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.

"the Order in Council" means the West African Territories (Air Transport) Order in Council, 1946(a), as amended by the Orders in Council mentioned in the Schedule to this Order;

"the Territories" mean Nigeria, Sierra Leone and the Gambia.

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

Winding up and dissolution of the Corporation

3. The Corporation shall be wound up and dissolved in accordance with the provisions of this Order.

Effects of coming into operation of Order

4. Upon the commencement of this Order—

(*a*) the Authority established under section 3 of the Order in Council shall cease to exist;

(*b*) section 10, except paragraph (*d*) of subsection (2) thereof, and sections 17, 18 and 19 of the Order in Council shall cease to have effect;

(*c*) section 15 of the Order in Council shall have effect as if—

(i) references therein to the Authority were references to the Designated Authority as defined by this Order;

(ii) the reference in subsection (1) to a financial year were a reference to such period as the Designated Authority, as defined by this Order, may direct;

(iii) subsection (4) were omitted.

(*d*) section 16 of the Order in Council shall have effect as if—

(i) references in subsection (1) to the Authority were references to the Designated Authority as defined by this Order;

(ii) the references in subsection (1) to a financial year and to "that year", respectively, were references to such period as the Designated Authority, as defined by this Order, may direct;

(iii) subsections (2) and (3) were omitted.

Powers of the Designated Authority and liquidator in relation to the winding up of the Corporation

5.—(1) The Designated Authority shall make arrangements for the winding up of the Corporation and, without prejudice to the generality of the foregoing power, shall appoint a liquidator for that purpose.

(2) A liquidator appointed under the preceding subsection shall act in accordance with any directions given to him by the Designated Authority for the discharge of his duties, and subject thereto shall have power—

(*a*) to bring and defend any action or legal proceeding in the name of the Corporation;

(*b*) to discharge the liabilities of the Corporation;

(*c*) to make any compromise or arrangement with the creditors of the Corporation;

(a) S.R. & O. 1946/682 (Rev. VIII, p. 395: 1946 I, p. 622).
(b) 52 & 53 Vict. c. 63.

(*d*) to sell or otherwise dispose of the real and personal property and things in action of the Corporation;

(*e*) to do all such things as may be necessary for the winding up of the affairs of the Corporation and the distribution of its assets.

(3) The Designated Authority may revoke or vary any direction given under this section.

(4) (*a*) The Designated Authority may fix the remuneration to be paid to the liquidator.

(*b*) The Designated Authority may at any time remove the liquidator from office or fill any vacancy which may occur in the office of liquidator.

(5) (*a*) Without prejudice to the provisions of subsection (2) of this section, the Designated Authority may by regulation confer upon the liquidator such other powers or duties as the Designated Authority may deem necessary for the purpose of enabling the affairs of the Corporation to be properly wound up:

Provided that no powers so conferred shall exceed the powers conferred upon the liquidator by the Companies Act, 1948(a), in a members voluntary winding up of a company.

(*b*) Any reference in this subsection to the powers conferred on a liquidator by the Companies Act, 1948, is a reference to powers so conferred whether exercisable by the liquidator alone or exercisable by the liquidator with the sanction of the court or of any other body or person, as the case may be.

(*c*) No regulation made under this subsection shall have effect in any of the Territories until it has been published in the Gazette of that Territory.

(6) In the exercise of any powers or in the performance of any duties conferred or imposed on the Designated Authority by the provisions of this section the Designated Authority shall not act except with the agreement of the Government of Ghana.

Creditors' rights

6. Any law for the time being in force in any of the Territories which makes provision whereby a creditor may apply to a court to determine any question arising in a voluntary winding up of a company shall, to the extent that it makes such a provision, apply in that Territory in relation to the winding up of the Corporation subject to such modifications and adaptations as the circumstances may require:

Provided that none of the Governments of the Territories shall be regarded as a creditor of the Corporation for the purpose of the application as aforesaid of any such law.

Arbitration

7.—(1) In the event of any disagreement arising between the members of the Designated Authority or between the Designated Authority and the Government of Ghana in connection with the winding up of the Corporation, and in particular with respect to—

(*a*) the appointment of a liquidator;

(a) 11 & 12 Geo. 6. c. 38.

(*b*) the assessment of the value of the assets of the Corporation; or

(*c*) the distribution of the assets of the Corporation,

the matter in dispute shall be referred to an Arbitrator whose decision shall be final.

(2) In default of agreement as to who shall be appointed as Arbitrator or as to the manner in which the matter in dispute shall be referred to arbitration, or as to the manner in which the arbitration proceedings shall be conducted, a decision shall be sought from the President of the Council of the International Civil Aviation Organisation and his decision shall be final.

Dissolution of Corporation

8. When the Designated Authority—

(*a*) is satisfied that the affairs of the Corporation have been properly wound up, and that the provisions of sections 15 and 16 of the Order in Council, as amended by paragraphs (*c*) and (*d*) of section 4 of this Order, have been complied with, and

(*b*) has been informed in writing by the Government of Ghana that that Government is also satisfied as aforesaid,

the Designated Authority shall forthwith, by notice published in the Gazette of each of the Territories, appoint a day for the dissolution of the Corporation and the Corporation shall be deemed to be dissolved as from that date.

Revocation of the West African Territories (Air Transport) Order in Council, 1946

9. The Order in Council is revoked as from the day appointed under the preceding section for the dissolution of the Corporation.

W. G. Agnew.

SCHEDULE

The West African Territories (Air Transport) (Amendment) Order in Council, 1949(**a**).

The West African Territories (Air Transport) (Amendment) Order in Council, 1951(**b**).

The West African Territories (Air Transport) (Amendment) Order in Council, 1954(**c**).

The West African Territories (Air Transport) (Amendment) Order in Council, 1956(**d**).

EXPLANATORY NOTE

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

This Order provides for the winding up and dissolution of the Corporation of West African Airways and for the revocation of the West African Territories (Air Transport) Order in Council, 1946.

(**a**) S.I. 1949/1234 (1949 I, p. 1922). (**b**) S.I. 1951/1775 (1951 II, p. 1346).
(**c**) S.I. 1954/1373 (1954 II, p. 2758). (**d**) S.I. 1956/91 (1956 II, p. 2978).