The Nigeria (Supplementary Provisions) Order in Council, 1951

1951 No. 1957

Made - - - - 14*th November*, 1951
Laid before Parliament 15*th November*, 1951
Coming into Operation :—
Section 15—*On the commencement of Chapters V to VII of the Nigeria (Constitution) Order in Council*, 1951(**a**)
Section 17 - - 16*th November*, 1951
Remainder—On a date to be appointed by the Governor under Article 2 (2) *of the Nigeria Letters Patent*, 1951(**b**)*

At the Court at Buckingham Palace, the 14th day of November, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas the Nigeria (Constitution) Order in Council, 1951(**a**), provides that Nigeria shall be divided into three Regions to be known, respectively, as the Northern Region, the Western Region and the Eastern Region and it is expedient to constitute the Office of Lieutenant-Governor in and over each of the said Regions:

And Whereas by the Protectorate and Cameroons Order, as hereinafter defined, provision is made for the government and administration of the Protectorate of Nigeria, and the Cameroons under United Kingdom Trusteeship ; and it is expedient to make such provision as hereinafter appears for the said and other matters:

And Whereas His Majesty has this day, by and with the advice of His Privy Council, been pleased to direct that Letters Patent, entitled " The Nigeria Letters Patent, 1951 ", be passed under the Great Seal of the Realm for the purpose of constituting the Office of Governor and Commander-in-Chief of the Colony of Nigeria and making certain provisions for the Government thereof, and the draft of the said Letters Patent has this day been approved by His Majesty in Council:

Now, therefore, His Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(**c**), or 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:—

PART I.—*Preliminary*

Interpretation

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

(*a*) " the appointed date " means the date appointed under paragraph (2) of Article 2 of the Letters Patent ;

* No date had been appointed at the time of going to press of this volume.

(**a**) S.I. 1951 No. 1172, p. 14 above. (**b**) *See* p. 1417 below. (**c**) 53 & 54 Vict. c. 37.

" the Cameroons " means the Cameroons under United Kingdom Trusteeship as defined by this Order ;

" the Colony " means the Colony of Nigeria ;

" the Governor " means the Governor and Commander-in-Chief of the Colony and includes the Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy ;

" the Letters Patent " means the Nigeria Letters Patent, 1951 ;

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

" the Protectorate " means the Protectorate of Nigeria as defined by this Order ;

" the Protectorate and Cameroons Order " means the Nigeria (Protectorate and Cameroons) Order in Council, 1946(**a**), as amended by the Nigeria (Protectorate and Cameroons) Order in Council, 1948(**b**), and the Nigeria (Protectorate and Cameroons) Order in Council, 1949(**c**) ;

" the Public Seal " means the Public Seal of Nigeria ;

" the Northern Region ", " the Western Region " and " the Eastern Region " mean, respectively, the Northern, the Western and the Eastern Region of Nigeria as defined by, or under, the Nigeria (Constitution) Order in Council, 1951(**d**), and " Region " means any of the said Regions ;

" Secretary of State " means one of His Majesty's Principal Secretaries of State ;

(*b*) references to the Lieutenant-Governor of a Region include references to any officer for the time being administering the Government of the Region in pursuance of Section 8 of this Order ;

(*c*) any reference to the Office of Lieutenant-Governor, or to the Lieutenant-Governor, shall be construed as a reference to the Office of Lieutenant-Governor, or to the Lieutenant-Governor, of the Northern Region, the Western Region, or the Eastern Region, as the case may require ; and

(*d*) any reference to the commencement of Chapters V to VII of the Nigeria (Constitution) Order in Council, 1951(**d**), shall be construed as a reference to the commencement of those provisions of the said Chapters which are to be brought into operation by the Governor under Section 3 of the said Order.

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

Short title and commencement

2.—(1) This Order may be cited as the Nigeria (Supplementary Provisions) Order in Council, 1951.

(2) This Order, except Sections 15 and 17 thereof, shall come into operation on the appointed date.

(3) Section 15 of this Order shall come into operation upon the commencement of Chapters V to VII of the Nigeria (Constitution) Order in Council, 1951(**d**) and Section 17 of this Order shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

(**a**) S.R. & O. 1946 (No. 1352) I, p. 572. (**b**) S.I. 1948 (No 2072) I, p. 1343.
(**c**) S.I. 1949 (No. 2003) I, p. 1856. (**d**) S.I. 1951 No. 1172, p. 14 above.
(**e**) 52 & 53 Vict. c. 63.

Revocation

3.—(1) Without prejudice to anything lawfully done thereunder the Protectorate and Cameroons Order, except Sections 1, 9, 10 and 11 thereof, is hereby revoked as from the appointed date.

(2) Sections 1, 9, 10 and 11 of the Protectorate and Cameroons Order are hereby revoked as from the commencement of Chapters V to VII of the Nigeria (Constitution) Order in Council, 1951, but without prejudice to anything lawfully done under the said sections.

Power reserved to His Majesty

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

PART 2.—*The Lieutenant-Governors*

Offices of Lieutenant-Governor constituted

5. There shall be a Lieutenant-Governor in and over the Northern Region, a Lieutenant-Governor in and over the Western Region, and a Lieutenant-Governor in and over the Eastern Region; and appointments to the said Offices shall be made by Commission under His Majesty's Sign Manual and Signet.

Lieutenant-Governor's authority

6. The Lieutenant-Governors of the three Regions aforesaid are hereby authorised, empowered and commanded to do all things belonging to their respective Offices in accordance with this Order, such Commissions as aforesaid, such Instructions as may from time to time be given to them by His Majesty under His Sign Manual and Signet or through a Secretary of State and such other Orders of His Majesty in Council and other laws as may from time to time be in force.

Publication of Lieutenant-Governor's Commission and taking of oaths

7. Before entering on any of the duties of his Office, every person appointed to fill the Office of Lieutenant-Governor shall, with all due solemnity and in such manner as the Governor may direct—

(*a*) cause the Commission appointing him to be Lieutenant-Governor to be read and published; and

(*b*) take the Oath of Allegiance and the Oath for the due execution of the Office of Lieutenant-Governor in the form set out in the Schedule to this Order.

Succession to Government

8.—(1) (*a*) Whenever the Office of Lieutenant-Governor is vacant, or the Lieutenant-Governor is absent from Nigeria or is from any other cause prevented from, or incapable of, performing the functions of his Office, then—

(i) such other person as the Governor may by Instrument under the Public Seal appoint; or

(ii) if there is no person in Nigeria so appointed and capable of discharging the duties of administration, the senior member of the Executve Council of the Region then in Nigeria and so capable;

shall, during His Majesty's pleasure, administer the Government of the Region.

(*b*) In this subsection "the senior member of the Executive Council of the Region" means the *ex officio* or Official Member who stands first in order of precedence in the said Council.

(2) Before assuming the administration of the Government any such person as aforesaid shall, in such manner as the Governor may direct, take the oaths directed by this Order to be taken by the Lieutenant-Governor; which being done such person is hereby authorised, empowered and commanded, subject, if he is appointed by Instrument under the Public Seal, to the terms of such appointment, during His Majesty's pleasure to do all things that belong to the Office of Lieutenant-Governor as provided in this Order.

(3) Any such person as aforesaid shall not continue to administer the Government after the Lieutenant-Governor or some other person having a prior right to administer the same has notified him that he is about to assume, or resume, the administration.

(4) The Lieutenant-Governor, or any such person as aforesaid, shall not be regarded as absent from Nigeria or prevented from, or in capable of, performing the functions of his Office for the purposes of this section during his passage from one part of Nigeria to another.

Constitution of regional offices

9. Subject to any directions which the Governor may give to him in that behalf, the Lieutenant-Governor may, in the name and on behalf of His Majesty, constitute such judgeships and other offices for the Region as may lawfully be constituted by His Majesty; and any person appointed to any such office shall, unless it is otherwise provided by law, hold such office during His Majesty's pleasure.

The Public Seal of the Region

10. The Lieutenant-Governor shall keep and use the Public Seal of the Region for sealing all things whatsoever that shall pass the said Seal.

PART 3.—*The Protectorate and the Cameroons*

Limits of the Protectorate and the Cameroons

11.—(1) The Protectorate of Nigeria consists of the territories in West Africa, excluding the Colony, which 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 territories known as the Cameroons.

(2) The Cameroons under United Kingdom Trusteeship consists 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 (in this Order referred to as "the Trusteeship Agreement") relates, namely that part thereof which 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 which 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.

Administration of the Cameroons

12. The Cameroons shall, subject to the provisions of the Trusteeship Agreement, be administered in such manner as may be provided by any Order of His Majesty in Council.

The Governor

13.—(1) The Governor shall be the Governor and Commander-in-Chief of the Protectorate and the Cameroons; any person for the time being administering the Government of the Colony in place of the Governor or during a vacancy in the Office of Governor shall likewise administer the Government of the Protectorate and the Cameroons; and any power conferred upon the Governor to appoint a Deputy to perform his functions in relation to the Colony shall include a power to appoint such Deputy to perform his functions in relation to the Protectorate and the Cameroons.

(2) The provisions of the Letters Patent which relate to the appointment of the Governor or to the performance of his functions shall apply in relation to the Protectorate and the Cameroons as they apply in relation to the Colony.

Governor's powers and authorities

14. The Governor is hereby authorised, empowered and commanded to exercise on His Majesty's behalf all such powers and jurisdiction as His Majesty may from time to time have in the Protectorate and the Cameroons, and to do all other things belonging to the Office of Governor and relating to the Protectorate and the Cameroons, in accordance with this Order, the Commission by which he is appointed, such Instructions as may from time to time be given to him under His Majesty's Sign Manual and Signet or through a Secretary of State and such other Orders of His Majesty in Council and other laws as may from time to time be in force.

The Privy Council

15. The Privy Council of the Colony shall be the Privy Council for the Protectorate and the Cameroons, and Article 9 of the Letters Patent shall have effect accordingly.

Application of Articles of the Letters Patent in relation to Protectorate and Cameroons

16. Articles 10, 11, 12 and 14 of the Letters Patent shall apply in relation to the Protectorate and the Cameroons as they apply in relation to the Colony.

PART 4.—*Miscellaneous*

Amendment of Nigeria (Constitution) Order in Council, 1951

17. The Nigeria (Constitution) Order in Council, 1951, shall have effect, and shall be deemed always to have had effect, as if, in sub-paragraph (*a*) of paragraph 1 of the Second Schedule thereto, for the reference to Chapter VIII of the Criminal Code Ordinance there were substituted a reference to Chapter VII of the said Ordinance.

Power reserved to His Majesty

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

F. J. Fernau.

Section 7. SCHEDULE

OATH OF ALLEGIANCE

I.....do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to Law. So help me God.

OATH FOR THE DUE EXECUTION OF THE OFFICE OF LIEUTENANT-GOVERNOR

I.....do swear that I will well and truly serve His Majesty King George VI, His Heirs and Successors, in the Office of Lieutenant-Governor. So help me God.

EXPLANATORY NOTE

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

This Order—

(*a*) constitutes the Office of Lieutenant-Governor of each of the three Regions of Nigeria ;

(*b*) makes provision for the government and administration of the Protectorate of Nigeria, and the Cameroons under United Kingdom Trusteeship ; and

(*c*) corrects a reference in the Second Schedule to the Nigeria (Constitution) Order in Council, 1951.

NORTHERN RHODESIA PROTECTORATE

The Northern Rhodesia Order in Council, 1951

1951 No. 1167

Made - - - -	29*th June*, 1951
Laid before Parliament	29*th June*, 1951
Coming into Operation	30*th June*, 1951

At the Court at Windsor, the 29th day of June, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas the Northern Rhodesia Order in Council, 1924(**a**), (hereafter called the principal Order) has been amended from time to time by the Orders in Council mentioned in the Schedule to this Order (hereafter called "the Scheduled Orders"):

And Whereas it is expedient further to amend the principal Order:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890(**b**), or 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:—

1. This Order may be cited as the Northern Rhodesia Order in Council, 1951, and shall be read and construed as one with the principal Order

(a) S.R. & O. 1924 (No. 324) p. 395. (b) 53 & 54 Vict. c. 37.