1960 No. 1656

The Northern Cameroons (Administration) Order in Council, 1960

Made - - - - 12*th September*, 1960
Laid before Parliament 16*th September*, 1960
Coming into Operation 1*st October*, 1960

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THE FIRST SCHEDULE

ORDERS IN COUNCIL REVOKED BY THIS ORDER.

THE SECOND SCHEDULE

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF ADMINISTRATOR.

At the Court at Balmoral, the 12th day of September, 1960

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, commencement and revocations

1.—(1) This Order may be cited as the Northern Cameroons (Administration) Order in Council, 1960.

(2) This Order shall come into operation on the first day of October, 1960:

Provided that where by or under this Order the Administrator has power to make any appointment, to make any order or to do any other thing for the purposes of this Order that power may be exercised by the Administrator at any time after the sixteenth day of September, 1960, to such extent as may, in his opinion, be necessary or expedient to enable the provisions of this Order to come into effect on the first day of October, 1960.

(3) The Orders in Council specified in the First Schedule to this Order are revoked in so far as they apply to the Northern Cameroons.

(4) Sections 3 and 4 of the Nigeria (Appeals to Privy Council) Order in Council, 1955(b), are revoked in so far as they apply to the Northern Cameroons.

Establishment of office of Administrator

2. There shall be an Administrator for the Northern Cameroons, who shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

Powers and duties of Administrator

3. The Administrator shall have such powers and duties as are conferred upon him by or under this Order or any other law and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Administrator has in any matter complied with any such instructions shall not be enquired into by any court of law.

Oaths to be taken by Administrator

4. A person appointed to hold the office of Administrator shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and an oath for the due execution of his office in the form set out in the Second Schedule to this Order.

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

(b) S.I. 1955/706 (1955 I, p. 1040).

Discharge of Administrator's functions during vacancy, etc.

5.—(1) Whenever the office of Administrator is vacant or the Administrator is absent from the Northern Cameroons or is from any other cause prevented from or incapable of discharging the functions of his office, those functions shall be performed by such person as Her Majesty may appoint or, if there is no person so appointed and able to act, by the Resident of the Northern Cameroons.

(2) Before any person enters upon the performance of the functions of the office of Administrator under this section, he shall take and subscribe the oaths directed by section 4 of this Order to be taken by a person appointed to the office of Administrator.

(3) For the purposes of this section—

(*a*) the Administrator shall not be regarded as absent from the Northern Cameroons during his passage from one part of the Northern Cameroons to another or as prevented from discharging the functions of his office by reason that he is so passing; and

(*b*) the Administrator shall not be regarded as absent from the Northern Cameroons or as prevented from or incapable of discharging the functions of his office at any time when an officer is discharging those functions under section 6 of this Order.

Discharge of Administrator's functions by deputy

6.—(1) The Administrator may, by Instrument under the Public Seal of the Northern Cameroons, authorize any officer in the public service to discharge for and on behalf of the Administrator on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Administrator as may be specified in that Instrument.

(2) The powers and authority of the Administrator shall not be affected by any authority given to any officer in the public service under this section otherwise than as Her Majesty may at any time think proper to direct and that officer shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Administrator as the Administrator may from time to time address to him for his guidance.

(3) Any authority given under this section may at any time be varied or revoked by Her Majesty by instructions given through a Secretary of State or by the Administrator by Instrument under the Public Seal.

Public Seal

7. The Administrator shall keep and use the Public Seal of the Northern Cameroons.

Constitution of offices

8. The Administrator, in Her Majesty's name and on Her Majesty's behalf, may constitute offices for the Northern Cameroons, make appointments to any such office and terminate any such appointment.

Power to make laws

9. The Administrator may by Proclamation make laws for the peace, order and good government of the Northern Cameroons.

Prerogative of mercy

10. The Administrator may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions; or

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence; or

(*c*) substitute a less severe form of punishment for any punishment imposed on that person for any offence; or

(*d*) remit the whole or any part of any punishment imposed on that person for any offence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.

Police

11.—(1) Any contingents of the Nigeria Police Force that may be stationed in the Northern Cameroons in pursuance of any arrangement made between Her Majesty's Government in the United Kingdom and Her Majesty's Government of the Federation of Nigeria shall have such powers and duties as may be conferred upon them by any law in force in the Northern Cameroons and shall be under the command of such officer of the Nigeria Police Force as may be designated in that behalf by the Administrator.

(2) The Administrator may give to the officer commanding the contingents of the Nigeria Police Force stationed in the Northern Cameroons such directions with respect to the maintaining and securing of public safety and public order as he may decide are desirable (including directions with respect to the use and operational control of those contingents) and the officer commanding the contingents shall comply with those directions or cause them to be complied with.

Establishment of High Court

12.—(1) There shall be a High Court for the Northern Cameroons.

(2) The High Court shall consist of a judge or judges who shall be appointed by the Administrator by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State and shall hold office during Her Majesty's pleasure.

(3) The High Court shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court, including the power to punish for contempt of itself.

Oaths to be taken by judges of High Court

13. A judge of the High Court of the Northern Cameroons shall, before entering upon the duties of his office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law.

Appeals to High Court from subordinate courts

14.—(1) An appeal shall lie from decisions of a subordinate court to the High Court as of right or, if it is provided by any law that an appeal as of right shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court as of right in the following cases—

(*a*) where the matter in dispute on the appeal to the High Court is of the value of fifty pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting

property or a right of the value of fifty pounds or upwards, final decisions in any civil proceedings;

(*b*) where the ground of appeal to the High Court involves questions of law alone, decisions in any criminal proceedings in which any person has been sentenced to imprisonment for a term exceeding three months or corporal punishment exceeding six strokes or a fine or forfeiture exceeding twenty-five pounds by the subordinate court from which the appeal lies to the High Court or that subordinate court has affirmed or substituted such a sentence;

(*c*) decisions on questions as to the interpretation of this Order in any civil or criminal proceedings;

(*d*) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of sections 18 to 31 of this Order has been contravened in relation to any person;

(*e*) decisions in any criminal proceedings in which any person has been sentenced to death by the subordinate court from which the appeal lies to the High Court or in which that subordinate court has affirmed a sentence of death;

(*f*) decisions in any other criminal proceedings before a subordinate court sitting at first instance from which no appeal lies as of right to another subordinate court; and

(*g*) such other cases as may be prescribed by any law.

(2) Nothing in paragraph (*a*) of subsection (1) of this section shall confer any right of appeal—

(*a*) from any decision of a subordinate court on a question relating to Moslem matters in any case in which it is provided by any law in force in the Northern Cameroons that an appeal shall lie as of right to the Sharia Court of Appeal;

(*b*) from any decision of the Sharia Court of Appeal on any such question; or

(*c*) from any decision of the Court of Resolution on any question relating to the respective jurisdictions of the High Court and the Sharia Court of Appeal.

(3) An appeal shall lie from decisions of a subordinate court to the High Court with the leave of the High Court or, if it is provided by any law that an appeal shall lie from that subordinate court to another subordinate court, an appeal shall thereafter lie to the High Court with the leave of the High Court in the following cases—

(*a*) decisions in any criminal proceedings from which no appeal lies as of right to the High Court; and

(*b*) such other cases in which no appeal lies as of right to the High Court as may be prescribed by any law.

(4) Any right of appeal from decisions of a subordinate court to the High Court conferred by this section—

(*a*) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court, at the instance of any other person having an interest in the matter and in the case of criminal proceedings at the instance of the accused person or at the instance of such other persons or authorities as may be prescribed by any law; and

(*b*) shall be exercised in accordance with any laws and rules of court for the time being in force regulating the powers, practice and procedure of the High Court.

(5) In this section—

"the Court of Resolution" means the Court of Resolution established by the Court of Resolution Law, 1960(a), as amended, or any law replacing that law in its application to the Northern Cameroons;

"decision" means, in relation to a subordinate court, any determination of that court and includes (without prejudice to the generality of the foregoing) a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation;

"question relating to Moslem matters" means—

(*a*) any question of Moslem law regarding a marriage concluded in accordance with that law, including a question relating to the dissolution of such a marriage or a question that depends on such a marriage relating to family relationship or the guardianship of an infant;

(*b*) where all the parties to the proceedings are Moslems, any question of Moslem law regarding a marriage, including the dissolution of that marriage, or regarding family relationship, a foundling or the guardianship of an infant;

(*c*) any question of Moslem law regarding a wakf, gift, will or succession where the endower, donor, testator or deceased person is a Moslem;

(*d*) any question of Moslem law regarding an infant, prodigal or person of unsound mind who is a Moslem or the maintenance or guardianship of a Moslem who is physically or mentally infirm; or

(*e*) where all the parties to the proceedings (whether or not they are Moslems) have by writing under their hand requested the court that hears the case in the first instance to determine that case in accordance with Moslem law, any other question;

"the Sharia Court of Appeal" means the Sharia Court of Appeal established by the Sharia Court of Appeal Law, 1960(b), as amended, or any law replacing that law in its application to the Northern Cameroons;

"subordinate court" means any court of law other than the Federal Supreme Court of Nigeria, the High Court or a court-martial.

Appeals to Federal Supreme Court of Nigeria

15.—(1) The Federal Supreme Court of Nigeria shall have jurisdiction to hear and determine appeals from the High Court.

(2) An appeal shall lie from decisions of the High Court to the Federal Supreme Court of Nigeria as of right in the following cases—

(*a*) final decisions in any civil proceedings before the High Court sitting at first instance;

(*b*) where the ground of appeal involves questions of law alone, decisions in any criminal proceedings before the High Court sitting at first instance;

(a) Law No. 17 of 1960. (b) Law No. 16 of 1960.

(*c*) decisions in any civil or criminal proceedings of questions as to the interpretation of this Order;

(*d*) decisions in any civil or criminal proceedings on questions as to whether any of the provisions of sections 18 to 31 of this Order has been contravened in relation to any person;

(*e*) decisions in any criminal proceedings in which any person has been sentenced to death by the High Court or in which the High Court has affirmed a sentence of death imposed by some other court; and

(*f*) such other cases as may be prescribed by any law in force in the Northern Cameroons:

Provided that nothing in paragraph (*a*) of this subsection shall confer any right of appeal—

(i) from any order made *ex parte*;

(ii) from any order relating only to costs;

(iii) from any order made with the consent of the parties; or

(iv) in the case of a party to proceedings for dissolution or nullity of marriage who, having had time and opportunity to appeal from any decree *nisi* in such proceedings, has not so appealed from any decree absolute founded upon such a decree *nisi*.

(3) Subject to the provisions of subsection (2) of this section, an appeal shall lie from decisions of the High Court to the Federal Supreme Court of Nigeria with the leave of the High Court or the Federal Supreme Court in the following cases—

(*a*) where the ground of appeal involves questions of fact, mixed law and fact or *quantum* of sentence, decisions in any criminal proceedings before the High Court sitting at first instance;

(*b*) any case in which, but for the terms of the proviso to subsection (2) of this section, an appeal would lie as of right to the Federal Supreme Court by virtue of paragraph (*a*) of that subsection;

(*c*) decisions in any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court; and

(*d*) such other cases as may be prescribed by any law in force in the Northern Cameroons.

(4) The Federal Supreme Court of Nigeria may dispose of any application for leave to appeal from any decision of the High Court in respect of any civil or criminal proceedings in which an appeal has been brought to the High Court from some other court of the Northern Cameroons upon consideration of the records of the proceedings if the Federal Supreme Court is of opinion that the interests of justice do not require an oral hearing of the application.

(5) Any right of appeal to the Federal Supreme Court of Nigeria from the decisions of the High Court conferred by this section—

(*a*) shall be exercisable in the case of civil proceedings at the instance of a party thereto or, with the leave of the High Court or the Federal Supreme Court, at the instance of any other person having an interest in the matter and in the case of criminal

proceedings at the instance of an accused person or at the instance of such other persons or authorities as may be prescribed by any law in force in the Northern Cameroons; and

(*b*) shall be exercised in accordance with any laws and rules of court for the time being in force in the Northern Cameroons regulating the powers, practice and procedure of the Federal Supreme Court.

(6) In this section "decision" means, in relation to the High Court, any determination of that court and includes (without prejudice to the generality of the foregoing) a judgment, decree, order, conviction, sentence (other than a sentence fixed by law) or recommendation.

Powers, practice and procedure of Federal Supreme Court of Nigeria

16.—(1) The Federal Supreme Court of Nigeria shall be a superior court of record in the Northern Cameroons and, save as otherwise provided by any law in force in the Northern Cameroons, shall have all the powers of such a court.

(2) The decisions of the Federal Supreme Court of Nigeria shall be enforced in the Northern Cameroons by the High Court and by all persons, authorities and other courts in the Northern Cameroons as if they were decisions of the High Court.

(3) The Federal Supreme Court of Nigeria may make rules for regulating the practice and procedure of the Court in the exercise of the jurisdiction conferred upon it by this Order.

(4) The Administrator may by Proclamation confer upon the Federal Supreme Court of Nigeria such powers additional to those conferred by this Order as appear to be necessary or desirable for enabling the court more effectively to exercise its jurisdiction under this Order.

Appeal from Federal Supreme Court of Nigeria to Her Majesty in Council

17.—(1) Subject to the provisions of this Order, an appeal shall lie from a decision of the Federal Supreme Court of Nigeria given in exercise of the jurisdiction conferred upon it by this Order to Her Majesty in Council as of right in the following cases—

(*a*) where the matter in dispute on the appeal to Her Majesty in Council amounts to or is of the value of five hundred pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of five hundred pounds or upwards, final decisions in any civil proceedings;

(*b*) final decisions in proceedings for dissolution or nullity of marriage;

(*c*) final decisions in any civil or criminal proceedings on questions as to the interpretation of this Order; and

(*d*) such other cases as may be prescribed by any law in force in the Northern Cameroons.

(2) Subject to the provisions of this Order, an appeal shall lie from decisions of the Federal Supreme Court of Nigeria given in exercise of the jurisdiction conferred upon it by this Order to Her Majesty in Council with the leave of the Federal Supreme Court in the following cases—

(*a*) where in the opinion of the Federal Supreme Court the question involved in the appeal is one which, by reason of its great general

or public importance or otherwise, ought to be submitted to Her Majesty in Council ; or

(*b*) in such other cases as may be prescribed by any law in force in the Northern Cameroons.

(3) Nothing in this section shall affect any right of Her Majesty to grant special leave to appeal to Her Majesty in Council from decisions of the Federal Supreme Court of Nigeria given in exercise of the jurisdiction conferred upon it by this Order in any civil or criminal matter.

Deprivation of life

18.—(1) No person shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable—

(*a*) for the defence of any person from violence or for the defence of property ;

(*b*) in order to effect an arrest or to prevent the escape of a person detained ;

(*c*) for the purpose of suppressing a riot, insurrection or mutiny ; or

(*d*) in order to prevent the commission by that person of a criminal offence.

(3) The use of force in circumstances in which and to the extent to which it would have been authorized in the Northern Cameroons on the first day of November, 1959, by the Code of Criminal Law established by the Criminal Code Ordinance(a), as amended, shall be regarded as reasonably justifiable for the purposes of this section.

Inhuman treatment

19.—(1) No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

(2) Nothing in this section shall invalidate any law by reason only that it authorizes the infliction of any publishment that was lawful and customary in the Northern Cameroons on the first day of November, 1959.

Slavery and forced labour

20.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section "forced labour" does not include—

(*a*) any labour required in consequence of the sentence or order of a court ;

(*b*) any labour required of members of the armed forces of the Crown in pursuance of their duties as such or, in the case of persons who

(a) Laws of Nigeria, Rev. 1948, Chapter 42.

have conscientious objections to service in the armed forces, any labour required instead of such service;

(*c*) any labour required in the event of an emergency or calamity threatening the life or well-being of the community; or

(*d*) any labour that forms part of normal communal or other civil obligations.

Deprivation of personal liberty

21.—(1) No person shall be deprived of his personal liberty save in the following cases and in accordance with a procedure permitted by law—

(*a*) in consequence of his unfitness to plead to a criminal charge, in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty or in the execution of the order of a court of record punishing him for contempt of itself;

(*b*) by reason of his failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him by law;

(*c*) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence;

(*d*) in the case of a person who has not attained the age of twenty-one years, for the purpose of his education or welfare;

(*e*) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or

(*f*) for the purpose of preventing the unlawful entry of any person into the Northern Cameroons or for the purpose of effecting the expulsion, extradition or other lawful removal from the Northern Cameroons of any person or the taking of proceedings relating thereto.

(2) Any person who is arrested or detained shall be promptly informed, in language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained in accordance with paragraph (*c*) of subsection (1) of this section shall be brought before a court of law without undue delay and if he is not tried within a reasonable time he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.

(4) Any person who is unlawfully arrested or detained shall be entitled to compensation.

(5) Nothing in this section shall invalidate any law by reason only that it authorizes the detention for a period not exceeding three months of a member of the armed forces of the Crown or a member of a police force in execution of a sentence imposed by an officer of the armed forces of the Crown or a police force, as the case may be, in respect of an offence punishable by such detention of which he has been found guilty.

Determination of rights

22.—(1) In the determination of his civil rights and obligations a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality :

Provided that nothing in this subsection shall invalidate any law by reason only that it confers on any person or authority power to determine questions arising in the administration of a law that affect or may affect the civil rights and obligations of any person.

(2) Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair hearing within a reasonable time by a court.

(3) The proceedings of a court or the proceedings of any tribunal relating to the matters mentioned in subsection (1) of this section (including the announcement of the decisions of the court or tribunal) shall be held in public :

Provided that—

(*a*) a court or such a tribunal may exclude from its proceedings persons other than the parties thereto in the interests of defence, public safety, public order, public morality, the welfare of persons who have not attained the age of twenty-one years, the protection of the private lives of the parties or to such extent as it may consider necessary by reason of special circumstances in which publicity would be contrary to the interests of justice ; and

(*b*) if in any proceedings before a court or such a tribunal, the Administrator certifies that it would not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard *in camera* and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter.

(4) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty :

Provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts.

(5) Every person who is charged with a criminal offence shall be entitled—

(*a*) to be informed promptly, in language that he understands and in detail, of the nature of the offence ;

(*b*) to be given adequate time and facilities for the preparation of his defence ;

(*c*) to defend himself in person or by legal representatives of his own choice ;

(*d*) to examine in person or by his legal representatives the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to the witnesses called by the prosecution ; and

(*e*) to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence :

Provided that nothing in this subsection shall invalidate any law by

reason only that the law prohibits legal representation in a court established by or under the Native Courts Law, 1956(a), the Sharia Court of Appeal Law, 1960, or the Court of Resolution Law, 1960, as amended, or any laws replacing those laws in their application to the Northern Cameroons.

(6) When any person is tried for any criminal offence, the court shall keep a record of the proceedings and the accused person or any person authorized by him in that behalf shall be entitled to obtain copies of the record within a reasonable time upon payment of such fee as may be prescribed by law.

(7) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed.

(8) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court; and no person who shows that he has been pardoned for a criminal offence shall again be tried for that offence.

(9) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(10) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law:

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefor is not so prescribed.

(11) This section shall have effect until such date as may be fixed by the Administrator by order as if subsection (10) were omitted.

Private and family life

23.—(1) Every person shall be entitled to respect for his private and family life, his home and his correspondence.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(*a*) in the interest of defence, public safety, public order, public morality, public health or the economic well-being of the community; or

(*b*) for the purpose of protecting the rights and freedom of other persons.

Freedom of conscience

24.—(1) Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief and freedom, either alone or in community with others, and in public

(a) Law No. 6 of 1956.

or in private to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observances if such instruction, ceremony or observances relate to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

(4) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(*a*) in the interest of defence, public safety, public order, public morality or public health ; or

(*b*) for the purpose of protecting the rights and freedom of other persons, including their rights and freedom to observe and practise their religions without the unsolicited intervention of members of other religions.

Freedom of expression

25.—(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(*a*) in the interest of defence, public safety, public order, public morality or public health ;

(*b*) for the purpose of protecting the rights, reputations and freedom of other persons, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating telephony, wireless broadcasting, television, or the exhibition of cinematograph films ; or

(*c*) imposing restrictions upon persons holding office under the Crown, members of the armed forces of the Crown or members of a police force.

Peaceful assembly and association

26.—(1) Every person shall be entitled to assemble freely and associate with other persons and in particular he may form or belong to trade unions and other associations for the protection of his interests.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(*a*) in the interest of defence, public safety, public order, public morality or public health ;

(*b*) for the purpose of protecting the rights and freedoms of other persons ; or

(*c*) imposing restrictions upon persons holding office under the Crown, members of the armed forces of the Crown or members of a police force.

Freedom of movement

27.—(1) Every person to whom this section applies is entitled to move freely throughout the Northern Cameroons and to reside in any part thereof; and no such person shall be expelled from the Northern Cameroons or refused entry thereto.

(2) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society—

(*a*) restricting the movement or residence of any person within the Northern Cameroons in the interest of defence, public safety, public order, public morality or public health;

(*b*) for the removal of persons from the Northern Cameroons to be tried outside the Northern Cameroons for criminal offences or to undergo imprisonment outside the Northern Cameroons in execution of the sentences of courts in respect of criminal offences of which they have been found guilty; or

(*c*) imposing restrictions upon the movement or residence within the Northern Cameroons of members of the public service, members of the armed forces of the Crown or members of a police force.

(3) Nothing in this section shall invalidate any law by reason only that the law imposes restrictions with respect to the acquisition or use by any person of land or other property in the Northern Cameroons or any part thereof.

(4) This section applies to any person who belongs to the Northern Cameroons.

(5) For the purposes of this section a person shall be deemed to belong to the Northern Cameroons if he is a British subject or a British protected person and—

(*a*) was born in the Northern Cameroons or of parents who at the time of his birth were ordinarily resident in the Northern Cameroons; or

(*b*) has been ordinarily resident in the Northern Cameroons continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of the Commonwealth; or

(*c*) has obtained the status of a British subject by reason of the grant by the Commissioner or by the Governor of Nigeria or the Governor-General of the Federation of Nigeria of a certificate of naturalization under the British Nationality and Status of Aliens Act, 1914(**a**), the Naturalisation of Aliens Ordinance (**b**), of the Federation of Nigeria or the British Nationality Act, 1948(**c**) and was at the time that certificate was granted ordinarily resident in the Northern Cameroons; or

(*d*) is the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a court or a deed of separation; or

(*e*) is the child, stepchild or child adopted in a manner recognised by law under the age of eighteen years of a person to whom any of the foregoing paragraphs applies.

(**a**) 4 & 5 Geo. 5. c. 17. (**b**) Laws of Nigeria, Rev. 1948, Chapter 146.
(**c**) 11 & 12 Geo. 6. c. 56.

Freedom from discrimination

28.—(1) A person of a particular community, tribe, place of origin, religion or political opinion shall not, by reason only that he is such a person—

(*a*) be subjected either expressly by, or in the practical application of, any law or any executive or administrative action of the Government to disabilities or restrictions to which persons of other communities, tribes, places of origin, religions or political opinions are not made subject; or

(*b*) be accorded either expressly by, or in the practical application of, any law or any such executive or administrative action any privilege or advantage that is not conferred on persons of other communities, tribes, places of origin, religions or political opinions.

(2) Nothing in this section shall invalidate any law by reason only that the law—

(*a*) prescribes qualifications for service in an office under the Crown or as a member of the armed forces of the Crown or a member of a police force or for the service of a body corporate directly established by any law in force in the Northern Cameroons;

(*b*) imposes restrictions with respect to the appointment of any person to an office under the Crown or as a member of the armed forces of the Crown or a member of a police force or to an office in the service of a body corporate directly established by any law in force in the Northern Cameroons;

(*c*) imposes restrictions with respect to the acquisition or use of any person of land or property in the Northern Cameroons or any part thereof;

(*d*) imposes restrictions upon the employment, movement or residence within the Northern Cameroons of persons to whom section 27 of this Order does not apply or provides for the expulsion of such persons from the Northern Cameroons or the refusal to allow them to enter the Northern Cameroons; or

(*e*) imposes any disability or restriction or accords any privilege or advantage that, having regard to its nature and to special circumstances pertaining to the persons to whom it applies, is reasonably justifiable in a democratic society.

Derogations from fundamental rights

29.—(1) A law shall not be invalid by reason only that it provides for the taking, during periods of emergency, of measures that contravene the provisions of sections 18, 21, 22 or 28 of this Order but no such measures shall be taken in pursuance of any such law during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency:

Provided that nothing in this section shall authorize any derogation from the provisions of section 18 of this Order except in respect of deaths resulting from acts of war or from the provisions of subsection (7) of section 22.

(2) In this section "period of emergency" means a period during which Part II of the Emergency Powers Order in Council, 1939(a), as amended (b), is in force in the Northern Cameroons or any part thereof.

Reference to tribunal in certain cases

30.—(1) Where—

(*a*) any person is lawfully detained in pursuance of a law derogating from the provisions of section 21 of this Order; or

(*b*) the movement or residence within the Northern Cameroons of any person who is a person to whom section 27 of this Order applies is lawfully restricted (otherwise than by order of a court of law) in the interest of defence, public safety, public order, public morality or public health,

that person shall be entitled to require that his case should be referred within one month of the beginning of the period of detention or restriction and thereafter during that period at intervals of not more than six months to a tribunal established by law and that tribunal may make recommendations concerning the necessity or expediency of continuing the detention or restriction to the authority that has ordered it:

Provided that such authority, unless it is otherwise provided by law, shall not be obliged to act in accordance with any such recommendation.

(2) A tribunal established for the purposes of this section shall be constituted in such manner as to ensure its independence and impartiality and its chairman shall be appointed by the Administrator from among the persons qualified for admission in the Northern Cameroons as barristers or solicitors.

Compulsory acquisition of property

31.—(1) No property, movable or immovable, shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily except by or under the provisions of a law that—

(*a*) requires the payment of adequate compensation therefor; and

(*b*) gives to any person claiming such compensation a right of access, for the determination of his interest in the property and the amount of compensation, to the High Court.

(2) Nothing in this section shall affect the operation of any law in force on the thirty-first day of March, 1958, or any law made after that date that amends or replaces any such law and does not—

(*a*) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired;

(*b*) add to the purposes for which or circumstances in which such property may be taken possession of or acquired;

(*c*) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owning or interested in the property; or

(*d*) deprive any person of any such right as is mentioned in paragraph (*b*) of subsection (1) of this section.

(a) *See* S.I. 1952 I, at p. 621.

(b) S.I. 1952/2031, 1956/731, 1959/1310 (1952 I, p. 620; 1956 I, p. 512; 1959 II, p. 1996).

(3) Nothing in this section shall be construed as affecting any general law—

(*a*) for the imposition or enforcement of any tax, rate or due;

(*b*) for the imposition of penalties or forfeitures for breach of the law, whether under civil process or after conviction of an offence;

(*c*) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts;

(*d*) relating to the vesting and administration of the property of persons adjudged or otherwise declared bankrupt or insolvent, of persons of unsound mind, of deceased persons and of companies, other bodies corporate and unincorporate societies in the course of being wound up;

(*e*) relating to the execution of judgments or orders of courts;

(*f*) providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals;

(*g*) relating to enemy property;

(*h*) relating to trusts and trustees;

(*i*) relating to the limitation of actions;

(*j*) relating to property vested in bodies corporate directly established by any law in force in the Northern Cameroons;

(*k*) relating to the temporary taking of possession of property for the purposes of any examination, investigation or enquiry; or

(*l*) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply in relation to the compulsory taking of possession of property, movable or immovable, and the compulsory acquisition of rights over and interest in such property by or on behalf of the Crown.

Special jurisdiction of High Court.

32.—(1) Any person who alleges that any of the provisions of sections 18 to 31 of this Order have been contravened in relation to him may apply to the High Court of the Northern Cameroons for redress.

(2) The High Court shall have jurisdiction to hear and determine any application made to it in pursuance of this section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement, of any rights to which the person who makes the application may be entitled under any of the provisions of sections 18 to 31 of this Order.

(3) The Administrator may by Proclamation make provision with respect to the practice and procedure of the High Court for the purposes of this section and may confer upon the court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section.

Interpretation of ss. 18 *to* 32

33. In sections 18 to 32 of this Order, unless it is otherwise expressly provided or required by the context—

"court" means any court of law in the Northern Cameroons (other than a court-martial) and includes the Federal Supreme Court of Nigeria and Her Majesty in Council:

Provided that, in relation to a member of the armed forces of the Crown, it also includes a court-martial;

"law" includes an unwritten rule of law;

"member of the armed forces of the Crown" includes any person who is subject to naval, military or air-force law;

"member of a police force" includes a person who is subject to any law relating to the discipline of a police force.

Existing laws

34.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the Orders in Council specified in the First Schedule to this Order, have effect after the commencement of this Order as if they had been made in pursuance of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(3) For the purposes of this section "the existing laws" mean all Ordinances, Laws, rules, regulations, orders and other instruments having the effect of law made or having effect as if they had been made in pursuance of the Orders in Council specified in the First Schedule to this Order and having effect as part of the law of the Northern Cameroons immediately before the commencement of this Order.

Pending legal proceedings

35. Any proceedings pending immediately before the commencement of this Order before the High Court of the Northern Region may, in so far as they relate to matters with respect to which the High Court established by this Order has jurisdiction, be continued before the High Court as if they had been initiated before that Court after the commencement of this Order.

Interpretation

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

"Commonwealth" means the United Kingdom and Colonies, Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, the Republic of Cyprus and Nigeria and any dependency of any such country;

"the Northern Cameroons" means that part of the Cameroons as defined in section 2 of the Nigeria (Constitution) Order in Council,

1954(a), that immediately before the commencement of this Order was comprised in the Northern Region of Nigeria as established by section 3 of that Order;

"oath" includes affirmation;

"the oath of allegiance" means an oath of allegiance in such form as may be prescribed by any law;

"the public service" means the service of the Crown in a civil capacity in respect of the government of the Northern Cameroons.

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

(*a*) references to persons holding offices in the public service include references to persons acting in those offices; and

(*b*) references to offices in the public service include references to the offices of a judge of the High Court and references to the offices of members of all other courts established by any law, being offices the emoluments attaching to which are paid out of the public funds of the Northern Cameroons.

(3) The Interpretation Act, 1889(b), shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of the Parliament of the United Kingdom.

W. G. Agnew.

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

THE FIRST SCHEDULE Section 1

ORDERS IN COUNCIL REVOKED BY THIS ORDER

The Nigeria (Constitution) Order in Council, 1954.
The Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(a).
The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1955(b).
The Nigeria (Constitution) (Amendment) Order in Council, 1955(c).
The Nigeria (Constitution) (Amendment) Order in Council, 1956(d).
The Nigeria (Tribunals of Inquiry) Order in Council, 1956(e).
The Nigeria (Constitution) (Amendment) Order in Council, 1957(f).
The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957(g).
The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957(h).
The Nigeria (Constitution) (Amendment) Order in Council, 1958(i).
The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958(j).
The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958(k).
The Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1958(l).
The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958(m).
The Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958(n).
The Nigeria (Constitution) (Amendment) Order in Council, 1959(o).
The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1959(p).
The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1959(q).
The Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1959(r).
The Nigeria (Constitution) (Amendment No. 3) Order in Council, 1959(s).
The Nigeria (Constitution) (Amendment No. 4) Order in Council, 1959(t).
The Nigeria (Offices of Governor-General and Governors) (Amendment No. 3) Order in Council, 1959(u).
The Nigeria (Constitution) (Amendment) Order in Council, 1960(v).
The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1960(w).
The Nigeria (Constitution) (Amendment No. 2) Order in Council, 1960(x).

(a) S.I. 1954/1147 (1954 II, p. 2939).
(b) S.I. 1955/431 (1955 II, p. 3167).
(c) S.I. 1955/432 (1955 II, p. 3163).
(d) S.I. 1956/836 (1956 II, p. 2953).
(e) S.I. 1956/1210 (1956 II, p. 2958).
(f) S.I. 1957/1363 (1957 II, p. 3028).
(g) S.I. 1957/1530 (1957 II, p. 3030).
(h) S.I. 1957/1531 (1957 II, p. 3053).
(i) S.I. 1958/429 (1958 II, p. 2757).
(j) S.I. 1958/430 (1958 II, p. 2749).
(k) S.I. 1958/1257 (1958 II, p. 2811).
(l) S.I. 1958/1258 (1958 II, p. 2755).
(m) S.I. 1958/1522 (1958 II, p. 2822).
(n) S.I. 1958/1958 (1958 II, p. 2825).
(o) S.I. 1959/368 (1959 II, p. 3195).
(p) S.I. 1959/369 (1959 II, p. 3189).
(q) S.I. 1959/1049 (1959 II, p. 3215).
(r) S.I. 1959/1050 (1959 II, p. 3191).
(s) S.I. 1959/1772 (1959 II, p. 3229).
(t) S.I. 1959/1981 (1959 II, p. 3266).
(u) S.I. 1959/1982 (1959 II, p. 3192).
(v) S.I. 1960/203.
(w) S.I. 1960/704.
(x) S.I. 1960/1290.

Section 4 THE SECOND SCHEDULE

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF ADMINISTRATOR

I, do swear (*or* solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of Administrator of the Northern Cameroons (so help me God).

EXPLANATORY NOTE

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

This Order makes provision for the administration of the United Nations Trust Territory of the Northern Cameroons under British Administration after its separation from Nigeria.