EXPLANATORY NOTE

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

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, relating to the Southern Cameroons, the qualifications for election to certain Legislative Houses in Nigeria and the operation of certain legislation enacted before the Federation was established.

1959 No. 1304

The Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959

Made - - - -	28*th July*, 1959
Laid before Parliament	4*th August*, 1959
Coming into Operation	5*th August*, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Alexandra of Kent

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred on Her Majesty by the Foreign Jurisdiction Act, 1890(**a**), and of all other powers enabling Her Majesty in that behalf,

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

do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows :—

Citation and commencement

1.—(1) This Order may be cited as the Nigeria (Northern Cameroons Plebiscite) Order in Council, 1959.

(2) This Order shall come into operation on the fifth day of August, 1959.

Interpretation

2.—(1) In this Order unless the context otherwise requires—

" District " means any District established by Article 4 of this Order ;

" the Federation of Nigeria " means the Federation of Nigeria established by section 3 of the Nigeria (Constitution) Order in Council, 1954(**a**) ;

" the Governor-General " means the Governor-General and Commander-in-Chief of the Federation of Nigeria, and includes the officer for the time being administering the government of the Federation and, to the extent to which the Deputy Governor-General is authorised to discharge the functions of the office of Governor-General, the Deputy Governor-General ;

" Nigeria " means the Colony and Protectorate of Nigeria as defined in section 2 of the Nigeria (Constitution) Order in Council, 1954, together with the Cameroons as so defined ;

" the Northern Cameroons " means those parts of the Cameroons as defined in section 2 of the Nigeria (Constitution) Order in Council, 1954, that are comprised in the Northern Region of Nigeria ;

" the Northern Region of Nigeria " means the Northern Region of Nigeria established by section 3 of the Nigeria (Constitution) Order in Council, 1954.

(2) Save as in this Order otherwise provided or required by the context the Interpretation Act, 1889(**b**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) All functions conferred upon the Governor-General by this Order or any regulation made thereunder shall be exercised by him in his discretion.

Plebiscite to be held in the Northern Cameroons

3.—(1) There shall be a plebiscite in the Northern Cameroons for the purpose of ascertaining which of the following alternatives would be preferred by the people of the Northern Cameroons upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Colony and Protectorate of Nigeria, namely—

(*a*) that the Northern Cameroons should be part of the Northern Region of Nigeria ; or

(*b*) that the future of the Northern Cameroons should be decided at a later date.

(2) The plebiscite shall be held on a day or days to be fixed by the Governor-General by notice published in the official Gazette of the Federation of Nigeria and in the official Gazette of the Northern Region of Nigeria, not being within the period of twenty-eight days

(**a**) S.I. 1954/1146 (1954 II, p. 2829). (**b**) 52 & 53 Vict. c. 63.

after the publication of the notice, and voting for the purpose of the plebiscite shall take place during such hours as may be specified in the notice.

Division of the Northern Cameroons into Districts

4.—(1) For the purposes of the plebiscite the Northern Cameroons shall be divided into Districts corresponding to the areas in the Northern Cameroons proclaimed to be electoral districts under section 4 of the Nigeria (Electoral Provisions) Order in Council, 1958(a).

(2) For the purposes of this Article the electoral district described in the Establishment of Electoral Districts Proclamation, 1958, of the Federation of Nigeria as "Constituency No. 40, Wukari" shall be deemed to consist only of the Tigon, Ndoro and Kentu Districts of the Administrative Division of Wukari and not of the whole of that Administrative Division.

Governor-General may make regulations

5.—(1) Subject to the provisions of this Order, the Governor-General may by regulation make provision for the conduct of the plebiscite, all matters incidental or ancillary thereto, and generally for the purposes of this Order.

(2) Regulations made under this Article shall make provision—

(*a*) for the procedure to be followed at the holding of the plebiscite, including the manner in which votes shall be cast;

(*b*) for ascertaining and publishing the result of the voting that has taken place in each District;

(*c*) for the lodging of petitions relating to any dispute concerning the result of the voting in each District and for the time and manner in which such petitions are heard and determined;

(*d*) for giving effect to any directions given under paragraph (2) of Article 9 of this Order; and

(*e*) for the definition and trial of offences relating to the plebiscite and the imposition of penalties therefor:

Provided that the penalty for any such offence shall not exceed a fine of £100 or a term of imprisonment of one year or both such fine and imprisonment but may include disqualification of any person convicted of the offence for membership of the House of Representatives of the Federation of Nigeria or of any House of Assembly established by the Nigeria (Constitution) Order in Council, 1954, or of any Provincial Council established under the Provincial Councils Law, 1959, of the Northern Region of Nigeria(b) or of any Native Authority Council, local council, town council or outer council established under the Native Authority Law, 1954, of the Northern Region of Nigeria(c), or for registration as an elector for elections of members of the House of Representatives or a House of Assembly or a Provincial Council, Native Authority Council, local council, town council or outer council.

Persons entitled to vote

6.—(1) Every person whose name is included in a register of voters prepared under regulations made under section 5 of the Nigeria (Electoral Provisions) Order in Council, 1958, in respect of any area that constitutes a District and who is entitled under such regulations

(a) S.I. 1958/915 (1958 II, p. 2829). (b) Law No. 9 of 1959 of the Northern Region of Nigeria. (c) Law No. 4 of 1954 of the Northern Region of Nigeria.

to vote for the purpose of returning a member to the House of Representatives of the Federation of Nigeria shall, subject to the provisions of this Article, be entitled, in that part of that area in which he is registered as being entitled to vote, to cast a vote in favour of one or other of the alternatives specified in paragraph (1) of Article 3 of this Order.

(2) No person shall be entitled, subject to the provisions of Article 10 of this Order, to vote more than once in the plebiscite.

Appointment, etc., of Plebiscite Administrator and other officers

7.—(1) There shall be a Plebiscite Adminstrator, who shall, subject to any directions given by the Governor-General under paragraph (1) of Article 9 of this Order, be responsible for the conduct of the plebiscite.

(2) The Plebiscite Administrator shall be appointed by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State:

Provided that no person shall be appointed who is a native of Nigeria or who is in the service of the Crown in respect of the government of the Federation of Nigeria or of a Region of Nigeria.

(3) The Governor-General may in Her Majesty's name and on Her Majesty's behalf, constitute such other offices as he may consider necessary for the purposes of this Order and any regulations made thereunder, and appoint persons to those offices and exercise disciplinary control over and dismiss persons appointed to those offices.

(4) The Plebiscite Administrator and the other officers appointed under this section shall hold their offices during Her Majesty's pleasure.

Constitution of the Special Court

8.—(1) There shall be a Special Court or, if Her Majesty shall so direct by instructions given to the Governor-General through a Secretary of State, two or more Special Courts, which shall hear and determine petitions for which provision is made by regulations made under sub-paragraph (*c*) of paragraph (2) of Article 5 of this Order.

(2) A Special Court shall consist of a judge, who shall be appointed by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State:

Provided that no person shall be appointed who is a native of Nigeria or who is in the service of the Crown in respect of the government of the Federation of Nigeria or of a Region of Nigeria.

(3) The judge of a Special Court shall hold his office during Her Majesty's pleasure.

Governor-General and Plebiscite Administrator may give directions

9.—(1) The Governor-General may give the Plebiscite Administrator such directions with respect to the exercise of his functions under this Order or any regulations made thereunder as he may consider desirable; and the Plebiscite Administrator shall comply with those directions or shall cause them to be complied with.

(2) Subject to the provisions of paragraph (1) of this Article, the Plebiscite Administrator may give the officers appointed under paragraph (3) of Article 7 of this Order such directions with respect to the exercise of their functions under this Order or any regulations made thereunder as he shall consider desirable; and those officers shall comply with those directions or shall cause them to be complied with.

Result of voting in any District may be declared invalid and fresh vote taken

10.—(1) The decision of a Special Court in respect of any petition heard and determined by the Court, including the findings of the Court upon the facts of the case, shall be transmitted to the Plebiscite Administrator.

(2) The Plebiscite Administrator may, if he considers it desirable so to do in the light of any decision of a Special Court relating to any dispute concerning the result of the voting in any District, declare that the result of the voting in that District or any part thereof is invalid, and direct that the voters in that District or any part thereof in respect of which such a declaration shall have been made shall be given a further opportunity of voting for the purposes of the plebiscite.

Facilities to be afforded to United Nations observers

11. The Governor-General, the Plebiscite Administrator, a Special Court and the officers appointed under paragraph (3) of Article 7 of this Order shall afford to the United Nations Plebiscite Commissioner and all other persons appointed to observe the plebiscite on behalf of the United Nations facilities for the due discharge of their functions, and the United Nations Plebiscite Commissioner and those other persons may make representations concerning the conduct of the plebiscite to such persons and in such manner as may be agreed between the Governor-General and the United Nations Plebiscite Commissioner.

Expenses relating to the plebiscite

12.—(1) All expenses properly incurred in respect of the conduct of the plebiscite or otherwise for the purposes of this Order or any regulation made thereunder, including (without prejudice to the generality of the foregoing provision) any expenses incurred on behalf of the Crown in any legal proceedings arising in connection with the plebiscite, shall be a charge upon the Consolidated Revenue Fund of the Federation of Nigeria and shall be statutory expenditure for the purposes of section 154B of the Nigeria (Constitution) Order in Council, 1954 (as inserted by section 77 of the Nigeria (Constitution) (Amendment) Order in Council, 1958(a)).

(2) The judge of a Special Court and the officers referred to in paragraph (3) of Article 7 of this Order may be paid such salaries and allowances as the Governor-General may direct, and those salaries and allowances shall be a charge upon the Consolidated Revenue Fund of the Federation of Nigeria and shall be statutory expenditure for the purposes of the said section 154B of the Nigeria (Constitution) Order in Council, 1954.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision for the holding of a plebiscite in the Northern Cameroons (that is to say, in those parts of the Trust Territory of the Cameroons under United Kingdom administration that

(a) S.I. 1958/429 (1958 II, p. 2757).

are comprised in the Northern Region of Nigeria) for the purpose of ascertaining whether the people of the Northern Cameroons would prefer, upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Colony and Protectorate of Nigeria, that the Northern Cameroons should continue to be part of the Northern Region of Nigeria or that the future of the Northern Cameroons should be decided at a later date.

1959 No. 1980

The West African Territories (Air Transport) (Revocation) Order in Council, 1959

Made - - - - 20*th November*, 1959
Laid before Parliament 26*th November*, 1959
Coming into Operation 27*th November*, 1959

At the Court at Buckingham Palace, the 20th day of November, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts, 1887 and 1945(**a**), the Foreign Jurisdiction Act, 1890(**b**), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it it is hereby ordered, as follows :—

Citation and commencement

1.—(1) This Order may be cited as the West African Territories (Air Transport) (Revocation) Order in Council, 1959.

(2) This Order shall come into operation on the 27th day of November, 1959.

Interpretation

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

" Chicago Convention " means the Convention on International Civil Aviation signed on behalf of the Government of the United Kingdom at Chicago on the seventh day of December, 1944 ;

" Nigeria " means the Federation of Nigeria ;

" Sierra Leone " means the Colony and Protectorate of Sierra Leone ;

" the Corporation " means the Corporation known as West African Airways established under section 7 of the Order in Council ;

" the Designated Authority " means the following Ministers acting jointly, that is to say, the Ministers in Nigeria, Sierra Leone and the Gambia, who are for the time being charged with responsibility for matters relating to civil aviation in those territories respectively ;

" the Gambia " means the Colony and Protectorate of the Gambia ;

" The International Civil Aviation Organisation " means the Organisation established under Part II of the Chicago Convention ;

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 53 & 54 Vict. c. 37.