and the principal Order and this Order may be cited together as the Nigeria (Legislative Council) Orders in Council, 1946 to 1949.

(2) This Order shall come into operation on a day to be appointed by the Governor by notice in the Gazette.

Amendment of section 1 (1) of principal Order.

2.—Subsection (1) of section 1 of the principal Order shall have effect as if, in the definition of the expression " The Cameroons ", for the words " British Mandate ", there were substituted the words " United Kingdom Trusteeship ".

Amendment of section 8 (1) of principal Order.

3.—Subsection (1) of section 8 of the principal Order shall have effect:—

(*a*) as if the word " Head " were inserted immediately before the word " Chiefs " wherever that word occurs in paragraph (*c*); and

(*b*) as if the words " other than Head Chiefs " were inserted immediately after the word " Assembly " in paragraph (*d*).

(**a**) S.R. & O. 1946 (No. 1370) I, p. 576. (**b**) 53 & 54 Vict. c. 37.

Amendment of section 14 (1) of principal Order.

4. Subsection (1) of section 14 of the principal Order shall have effect as if, for paragraph (*b*) thereof, there were substituted the following paragraph:—

"(*b*) if he shall be absent from two consecutive meetings of the Council, without having obtained from the Governor, before the termination of either of such meetings, permission to be or to remain absent therefrom; or".

Substitution of new section 32 of principal Order.

5. The following section shall be substituted for section 32 of the principal Order:—

"Oath of Allegiance.

32. Save for the purpose of enabling this section to be complied with, no Member of the Legislative Council shall sit or vote therein or in any Committee thereof until he shall have taken and subscribed the following oath before the Legislative Council:—

"I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to Law. So help me God":

Provided

(i) that any person, so authorised by any law for the time being in force in Nigeria, may make an affirmation in like terms or take the like oath in any form or manner authorised by any such law as aforesaid; and

(ii) that if, between the day on which any person becomes a Member of the Council and the time of the next meeting of the Council after that day, a meeting takes place of any Committee of the Council of which that person is a member, it shall suffice, for the purposes of this section, if he shall take the oath before the said Committee."

Amendment of section 51 of principal Order.

6. Section 51 of the principal Order shall have effect as if the words "subject to the provisions of subsection (2) of this section" were omitted therefrom.

Reservation of power to revoke, etc.

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

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

This Order in Council redefines the expression "The Cameroons" in the principal Order in view of the change of status of the territory from one under British Mandate to one under United Kingdom Trusteeship, and substitutes a new Section 32 relating to the taking of the Oath of Allegiance by Legislative Councillors. Opportunity has been taken to effect various other minor amendments to the principal Order.