

TABLE OF THE WESTERN REGION OF NIGERIA LAWS, 1958
ALPHABETICAL ORDER

<i>Title</i>	<i>Page</i>
Apportionment Law, 1958	A 103
1958-59 Appropriation Law, 1958	A 119
Bills of Sale Law, 1958	A 225
1958-59 (Capital Budget) Appropriation Law, 1958	A 223
Carriers Law, 1958	A 123
Chiefs (Amendment) Law, 1958	A 57
Colony Development Board (Federal Legislature) (Enabling) Law, 1957	A 29
Communal Land Rights (Vesting in Trustees) Law, 1958... ..	A 215
Contracts Law, 1958	A 79
Crown Agents (Change of Designation) Law, 1957... ..	A 53
Curfew Law, 1958	A 15
Customary Courts (Amendment) Law, 1957	A 5
Customary Courts (Amendment) Law, 1958	A 33
Defamation Law, 1958... ..	A 171
Education (Amendment) Law, 1958	A 143
Finance Corporation and Local Loans Boards (Amendment) Law, 1958... ..	A 149
Finance Corporation and Local Loans Boards (Amendment) (No. 2) Law, 1958... ..	A 153
Finance (Establishment and Control of Funds) Law, 1958	A 263
Governor's Statutory Functions (Transfer to Regional Ministers) Law, 1957	A 59
Habeas Corpus Law, 1958	A 89
Income Tax (Amendment) Law, 1957	A 1
Income Tax (Amendment) Law, 1958	A 269
Infants Law, 1958	A 95
Innkeepers Law, 1958	A 67
Interpretation (Amendment and Validation) Law, 1957	A 3
Interpretation (Amendment) Law, 1958	A 61
Landlord and Tenant Law, 1958	A 133
Law Enforcement Law, 1957	A 259
Liquor Licensing Law, 1958	A 237
Local Government (Amendment) Law, 1957	A 9
Local Government (Amendment) Law, 1958	A 19
Local Government (Amendment) (No. 2) Law, 1958	A 161
Local Government (Amendment) (No. 3) Law, 1958	A 255
Magistrates' Courts (Western Region) (Amendment) Law, 1957	A 7
Marketing Board (Amendment) Law, 1958	A 155
Marketing Board (Amendment) (No. 2) Law, 1958	A 159
Married Women's Property Law, 1958	A 71
Mercantile Agents Law, 1958	A 107
Native Lands Acquisition (Amendment) Law, 1957	A 11
Partnership Law, 1958	A 199
Pilgrims Welfare Board Law, 1958	A 47
Prescription Law, 1958	A 85
Public Lands Acquisition (Amendment) Law, 1958	A 55
Sale of Goods Law, 1958	A 181
Statutory Declarations Law, 1958	A 129
1956-57 (Supplementary) Appropriation Law, 1957	A 27
1957-58 (Supplementary) Appropriation Law, 1958	A 63
Torts Law, 1958	A 165
Western Region Housing Corporation Law, 1958	A 35
Western Region Production Development Board (Amendment) Law, 1958	A 145
Western Region Production Development Board (Amendment) (No. 2) Law, 1958	A 147
Wills Law, 1958	A 111

TABLE OF THE WESTERN REGION OF NIGERIA LAWS, 1958
CHRONOLOGICAL ORDER

No.	Title	Date of Commencement
1.	Income Tax (Amendment) Law, 1957	1-4-57
2.	Interpretation (Amendment and Validation) Law, 1957	27-3-58
3.	Customary Courts (Amendment) Law, 1957	20-2-58
4.	Magistrates' Courts (Western Region) (Amendment) Law, 1957	27-2-58
5.	Local Government (Amendment) Law, 1957	12-4-57
6.	Native Lands Acquisition (Amendment) Law, 1957	6-3-58
7.	Curfew Law, 1958	1-4-58
8.	Local Government (Amendment) Law, 1958	30-4-58
9.	1956-57 (Supplementary) Appropriation Law, 1957	8-5-58
10.	Colony Development Board (Federal Legislature) (Enabling) Law, 1957	15-5-58
11.	Customary Courts (Amendment) Law, 1958	29-5-58
12.	Western Region Housing Corporation Law, 1958	20-6-58
13.	Pilgrims Welfare Board Law, 1958	1-10-58
14.	Crown Agents (Change of Designation) Law, 1957	5-6-58
15.	Public Lands Acquisition (Amendment) Law, 1958	19-6-58
16.	Chiefs (Amendment) Law, 1958	19-6-58
17.	Governor's Statutory Functions (Transfer to Regional Ministers) Law, 1957	10-7-58
18.	Interpretation (Amendment) Law, 1958	17-7-58
19.	1957-58 (Supplementary) Appropriation Law, 1958	17-7-58
20.	Innkeepers Law, 1958	24-7-58
21.	Married Women's Property Law, 1958	24-7-58
22.	Contracts Law, 1958	24-7-58
23.	Prescription Law, 1958	24-7-58
24.	Habeas Corpus Law, 1958	24-7-58
25.	Infants Law, 1958	24-7-58
26.	Apportionment Law, 1958	24-7-58
27.	Mercantile Agents Law, 1958	24-7-58
28.	Wills Law, 1958	24-7-58
29.	1958-59 Appropriation Law, 1958	24-7-58
30.	Carriers Law, 1958	31-7-58
31.	Statutory Declaration Law, 1958	31-7-58
32.	Landlord and Tenant Law, 1958	31-7-58
33.	Education (Amendment) Law, 1958	1-4-58
34.	Western Region Production Development Board (Amendment) Law, 1958	31-7-58
35.	Western Region Production Development Board (Amendment) (No. 2) Law, 1958	31-7-58
36.	Finance Corporation and Local Loans Boards (Amendment) Law, 1958	31-7-58
37.	Finance Corporation and Local Loans Boards (Amendment) (No. 2) Law, 1958	31-7-58
38.	Marketing Board (Amendment) Law, 1958	31-7-58
39.	Marketing Board (Amendment) (No. 2) Law, 1958	31-7-58
40.	Local Government (Amendment) (No. 2) Law, 1958	31-7-58
41.	Torts Law, 1958	14-8-58
42.	Defamation Law, 1958	14-8-58
43.	Sale of Goods Law, 1958	14-8-58
44.	Partnership Law, 1958	14-8-58
45.	Communal Land Rights (Vesting in Trustees) Law, 1958	21-8-58
46.	1958-59 (Capital Budget) Appropriation Law, 1958	1-4-58
47.	Bills of Sale Law, 1958	2-10-58
48.	Liquor (Licensing) Law, 1958	1-11-58
49.	Local Government (Amendment) (No. 3) Law, 1958	12-4-57
50.	Law Enforcement Law, 1957	30-10-58
51.	Finance (Establishment and Control of Funds) Law, 1958	1-8-58
52.	Income Tax (Amendment) Law, 1958	1-4-57

1958 NOTICES OF CONFIRMATION OF THE WESTERN REGION
OF NIGERIA LAWS

Year	No.	Law	1958 W.R. Notices	Page
1958	2	Interpretation (Amendment and Validation) Law, 1957	265	145

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION

No. of Laws affected	Short title	How affected	Law of 1958
W.R. Law No. 16 of 1957.	Income Tax Law, 1957 ...	Sections 28 and 32 amended ...	1
Cap. 94 ...	Interpretation Ordinance ...	Section 47 amended ...	2
W.R. Law No. 26 of 1957.	Customary Courts Law, 1957...	Section 48 amended ...	3
W.R. Law No. 5 of 1955.	Magistrates' Courts (Western Region) Law, 1954.	Section 13 amended, Section 13A inserted.	4
W.R. Law No. 12 of 1957.	Local Government Law, 1957	Section 171 amended ...	5
W.R. Law No. 4 of 1952.	Native Lands Acquisition Law, 1952.	Section 2 amended, Sections 3, 7 and sub-section 1 of section 4 replaced.	6
W.R. Law No. 12 of 1957.	Local Government Law, 1957	Sections 21, 25, 26, 29, 30, 31, 86, 90, 119, 150, 168, 169, 173, 174, 249, 264, 274 and Third Schedule to Principal Law amended. Sections 95A, 95B, 166A, 257A and 282A inserted. Sections 170 and 268 repealed and replaced.	8
W.R. Law No. 26 of 1957.	Customary Courts Law, 1957...	Sections 1, 2, 11 and 12 (2) amended.	11
Cap. 185...	Public Lands Acquisition Ordinance.	Section 10 amended ...	15
W.R. Law No. 20 of 1957.	Chiefs Law, 1957 ...	Section 18 amended ...	16
Cap. 94 ...	Interpretation Ordinance ...	Section 33n, inserted by Law 3 of 1957, is amended.	18
W.R. Law No. 6 of 1955.	Education Law, 1954 ...	Sub-sections (1) of section 2 and (6) of section 5 amended. Sections 13 (1), 67 (1), (2), (3), 68 (1), (2), 69 (1), (2), 70 (1), (3), (4), 72 (1), (2) and paragraph 6 of Part III of Schedule amended.	33
W.R. Law No. 12 of 1955.	Western Region Production Development Board Law, 1955.	Sections 4, 5 and 12 amended ...	34
W.R. Law No. 12 of 1955.	Western Region Production Development Board Law, 1955.	Section 20 (a) repealed and replaced.	35
W.R. Law No. 9 of 1955.	Finance Corporation and Local Loans Boards Law, 1955.	New section 5 substituted. First schedule amended.	36
W.R. Law No. 9 of 1955.	Finance Corporation and Local Loans Boards Law, 1955.	Sections 15 and 28 amended ...	37
W.R. Law No. 10 of 1954.	Marketing Board Law, 1954 ...	Sections 2, 3, 4, 12, 30 amended...	38
W.R. Law No. 10 of 1954.	Marketing Board Law, 1954 ...	Section 22 amended ...	39
W.R. Law No. 12 of 1957.	Local Government Law, 1957	New section 30A inserted. Section 86 repealed and replaced.	40
Cap. 19 ...	Bills of Sale Ordinance ...	Repealed ...	47
W.R. Law No. 9 of 1955.	Finance Corporation and Local Loans Boards Law, 1955.	Section 32 amended ...	47
W.R. Law No. 12 of 1957.	Local Government Law, 1957	Paragraph (36) of section 67 repealed.	48
Cap. 114...	Liquor Ordinance ...	Whole ordinance repealed except sections: 1, 2, 3, 7, 8, 10, 11, 15, 16, 60, 61, 62, 63, 64, 65, 68 (a) and 68 (b).	48
W.R. Law No. 12 of 1957.	Local Government Law, 1957	Sections 30 and 111 amended. New section 28B inserted.	49
Cap. 180...	Protectorate Laws (Enforcement) Ordinance.	Repealed ...	50
Ordinance No. 14 of 1953.	Western Region Local Government Council (Miscellaneous Provisions) Ordinance, 1953.	Section 2 amended. Sections 4 and 5, and the First Schedule repealed.	50
W.R. Law No. 16 of 1957.	Income Tax Law, 1957 ...	Section 11 amended ...	52

STATUTORY INSTRUMENTS

Title	No. of Instrument W.R.L.N.	Page
Nigeria (Constitution) (Amendment) Order in Council, 1958	109	B 119
Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958	351	B 539
Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958	393	B 642
Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958	466	B 743
Nigeria (Electoral Provisions) Order in Council, 1958	352	B 551
Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958.	110	B 177
Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1958.	385	B 630
Nigeria (Retirement Benefits) Order in Council, 1958	403	B 651
Royal Instructions to Governor-General (Amendment)	328	B 515
Royal Instructions to Governor-General (Amendment)	138	B 211
Royal Instructions to Governors (Amendment)	139	B 215
Royal Instructions to Governors (Amendment)	329	B 516

INDEX TO SUBSIDIARY LEGISLATION

(This Table is complete if read with the Table of Statutory Instruments above)

Title	No. of Instrument W.R.L.N.	Page
Aid to Pioneer Industries Ordinance, 1952 (No. 10 of 1952)		
Aid to Pioneer Industries (No. 1) Order, 1958	41	B 39
Aid to Pioneer Industries (No. 2) Order, 1958	103	B 110
Building Lines Regulation (Amendment) Law, 1957 (Cap. 24)		
Building Lines (Amendment No. 1) Order, 1958	56	B 54
Change of Titles Ordinance (Cap. 30)		
Change of Title (Director of Government Lotteries to Principal Government Lotteries Officer) Order, 1958.	288	B 390
Change of Title (Director of Surveys to Surveyor-General) Order, 1958 ...	188	B 253
Chiefs Law, 1957 (No. 20 of 1957)		
Application of Part II of the Chiefs Law to certain chieftaincies Notice ...	336	B 526
Application of Part II of the Chiefs Law to certain Chieftaincies Notice ...	337	B 527
Application of Part II of the Chiefs Law to certain Chieftaincies Notice ...	370	B 613
Application of Part II of the Chiefs Law to certain Chieftaincies Notice ...	400	B 648
Application of Part II of the Chiefs Law to certain Chieftaincy Notice ...	454	B 732
Application of Part II of the Chiefs Law to certain Chieftaincy Notice ...	335	B 523
Delegation of Functions	17	B 17
Order made under section 19	308	B 500
Order of Suspension		
Criminal Procedure (Amendment) Ordinance (No. 13 of 1953)		
Criminal Procedure (Amendment) Ordinance (No. 13 of 1953): Appointed Day Notice.	185	B 251
Curfew Law, 1958 (No. 7 of 1958)		
Curfew (Ibadan Area) Order, 1958	116	B 187
Curfew (Ibadan Area) (Revocation) Order, 1958	140	B 217
Customary Courts Law, 1957 (No. 26 of 1957)		
Appointed Day Notice	273	B 380
Appointed Day Notice	290	B 391
Appointed Day Notice	303	B 491
Appointed Day Notice	317	B 505
Appointed Day Notice	338	B 527
Appointed Day Notice	391	B 635
Appointed Day Notice	426	B 688
Appointed Day Notice	467	B 748
Appointed Day Notice	304	B 493
Competent Councils for certain Customary Courts Notice	323	B 509
Competent Councils for certain Customary Courts Notice, 1958	362	B 605
Competent Councils for certain Customary Courts Notice	392	B 637
Competent Councils for certain Customary Courts Notice	439	B 701
Competent Councils for certain Customary Courts, Notice	500	B 770
Competent Councils for certain Customary Courts, Notice	258	B 341
Customary Courts Rules, 1958		

<i>Title</i>	<i>No. of Instrument</i>	<i>Page W.R.L.N.</i>
Dogs Ordinance (Cap. 56)		
Awori District Council (Dog Licence fee) Order, 1958	256	B 334
Egbado-Ifonyin District Council (Rabies) Bye-laws, 1957	94	B 96
Ibadan (Provincial) District Council (Dog Licence Fee) Order, 1958	255	B 333
Owo District Council (Rabies) Bye-laws, 1958	463	B 741
Rabies (Owo Town) Declaration and Prohibition Order, 1957	464	B 742
Education Law, 1954 (No. 6 of 1955)		
Delegation of Powers to Permanent Secretary, Ministry of Education ...	39	B 37
Delegation of Powers to the Local Education Advisers and Senior Assistant Secretary.	296	B 485
Delegation of Powers to Senior Education Officers	42	B 40
Delegation of Powers to the Local Education Advisers, the Permanent Secretary and the Principal Assistant Secretary.	295	B 483
Education (Grant-in-Aid) (Amendment) Regulations, 1958	76	B 83
Education (Grant-in-Aid) (Amendment) (No. 2) Regulations, 1958	167	B 242
Local Education Authority (Appointment of Agege, Ikeja and Mushin Joint Education Board) Order, 1958.	294	B 481
Local Education Authority (Appointment of Awori and Ajeromi Joint Education Board) Order, 1958.	365	B 609
Schools and Institutions (Examination Fees) (Amendment) Regulations, 1958.	322	B 508
Elections (House of Representatives) (General Provisions) Regulations, 1954		
Appointment of Electoral Officer: Ekiti South Electoral District	418	B 682
Appointment of Electoral Officer: Oyo South Electoral District (Revoked by W.R.L.N. 425/58).	417	B 682
Appointment of Electoral Officer: Oyo South Electoral District	425	B 688
Bye-elections to the House of Representatives Oyo South and Ekiti South Electoral Districts.	429	B 693
Forestry Ordinance (Cap. 75)		
Akure-Ofoosu Extension Forest Reserve	36	B 35
New Oyo Plantation (Oyo) Forest Reserve	47	B 45
Notification of Working Plans (African Produce Sales Company Working Plan).	302	B 489
Notification of Working Plans (Ago-Are, Iseyin and Oyo Plantations)	34	B 33
Notification of Working Plans (Ejigbo Plantation Working Plan)	233	B 310
Notification of Working Plans (Ora-Iuleha-Ozalla Forest Reserve Working Plan).	136	B 208
Notification of Working Plans (Revised Working Plan for the Ogba Fuel Plantation) for the period 1957-68.	259	B 371
Notification of Working Plans (Shaki and Oke-Iho Plantations)	35	B 34
Ogunpa Dam Extension (Ibadan) Forest Reserve	137	B 209
Oyo Divisional Council Forest Reserve (Iseyin East Plantation) Order, 1957	68	B 71
Oyo Divisional Council Forest Reserve (Odo-Ogun Fuel Plantation) Order, 1958.	46	B 43
Oyo Divisional Council Forest Reserve (Odo-Ogun Fuel Plantation) Order, 1958: Erratum.	135	B 208
Oyo Divisional Council (Iseyin West Plantation) Forest Reserve Order, 1957.	67	B 70
Oyo New Plantation (Oyo) Forest Reserve Order, 1958	409	B 675
Oyo New Plantation (Oyo) Forest Reserve: Corrigendum	465	B 742
High Court (Civil Procedure) Rules, 1958 (W.R.L.N. 293 of 1958)		
Appointed Day Notice	419	B 683
Income Tax Law, 1957 (No. 16 of 1957)		
Appointment of Local Committees	428	B 691
Income Tax Ordinance (Cap. 92)		
Income Tax Appeals (Western Region) Rules, 1958	353	B 555
Interpretation (Amendment and Validation) Law, 1957 (No. 2 of 1958)		
Appointed Day Notice	108	B 118

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Interpretation Ordinance (Cap. 94)		
Delegations of Functions (Minister of Agriculture and Natural Resources) Notice, 1958.	331	B 517
Delegation of Functions (Minister of Agriculture and Natural Resources) Notice, 1958: Revocation of.	366	B 611
Delegation of Functions (Minister of Economic Planning) Notice, 1958 ...	498	B 768
Delegation of Functions (Minister of Education) Notice, 1958 ...	496	B 767
Delegation of Functions (Minister of Education) Notice, 1958 ...	499	B 769
Delegation of Functions (Minister of Finance) Notice, 1958 ...	361	B 604
Delegation of Functions (Minister of Finance) Notice, 1958: Revocation of	398	B 647
Delegation of Functions (Minister of Finance) Notice, 1958 ...	497	B 768
Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958.	311	B 502
Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958: Revocation of.	312	B 502
Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958.	314	B 503
Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958: Revocation of.	369	B 612
Delegation of Functions (Minister of Justice) Notice, 1958 ...	316	B 504
Delegation of Functions (Minister of Justice) Notice, 1958: Revocation of...	368	B 612
Delegation of Functions (Minister of Justice) Notice, 1958 ...	397	B 647
Delegation of Functions (Minister of Justice) Notice, 1958 ...	453	B 731
Delegation of Functions (Minister of Lands and Labour) Notice, 1958 (Revoked by W.R.L.N. 291 of 1958).	274	B 380
Delegation of Functions (Minister of Lands and Labour) Notice, 1958: Revocation of.	291	B 392
Delegation of Functions (Minister of Local Government) Notice, 1958 ...	315	B 504
Delegation of Functions (Minister of Local Government) Notice, 1958: Revocation of.	330	B 517
Delegation of Functions (Minister of Trade and Industry) Notice, 1958 ...	495	B 767
Delegation of Functions (Minister of Works and Transport) Notice, 1958	313	B 503
Delegation of Functions (Minister of Works and Transport) Notice, 1958: Revocation of.	367	B 611
Delegation of Governor's Powers (Amendment) Notice, 1958 ...	66	B 69
Delegation of Governor's Powers (Amendment) Notice, 1958 ...	93	B 95
Delegation of Governor's Powers (Amendment No. 1) Notice, 1958 ...	150	B 229
Delegation of Governor's Powers (Amendment No. 2) Notice, 1958 ...	371	B 615
Publication of Bye-laws Order, 1958 ...	310	B 501
Land Registration (Amendment) Ordinance, 1954 (No. 3 of 1954)		
Appointed Day Notice ...	254	B 333
Liquor (Licensing) Law, 1958 (No. 48 of 1958)		
Appointed Day Notice ...	420	B 683
Liquor Licensing Districts Order, 1958 ...	462	B 739
Local Government Law, 1957 (No. 12 of 1957)		
Abeokuta Urban District Council Amending Instrument, 1958 ...	342	B 531
Akure District Council (Night Guards) Bye-laws, 1957 ...	79	B 86
Aniocha District Council Amending Instrument, 1958 ...	191	B 257
Asaba Divisional Joint Education Board Instrument, 1958 ...	404	B 671
Asaba Urban District Council Amending Instrument, 1958 ...	190	B 256
Assignment on Dissolution (Akure District Native Authority) Order, 1958	488	B 763
Assignment on Dissolution (Benin Divisional Native Authority) Order, 1958.	486	B 761
Assignment on Dissolution (Idanre District Native Authority) Order, 1958	485	B 760
Assignment on Dissolution (Ife Divisional Native Authority Order, 1958 ...	484	B 759
Assignment on Dissolution (Ijebu Divisional Native Authority Order, 1958	83	B 758
Assignment on Dissolution (Ondo District Native Authority) Order, 1958	487	B 762
Assignment on Dissolution (Owo District Native Authority) Order, 1958 ...	482	B 757
Awori-Ajeromi Joint Education Board Instrument, 1958 ...	161	B 236
Collection of Rates (Default) Order, 1958 ...	60	B 60
Collection of Rates (Default) (No. 2) Order, 1957 ...	9	B 11
Compulsory Acquisition of Land (Aiyedade District Council) Authorisation Order, 1958.	372	B 616

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Compulsory Acquisition of Land (Aniocha Rural District Council) Authorisation Order, 1958.	10	B 12
Compulsory Acquisition of Land (Egba-Ifo District Council) Authorisation Order, 1958.	28	B 25
Compulsory Acquisition of Land (Egba-Obafemi District Council) Ajcbo Authorisation Order, 1958	306	B 497
Compulsory Acquisition of Land (Egba-Obafemi District Council) Ogunmakin Authorisation Order, 1958.	305	B 496
Compulsory Acquisition of Land (Iwo District Council) Authorisation Order, 1958.	165	B 240
Control of Drumming Adoptive Bye-laws Order, 1956: Aiyedade District Council.	503	B 774
Control of Drumming Adoptive Bye-laws Order, 1956: Ijede Local Council	504	B 774
Control of Drumming Adoptive Bye-laws (Amendment) Order, 1957: Egun-Awori District Council.	278	B 382
Control of Drumming Adoptive Bye-laws Order, 1957: Egun-Awori District Council (Cancelled by W.R.L.N. 280 of 1958).	15	B 15
Control of Drumming Adoptive Bye-laws Order, 1957: Egun-Awori District Council.	511	B 790
Control of Drumming Adoptive Bye-laws Order, 1957: Egun-Awori District Council (Erratum).	280	B 383
Control of Drumming Adoptive Bye-laws Order, 1957: Ipokia District Council.	339	B 528
Control of Drumming Adoptive Bye-laws Order, 1957: Ofin (Shagamu) Local Council.	457	B 736
Control of Drumming Adoptive Bye-laws Order, 1957: Ogere Local Council	505	B 775
Control of Drumming Adoptive Bye-laws (Amendment) Order, 1958: Ilugun/Alaro District Council.	142	B 220
Control of Drumming Adoptive Bye-laws Order, 1958: Egun-Awori District Council (Revoked by W.R.L.N. 280 of 1958).	90	B 93
Control of Drumming Adoptive Bye-laws Order, 1958: Ekiti Western District Council.	29	B 26
Control of Drumming Adoptive Bye-laws Order, 1958: Eredo District Council.	88	B 92
Control of Drumming Adoptive Bye-laws Order, 1958: Ibeju District Council.	201	B 264
Control of Drumming Adoptive Bye-laws Order, 1958: Ijebu Western District Council.	200	B 263
Control of Drumming Adoptive Bye-laws Order, 1958: Otta District Council.	89	B 92
Control of Motor Parks Adoptive Bye-laws, 1957: Ado Igbessa District Council.	319	B 507
Control of Motor Parks Adoptive Bye-laws, 1957: Akoko-Edo District Council.	184	B 251
Control of Motor Parks Adoptive Bye-laws Order, 1957: Central Urhobo District Council.	281	B 384
Control of Motor Parks Adoptive Bye-laws Order, 1957: Egba Obafemi District Council.	267	B 376
Control of Motor Parks Adoptive Bye-laws Order, 1957: Egba-Owode District Council.	472	B 750
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ekiti Southern District Council: Ikerre Ekiti.	204	B 266
Control of Motor Parks Adoptive Bye-laws Order, 1957: Epe District Council (Revoked by W.R.L.N. 251 of 1958).	211	B 270
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ijebu Western District Council.	416	B 681
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ijero District Council.	279	B 383
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ikale Idapomaran District Council.	275	B 381
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ikorodu Divisional Council.	277	B 382
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ikosi District Council.	300	B 487
Control of Motor Parks Adoptive Bye-laws Order, 1957: Ipokia District Council.	228	B 306

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Control of Motor Parks Adoptive Bye-laws Order, 1957: Iyekuselu District Council.	375	B 617
Control of Motor Parks Adoptive Bye-laws Order, 1958: Epe District Council.	144	B 221
Control of Motor Parks Adoptive Bye-laws Order, 1958: Epe District Council (Revoked by W.R.L.N. 251 of 1958).	164	B 240
Control of Motor Parks Adoptive Bye-laws Order, 1958: Epe District Council: Erratum.	251	B 331
Control of Motor Parks Adoptive Bye-laws Order, 1958: Ewohimi-Ewatto-Ewossa District Council.	431	B 695
Control of Motor Parks Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	479	B 754
Control of Motor Parks Adoptive Bye-laws Order, 1958: Ndosimili District Council.	405	B 673
Control of Motor Parks Adoptive Bye-laws Order, 1958: Okeho Iganna District Council.	51	B 50
Control of Motor Parks Adoptive Bye-laws Order, 1958: Otta District Council.	402	B 649
Control of Motor Parks Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	437	B 700
Control of Pigs Adoptive Bye-laws Order, 1956: Ekamarun District Council.	202	B 264
Control of Pigs Adoptive Bye-laws Order, 1957: Egbado-Ketu District Council.	14	B 14
Control of Pigs Adoptive Bye-laws Order, 1957: Ibarapa District Council...	13	B 14
Control of Pigs Adoptive Bye-laws Order, 1958: Ado District Council ...	286	B 389
Control of Pigs Adoptive Bye-laws Order, 1958: Otta District Council ...	44	B 41
Control of Sheep and Goats Adoptive Bye-laws Order, 1956: Western Ijaw Divisional Council.	461	B 738
Control of Sheep and Goats Adoptive Bye-laws Order, 1958: Egbado-Ketu District Council.	373	B 616
Control of Sheep and Goats Adoptive Bye-laws Order, 1958: Egbedore District Council.	31	B 27
Egba-Ifo District Council (Markets) (Default) Order, 1958	481	B 755
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957: Errata	309	B 500
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957: Irepo District Council.	78	B 85
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957: Ogbomosho District Council.	106	B 116
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ibadan (Provisional) District Council.	282	B 384
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ijebu Remo Divisional Council.	434	B 697
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ika District Council.	231	B 308
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ikale Idapomarin District Council.	394	B 645
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ikare District Council.	414	B 679
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ilaje District Council.	489	B 764
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	491	B 765
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Iyekuselu District Council.	427	B 689
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Mushin District Council.	468	B 748
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ndosimili District Council.	387	B 633
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Okeho Iganna District Council.	358	B 601
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ondo Southern District Council.	356	B 600
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Oshogbo District Council.	396	B 646

Title	No. of Instrument W.R.L.N.	Page
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	433	B 696
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Warri Urban District Council.	395	B 645
Governor in Council Powers (Delegation) Notice, 1958	343	B 531
Ibadan District Council Instrument	223	B 300
Ibadan (Provisional) District Council (Motor Parks) Bye-laws, 1957	123	B 200
Ibadan (Provisional) District Council (Sale of Goods in Motor Parks) Bye- laws, 1957.	105	B 113
Ijebu Divisional Council Instrument	234	B 311
Ijebu Northern District Council and the Ijebu North-Western District Council (Assignment) Instrument, 1958.	443	B 720
Ijebu Northern District Council Instrument	236	B 319
Ijebu North-Western District Council Instrument	235	B 315
Ijebu North-Western District Council Instrument	50	B 48
Ijebu Western District Council (Control of Traffic) Bye-laws, 1957	217	B 279
Ijesha Divisional Council Instrument	189	B 255
Ikeja District Council Amending Instrument, 1958	512	B 791
Ikeja District Council (Control of Traffic) Bye-laws, 1958... ..	219	B 287
Ilesha Northern District Council Instrument	220	B 291
Ilesha Southern District Council Instrument	218	B 283
Ilesha Urban District Council Instrument	176	B 247
Instrument Amending the Instrument establishing the Ajowa Local Council.	180	B 249
Instrument amending the Instrument establishing the Akoko Divisional Council.	348	B 536
Instrument amending the Instrument establishing the Akugbe District Council.	172	B 245
Instrument amending the Instrument establishing the Arigidi Local Council.	163	B 239
Instrument amending the Instrument establishing the Asaba Urban District Council.	16	B 16
Instrument amending the Instrument establishing the Egba-Ikereku District Council.	446	B 726
Instrument amending the Instrument establishing the Egbado-Ketu District Council.	65	B 68
Instrument amending the Instrument establishing the Ekiti Western District Council.	480	B 754
Instrument amending the Instrument establishing the Ifetedo Local Council.	177	B 247
Instrument amending the instrument establishing the Ikamerin Local Council.	173	B 245
Instrument amending the Instrument establishing the Ikare District Council.	141	B 219
Instrument amending the Instrument establishing the Ikenne Local Council.	181	B 249
Instrument amending the Instrument establishing the Ikeram Local Council.	430	B 694
Instrument amending the Instrument establishing the Ikole District Council.	224	B 304
Instrument amending the Instrument establishing the Ilaro District Council.	179	B 248
Instrument amending the Instrument establishing the Ilolabo Local Council.	253	B 332
Instrument amending the Instrument establishing the Ilishan Local Council.	178	B 248
Instrument amending the Instrument establishing the Ilumajo Local Council.	347	B 535
Instrument amending the Instrument establishing the Irrua/Ewu District Council.	170	B 244
Instrument amending the Instrument establishing the Irun Local Council Council.	168	B 243
Instrument amending the Instrument establishing the Ighua Local Council Council.	162	B 238
Instrument amending the Instrument establishing the Isoko District Council.	174	B 246
Instrument amending the Instrument establishing the Isowopo Local Council.		

Title	No. of Instrument W.R.L.N.	Page
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Instrument amending the Instrument establishing the Iyekovia District Council.	346	B 534
Instrument amending the Instrument establishing the Iyekorhionwon District Council.	344	B 532
Instrument amending the Instrument establishing the Iyekuselu District Council.	345	B 533
Instrument amending the Instrument establishing the Ogbabi Local Council.	169	B 243
Instrument amending the Instrument establishing the Omuo Local Council	175	B 246
Instrument amending the Instrument establishing the Oshogbo District Council.	250	B 331
Instrument amending the Instrument establishing the Uhunmwonde District Council.	349	B 537
Instrument amending the Instrument establishing the Ukpe-Ekperem Local Council.	171	B 244
Instrument amending the Instrument establishing the Ukwuani District Council.	341	B 530
Instrument amending the Instrument establishing the Western Urhobo District Council.	130	B 727
Instrument establishing the Ipokia District Council (Amendment) Notice (W.R.L.N. 343 of 1958)	506	B 776
Instrument revoking the Asaba Divisional Council Instrument	193	B 259
Instrument revoking the Instrument of appointment of the Ekiti Divisional Council.	285	B 389
Instrument to make provision for Administrative Arrangements necessitated by the revocation of Ekiti Divisional Council.	284	B 387
Instrument to make provision for Administrative Arrangements necessitated by the revocation of Ekiti Divisional Council: Corrigendum.	318	B 505
Instrument to make provision for Administrative Arrangements necessitated by the revocation of the instrument of appointment of the Asaba Divisional Council.	192	B 258
Instruments establishing the Ijebu Divisional Council and the Ijebu Northern District Council: Revocation of.	237	B 323
Irolu Local Council (Control of Sheep) (Revocation) Bye-laws, 1957 ...	160	B 235
Ishan Joint Education Board Instrument, 1958	64	B 65
Ishan Joint Water Board Instrument, 1958	59	B 57
Ishan Provisional Authority (Assignment) Instrument, 1958	508	B 779
Isoko District Council (Default) Order, 1958	350	B 538
Markets Adoptive Bye-laws Order, 1956: Central Urhobo District Council	298	B 486
Markets Adoptive Bye-laws Order, 1956: Egba-Obafemi District Council...	272	B 379
Markets Adoptive Bye-laws Order, 1956: Ewohimi-Ewatto-Ewossa District Council.	458	B 737
Markets Adoptive Bye-laws Order, 1956: Ikale Idapomarun District Council (Adoption of Adoptive Bye-laws, 1956).	265	B 375
Markets Adoptive Bye-laws Order, 1956: Ikale Idapomarun District Council (Revocation of Resolution).	266	B 375
Markets Adoptive Bye-laws Order, 1956: Ikole District Council	473	B 751
Markets Adoptive Bye-laws Order, 1956: Ilesha Urban District Council ...	271	B 378
Markets Adoptive Bye-laws Order, 1956: Iybiosakon District Council ...	276	B 381
Markets Adoptive Bye-laws Order, 1956: Mushin District Council ...	269	B 377
Markets Adoptive Bye-laws Order, 1957: Ibarapa District Council ...	11	B 13
Markets Adoptive Bye-laws Order, 1958: Akugbe District Council ...	401	B 649
Markets Adoptive Bye-laws Order, 1958: Ijero District Council ...	148	B 224
Markets Adoptive Bye-laws Order, 1958: Ndosimili District Council ...	415	B 681
Markets Adoptive Bye-laws Order, 1958: Okeho/Iganna District Council...	143	B 221
Markets Adoptive Bye-laws Order, 1958: Ondo Southern District Council	384	B 629
Markets Adoptive Bye-laws Order, 1958: Otta District Council	147	B 223
Markets Adoptive Bye-laws Order, 1958: South-East Ishan District Council.	445	B 725
Marriage, Divorce and Custody of Children Adoptive Bye-laws Order, 1958 Order under section 89: Ila District Council	456	B 733
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Aiyedade District Council.	408	B 674
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Akoko Edo District Council.	501	B 773
	226	B 305

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Local Government Law, 1957 (No 12 of 1957)—contd.		
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Benin City Council.	340	B 529
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ede District Council.	364	B 608
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ifedore District Council.	270	B 378
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ijebu Northern District Council.	471	B 741
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ijebu Southern District Council.	470	B 749
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ikale Idapomaru District Council.	321	B 508
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Ivbiosakon District Council.	227	B 306
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Mushin District Council.	477	B 753
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Okeho /Iganna District Council.	374	B 617
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Uromi-Uzea District Council.	436	B 699
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Warri Urban District Council.	333	B 519
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1957: Western Ijaw Divisional Council.	459	B 737
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Akure District Council.	447	B 726
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Egba-Owode District Council.	146	B 222
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ika District Council.	230	B 308
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ikare District Council.	77	B 85
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ilaje District Council.	475	B 752
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	478	B 753
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Irepo District Council.	509	B 789
Preparation and sale of Palm-wine Adoptive Bye-laws, 1958: Iwo District Council.	252	B 332
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Iyekuselu District Council.	145	B 222
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ndosimili District Council.	406	B 673
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ogbomosho District Council.	122	B 199
Preparation and sale of Palm-wine Adoptive Bye-laws Order, 1958: Ogbomosho District Council.	122	B 199
Prevention of Road Obstructions Adoptive Bye-laws Order, 1958 ...	363	B 607
Rating Appeal (Amendment) Regulations, 1958 ...	40	B 38
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Akoko-Edo District Council, Igarra.	182	B 250
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Asaba Urban District Council.	455	B 732
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Central Urhobo District Council.	299	B 487
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Egba Obafemi District Council.	268	B 376
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ibeju District Council.	413	B 679
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ikosi District Council.	297	B 486
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ndosimili District Council.	411	B 678
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ondo Southern District Council.	412	B 678
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Uromi-Uzea District Council.	432	B 696

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Registration of Births and Deaths Adoptive Bye-laws Order, 1957: Etsako District Council.	92	B 94
Registration of Births and Deaths Adoptive Bye-laws Order, 1957: Ijero District Council.	91	B 93
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ikole District Council.	493	B 766
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	490	B 764
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Odo-Otin District Council.	30	B 26
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ogbomosho District Council.	209	B 269
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Otta District Council.	43	B 41
Registration of Marriages Adoptive Bye-laws Order, 1956: Egbado-Ketu District Council.	287	B 390
Registration of Marriages Adoptive Bye-laws Order, 1956: Egun-Awori District Council.	383	B 629
Registration of Marriages Adoptive Bye-laws Order, 1957: Egba-Ikereku District Council.	355	B 600
Registration of Marriages Adoptive Bye-laws Order, 1957: Etsako District Council.	12	B 13
Registration of Marriages Adoptive Bye-laws Order, 1957: Ikole District Council.	474	B 751
Registration of Marriages Adoptive Bye-laws Order, 1957: Ipokia District Council.	510	B 789
Registration of Marriages Adoptive Bye-laws Order, 1958: Ivbiosakon District Council.	444	B 725
Registration of Marriages Adoptive Bye-laws Order, 1958: Ndosimili District Council.	407	B 674
Registration of Marriages Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	435	B 699
Revocation by Governor in Council of Instruments relating to certain Councils.	221	B 295
Revocation of certain Instruments	121	B 198
Revocation of the Instruments of the Ibadan District Council and the Ibadan (Provisional) District Council.	225	B 305
Slaughtering of Animals Adoptive Bye-laws Order, 1958	95	B 97
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ikirun District Council.	422	B 685
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	492	B 765
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ipokia District Council.	332	B 518
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Irepo District Council.	301	B 488
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ndosimili District Council.	386	B 633
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Okeho/Iganna District Council.	357	B 601
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Oshogbo District Council.	388	B 634
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	438	B 700
Unified Local Government Service (Declaration of Superior Posts) Regulations, 1958.	229	B 307
Unified Local Government Service (Staff) Regulations, 1958	354	B 567
Vehicle Licensing Adoptive (Amendment) Bye-Laws Order, 1957	320	B 507
Vehicle Licensing Adoptive Bye-laws Order, 1956: Aiyedade District Council.	502	B 773
Vehicle Licensing Adoptive Bye-laws Order, 1956: Akoko-Edo District Council.	183	B 250
Vehicle Licensing Adoptive Bye-laws Order, 1956: Awori District Council	208	B 268
Vehicle Licensing Adoptive Bye-laws Order, 1956: Ibeju District Council	206	B 267

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Local Government Law, 1957 (No. 12 of 1957)—contd.		
Vehicle Licensing Adoptive Bye-laws Order, 1956: Ijebu Southern District Council.	469	B 749
Vehicle Licensing Adoptive Bye-laws Order, 1956: Ijebu Western District Council.	203	B 265
Vehicle Licensing Adoptive Bye-laws Order, 1956: Okcho/Iganna District Council.	207	B 267
Vehicle Licensing Adoptive Bye-laws Order, 1956: Otta District Council	205	B 266
Vehicle Licensing Adoptive Bye-laws Order, 1956: Western Ijaw Divisional Council.	460	B 738
Vehicle Licensing Adoptive Bye-laws Order, 1957: Ondo Western District Council.	210	B 269
Vehicle Licensing Adoptive Bye-laws Order, 1958: Ilaje District Council	476	B 752
Vehicle Licensing Adoptive Bye-laws Order, 1958: North-East Ishan District Council.	449	B 727
Vehicle Licensing Adoptive Bye-laws Order, 1958: Odo-Otin District Council.	45	B 42
Vehicle Licensing Adoptive Bye-laws Order, 1958: Ogbomosho District Council.	212	B 270
West Ishan District Council (Default) Order, 1958	450	B 728
Western Region (Local Government) Staff (Amendment) Regulations, 1958	451	B 730
Western Region (Local Government) (Amendment) (No. 2) Staff Regulations, 1958.	149	B 225
Local Government Police Law (No. 21 of 1955)		
Ondo Provincial Costabulary Council Instrument, 1958	222	B 297
Magistrates' Courts (Western Region) Law, 1954 (No. 5 of 1955)		
Conferment of certain powers on every Justice of the Peace Notice	155	B 232
Conferment of certain powers upon Justices of the Peace Notice	494	B 766
Conferment upon Justices of the Peace of power to adjourn proceedings and remand in custody.	423	B 687
Magistrates' Courts (Civil Procedure) Rules, 1958	292	B 395
Magistrates' (Monthly Returns of Criminal Cases) Directions, 1958	507	B 777
Revocation of appointments	424	B 687
Maintenance Orders Ordinance (Cap. 125)		
Proclamation: Extension of the maintenance Orders Ordinance	166	B 241
Native Lands Acquisition (Amendment) Law, 1957: (No. 6 of 1957)		
Native Lands Acquisition (Approval of Transactions) Regulations, 1957	120	B 194
Niger Lands Transfer Ordinance (Cap. 149)		
Niger Lands (Divesting) No. 1 Order, 1958... ..	63	B 63
Nigeria (Constitution) Orders in Council, 1954-58		
(Amendment) Order in Council, 1958	109	B 119
(Amendment) (No. 2) Order in Council, 1958	351	B 539
(Amendment) (No. 3) Order in Council, 1958	393	B 642
(Amendment) (No. 4) Order in Council, 1958	466	B 743
Western House of Chiefs (Selection of Chiefs) (Amendment) Regulations, 1958.	195	B 260
Western Region Public Service Commission Regulations, 1958	442	B 705
Nigeria (Electoral Provisions) Order in Council, 1958	352	B 551
Nigeria (Offices of Governor-General and Governors) Order in Council 1954-58		
(Amendment) Order in Council, 1958	110	B 177
(Amendment) (No. 2) Order in Council, 1958	385	B 630
Nigeria (Retirement Benefits) Order in Council, 1958	403	B 651
Nigeria Town and Country Planning Ordinance (Cap. 155)		
Appointment of member of Ife Town Planning Authority	38	B 36
Appointment of members and secretary of Ikeja Town Planning Authority	157	B 233
Appointment of members of Ikeja Town Planning Authority	410	B 677
Ikeja Town Planning Area Order, 1958	156	B 232
Warri Divisional Council Planning Authority	134	B 207

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Parliamentary and Local Government Electoral Regulations, 1955		
Appointment of Assistant Electoral Officers	33	B 32
Appointment of Assistant Electoral Officers	216	B 278
Appointment of Assistant Electoral Officers: (Ibadan South Constituency)	260	B 372
Appointment of Assistant Electoral Officer: (Ibadan West Constituency)	158	B 234
Appointment of Assistant Electoral Officers: (Ibadan Central, South-West, North-West, North-East, South-East, South and East Constituencies).	242	B 326
Appointment of Assistant Electoral Officer: (Ife Central Constituency) ...	132	B 206
Appointment of Assistant Electoral Officers: (Ikeja North Constituency) ...	101	B 109
Appointment of Assistant Electoral Officers: (Ikeja North Constituency) ...	125	B 2(2)
Appointment of Assistant Electoral Officers: (Ilesha South-West Con- stituency).	246	B 328
Appointment of Assistant Electoral Officers: (Okitipupa South and Owo Central Constituencies).	86	B 91
Appointment of Assistant Electoral Officers: (Ondo North and Ibadan West Constituencies).	126	B 203
Appointment of Assistant Electoral Officers: (Owo North and Owo Central Constituencies).	83	B 89
Appointment of Assistant Electoral Officers: (Western Ijaw South, North and East Constituencies).	70	B 74
Appointment of Assistant Returning Officers: (Asaba South Constituency)	194	B 259
Appointment of Assistant Returning Officers: (Ibadan Central, South-West North-West, North-East, South-East, South and East Constituencies).	261	B 372
Appointment of Assistant Returning Officer: (Ibadan West Constituency)	159	B 224
Appointment of Assistant Returning Officer: (Ife South-West Con- stituency).	129	B 204
Appointment of Assistant Returning Officers: (Ikeja North and Ibadan West Constituencies).	124	B 202
Appointment of Assistant Returning Officers: (Ikeja North Constituency) Revoked by W.R.L.N. 124 of 1958.	102	B 109
Appointment of Assistant Returning Officer: (Ilesha South-West Con- stituency).	245	B 328
Appointment of Assistant Returning Officers: (Owo North and Owo Cen- tral Constituencies).	80	B 87
Appointment of Assistant Returning Officers: (Western Ijaw South and North Constituencies).	69	B 73
Appointment of date of election (Revoked by W.R.L.N. 257 of 1958) ...	241	B 325
Appointment of date of election	257	B 335
Appointment of Electoral Officer	62	B 62
Appointment of Electoral Officer	81	B 88
Appointment of Electoral Officer	243	B 327
Appointment of Electoral Officer	32	B 29
Appointment of Electoral Officers	72	B 76
Appointment of Electoral Officer (Aboh West Constituency)	248	B 330
Appointment of Electoral Officer (Badagry East Constituency)	130	B 205
Appointment of Electoral Officer: (Egba Divisional Council Area) ...	131	B 205
Appointment of Electoral Officer: (Ekiti Divisional Council Area) ...	247	B 329
Appointment of Electoral Officers: (Ibadan Central, South-West, North- West, North-East, East, South-East and South Constituencies) ...	263	B 373
Appointment of Electoral Officers: (Ijebu West Constituency)	20	B 21
Appointment of Electoral Officer: (Oshun South-East Constituency) ...	133	B 206
Appointment of Electoral Officer: (Oshun West Constituency)	84	B 90
Appointment of Electoral Officer: (Remo South Constituency)	73	B 76
Appointment of Registration Officer: (Aboh West Constituency)	441	B 702
Appointment of Registration Officers: (Ibadan Central, South-West, North-West, North-East, East, South-East and South Constituencies).	52	B 51
Appointment of Registration Officer: (Ikeja South Constituency)	21	B 22
Appointment of Registration Officer: (Oshun Central Constituency) ...	22	B 22
Appointment of Registration Officer: (Oshun South-East Constituency) ...	128	B 204
Appointment of Registration Officer: (Oshun West Constituency)	85	B 90
Appointment of Registration Officer: (Remo South Constituency)	452	B 731
Appointment of Registration Officers: (Western Ijaw North and South Constituencies).	82	B 88
Appointment of Returning Officer	53	B 51
Appointment of Returning Officer: (Ajeromi District Council Area) Re- voked by W.R.L.N. 244 of 1958.	244	B 327
Appointment of Returning Officer: (Badagry East Constituency)	244	B 327

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Parliamentary and Local Government Electoral Regulations, 1955—contd.		
Appointment of Returning Officers: (Ibadan Central, South-West, North-West, North-East, East, South-East and South Constituencies).	264	B 374
Appointment of Returning Officers: (Ijebu West Constituency) ...	262	B 373
Appointment of Returning Officers: (Ilesha Central and South-West Constituencies).	249	B 330
Appointment of Returning Officer: (Odo-Otin District Council Area) ...	19	B 21
Appointment of Returning Officers: (Ondo North Constituency) ...	127	B 203
Appointment of Returning Officer: (Owo Central Constituency) ...	87	B 91
Appointment of Returning Officer: (Warri East Constituency) ...	71	B 75
Peace Preservation Ordinance (Cap. 166)		
Proclaimed District (Okitipupa Division) (Cancellation) Notice, 1958 ...	104	B 111
Proclaimed District (Okitipupa Division) Proclamation, 1958 ...	18	B 19
Proclaimed Districts (Cancellation) Notice, 1958 ...	334	B 521
Proclaimed Districts (Cancellation) (No. 2) Notice 1958 ...	390	B 635
Proclaimed Districts Proclamation, 1958 ...	111	B 183
Pensions Law, 1954 (No. 2 of 1955)		
Pensions (Declaration of Pensionable Offices) (Amendment) Order, 1957 ...	8	B 10
Petroleum Ordinance (Cap. 168)		
Petroleum (Amendment) (Western Region) Regulations, 1958 ...	513	B 793
Pilgrims Welfare Board Law, 1958 (No. 13 of 1958)		
Appointed Day Notice ...	389	B 634
Produce Inspection Ordinance, 1950 (No. 24 of 1950)		
Cocoa (Inspection for export) (Amendment) Regulations, 1958 ...	376	B 619
Cotton (Inspection for Export) (Amendment) Regulations, 1958 ...	377	B 621
Palm Produce (Inspection for Export) (Amendment) Regulations, 1958 ...	380	B 626
Produce Inspection (Amendment) Regulations, 1958 ...	379	B 625
Rubber (Inspection for Export) (Amendment) Regulations, 1958 ...	378	B 623
Public Health Law 1957 (No. 25 of 1957)		
Egbado-Ifonyin District Council Building Bye-laws, 1958 ...	117	B 189
Egha-Ifo District Council Slaughter Bye-laws ...	74	B 77
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957: Errata.	309	B 500
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ibadan (Provisional) District Council.	282	B 384
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ijebu Remo Divisional Council.	434	B 697
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ikale Idapomarun District Council.	394	B 645
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ikare District Council.	414	B 679
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ilaje District Council.	489	B 764
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	491	B 765
Foodstuffs and Regulated Premises Adoptive Bye-laws, 1958: Iyekuselu District Council.	427	B 689
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Mushin District Council.	468	B 748
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ndosimili District Council.	387	B 633
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ogbomosho District Council.	106	B 116

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Public Health Law, 1957 (No. 25 of 1957)—contd.		
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Okeho/Iganna District Council.	358	B 601
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Ondo Southern District Council.	356	B 600
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Oshogbo District Council.	396	B 646
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	433	B 696
Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1958: Warri Urban District Council.	395	B 645
Ibadan (Provisional) District Council (Slaughter) Bye-laws, 1957 ...	215	B 275
Ife District Council (Slaughter) Bye-laws, 1957	75	B 79
Odo-Otin District Council (Slaughter) Bye-laws, 1957	96	B 101
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Asaba Urban District Council.	455	B 732
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ibeju District Council.	413	B 679
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ikole District Council.	493	B 766
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	490	B 764
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Ndosimili District Council.	411	B 678
Registration of Births and Deaths Adoptive Bye-laws Order, 1956: Ondo Southern District Council.	412	B 678
Registration of Births and Deaths Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	432	B 696
Revocation of Declaration of Infectious Disease	61	B 62
Slaughtering of Animals Adoptive Bye-laws Order, 1958	95	B 97
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ikirun District Council.	422	B 685
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ile-Oluji/Okeigbo District Council.	492	B 765
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ipokia District Council.	332	B 518
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Irepo District Council.	301	B 488
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Okeho/Iganna District Council.	357	B 601
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Oshogbo District Council.	368	B 634
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Ndosimili District Council.	386	B 633
Slaughtering of Animals Adoptive Bye-laws Order, 1958: Uromi-Uzea District Council.	438	B 700
Public Order Law, 1957 (No. 24 of 1957)		
Prohibition of Public Processions (Aiyedade District Council Area) Extension (Amendment) Order, 1958 (Revoked by W.R.L.N. 240 of 1958).	199	B 262
Prohibition of Public Processions (Aiyedade District Council Area) Extension Order, 1958 (Revoked by W.R.L.N. 240 of 1958).	154	B 231
Prohibition of Public Processions (Aiyedade District Council Area) Extension (Revocation) Order, 1958.	240	B 324
Prohibition of Public Processions (Aiyedade District Council Area) Order, 1958.	113	B 185
Prohibition of Public Processions (Benin Divisional Council Area) Order, 1958.	327	B 514
Prohibition of Public Processions (Ese-Odo District Council Area) Order, 1958.	26	B 24
Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension (Amendment) Order, 1958.	198	B 262
Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension (Amendment No. 2) Order, 1958.	283	B 385

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Public Order Law, 1957 (No. 24 of 1957)—<i>contd.</i>		
Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension Order, 1958.	153	B 231
Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Order, 1958.	112	B 185
Prohibition of Public Processions (Idapomaran District Council Area) Order, 1958.	25	B 24
Prohibition of Public Processions (Idapometa District Council Area) Order, 1958.	24	B 23
Prohibition of Public Processions (Ilaje District Council Area) Order, 1958	23	B 23
Prohibition of Public Processions (Iwo District Council Area) Extension (Amendment) Order, 1958 (Revoked by W.R.L.N. 239 of 1958).	197	B 261
Prohibition of Public Processions (Iwo District Council Area) Extension Order, 1958 (Revoked by W.R.L.N. 239 of 1958).	152	B 230
Prohibition of Public Processions (Iwo District Council Area) Extension (Revocation) Order, 1958.	239	B 324
Prohibition of Public Processions (Iwo District Council Area) Order, 1958	115	B 186
Prohibition of Public Processions (Orisunmeta District Council Area) Order, 1958.	27	B 25
Prohibition of Public Processions (Oyo Divisional Council Area) Extension (Amendment) Order, 1958 (Revoked by W.R.L.N. 238 of 1958).	196	B 261
Prohibition of Public Processions (Oyo Divisional Council Area) Extension Order, 1958 (Revoked by W.R.L.N. 238 of 1958).	151	B 230
Prohibition of Public Processions (Oyo Divisional Council Area) Extension (Revocation) Order, 1958.	238	B 323
Prohibition of Public Processions (Oyo Divisional Council Area) Order, 1958.	114	B 186
Specification of the Rank of Corporal	58	B 55
Riot Damages Law, 1956 (No. 23 of 1957)		
Declaration of Riot Area (Ibadan (Provisional) District Council) Order, 1958	187	B 252
Riot damages Law (Ibadan (Provisional) District Council) (Appointment of Commissioner) Order, 1958.	186	B 252
Road Traffic Ordinance (No. 43 of 1947)		
Ikeja District Council (Control of Traffic) Bye-laws, 1958	512	B 791
Road Traffic (Licensing Authority) (Ibadan) Notice, 1958	307	B 499
Road Traffic (Licensing Authorities) Notice, 1958	55	B 53
Road Traffic (Licensing Authority) (Oyo Divisional Council) Notice, 1958	440	B 702
Statutory Powers and Duties of Administrative Officers (Transfer) Law, 1956 (No. 4 of 1957)		
Statutory Powers and Duties of Administrative Officers (Transfer) Order, 1958.	213	B 271
Statutory Powers and Duties of Administrative Officers (Transfer) (Timber Revenue Collection Rules) Order, 1958.	214	B 273
Transfer of Administrative Officers' Powers (Direct Taxation Ordinance) Order, 1958.	37	B 35
Survey Ordinance (No. 29 of 1952)		
Delegation of Power to the Officers of the Survey Department of the West-tern Region.	57	B 55

<i>Title</i>	<i>No. of Instrument W.R.L.N.</i>	<i>Page</i>
Waterworks Ordinance (Cap. 227)		
Auchi-Jattu-South Ibie (Water Charges) Regulations, 1957	1	B 1
Ibadan Town (Waterworks Charges) Amendment Regulations, 1957	6	B 8
Ife Town (Waterworks Charges) Regulations, 1958	48	B 46
Ijebu-Ode Town (Water Charges) Regulations, 1957	7	B 9
Ijebu Remo Divisional Council (Water Charges) Regulations, 1958	100	B 108
Ilaro Town (Water Charges) Regulations, 1957	3	B 3
Ilesha Town (Water Charges) Regulations, 1957	4	B 5
Iwo District (Water Charges) Regulations, 1957	5	B 7
Ogbomosho Town (Water Charges) Regulations, 1957	2	B 2
Oshogbo/Ede Joint Water Board (Water Charges) Regulations, 1958	382	B 628
Waterworks (Agbor General Rate) Order, 1958	232	B 309
Waterworks (Akoko-Edo District General Water Rate) Order, 1958	381	B 627
Waterworks (Ede General Water Rate) Order, 1958	118	B 192
Waterworks (Ife General Water Rate) Order, 1957	119	B 193
Waterworks (Irrua/Ewu District General Water Rate) (Amendment) Order, 1958.	359	B 602
Waterworks (rrua/Ewu District General Water Rate) Order, 1958	97	B 105
Waterworks (Ivie-Uda-Esaba District General Water Rate) (Amendment) Order, 1958.	360	B 603
Waterworks (Ivie-Uda-Esaba District General Water Rate) Order, 1958	98	B 106
Waterworks (Oshogbo General Water Rate) Order, 1958	49	B 47
Waterworks (Oyo and Awe General Water Rate) Order, 1958	107	B 117
Waterworks (Uromi-Uzea District General Water Rate) (Amendment) Order, 1958.	421	B 684
Waterworks (Uromi-Uzea District General Water Rate) Order, 1958	99	B 107
Western Region High Court Law, 1954 (No. 3 of 1955)		
High Court (Civil Procedure) Rules, 1958	293	B 415
Western Region Housing Corporation Law, 1958 (No. 12 of 1958)		
Appointed Day Notice	289	B 391
Widows' and Orphans' Pensions (Western Region) Law, 1957 (No. 17 of 1957)		
Widows' and Orphans' Pensions Ordinance (Amendment) Application Order in Council, 1958.	399	B 648

Assented to in Her Majesty's name this 13th day of December, 1957

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 1



1958

Western Region of Nigeria

IN THE SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE INCOME TAX LAW, 1957.

[1st April, 1957.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Income Tax (Amendment) Law, 1957, and shall have effect with respect to tax chargeable for the year of assessment commencing on the 1st day of April, 1957, and to the tax thereafter chargeable for each succeeding year of assessment, and shall be deemed to have come into operation on the 1st day of April 1957.

Short title
and com-
mencement.

Amendment
of section 47
of Interpretation
Ordinance.
Cap. 94.

2. Section 47 of the Interpretation Ordinance is hereby amended by deleting paragraph (b) of sub-section (2) of the section and inserting instead the following paragraph—

“(b) in the case of the Governor of the Western Region, under the hand of the Deputy Governor of the Western Region or of such public officer as the Governor may appoint for the purpose, and”.

Validation.

3. All orders, regulations, declarations and appointments made before the date of commencement of this Law, and all authorizations, exemptions, notices, directions, approvals, permissions and consents given before that date, by the Governor of the Western Region, and signified or purporting to be signified under the hand of the Secretary to the Premier and Executive Council, or the Acting Secretary to the Premier and Executive Council, or the Secretary to the Premier, or the Secretary to the Executive Council, shall be deemed to have been sufficiently and validly signified.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of December, 1957.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 3



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.

Governor, Western Region

A LAW TO AMEND THE CUSTOMARY COURTS LAW, 1957.

[20th February, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Customary Courts (Amendment) Law, 1957. Enactment. Short title.

Amendment
of section 48
of Law 16 of
1957.

2. For section 48 of the Customary Courts Law, 1957, there shall be substituted the following section—

"Right of
appeal to
High Court.

48. (1) Any party aggrieved by a decision or order of a Grade A customary court may, within thirty days of the date of the decision or order, appeal to the High Court.

(2) Any party aggrieved by a decision or order of a customary court of appeal or a decision or order of a magistrate's court given or made on appeal from a customary court in—

(a) a criminal cause or matter in which a term of imprisonment or a fine exceeding five pounds has been ordered ; or

(b) a civil cause or matter in which the subject matter is of the value of fifty pounds or upwards,

may, within thirty days of the date of the decision or order, appeal to the High Court".

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Chiefs and the Western House of Assembly, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY.
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of December, 1957.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 4



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.

Governor, Western Region

A LAW FURTHER TO AMEND THE MAGISTRATES' COURTS (WESTERN REGION) LAW, 1954.

[27th February, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Magistrates' Courts (Western Region) (Amendment) Law, 1957.

Amendment
of section 13
of principal
Law.
W.R. No. 5
of 1955.

2. Section 13 of the Magistrates' Courts (Western Region) Law, 1954, (hereinafter referred to as the principal Law) is hereby amended in the following respects—

(a) by deleting paragraph (c) ;

(b) by deleting the semi-colon and the word "and" at the end of sub-paragraph (v) of paragraph (b) and inserting a full stop at the end of the sub-paragraph ;

(c) by inserting the word "and" after the semi-colon appearing at the end of sub-paragraph (iv) of paragraph (b).

Insertion of
section 13A
in principal
Law.

3. The principal Law is hereby amended by inserting, next after section 13, the following section as section 13A—

"Power of
Governor to
confer by
instrument
certain
power of a
magistrate
and to
revoke the
same.

13A. (1) The Governor may, by instrument in writing, confer on any justice of the peace such of the powers of a magistrate relating to the maintenance of law and order as he shall think fit, not involving the trial of causes or the holding of preliminary inquiries in criminal cases.

(2) The Governor may at any time revoke any such instrument and, unless and until he revokes the instrument, the justice of the peace on whom those powers are conferred in the instrument shall be deemed to be a magistrate vested with those powers only.

(3) Nothing in sub-section (1) or sub-section (2) of this section shall be construed to confer any power or impose any duty in relation to any matter within the exclusive legislative competence of the Federal Legislature".

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY.
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 21st day of February, 1958.

J. D. RANKINE.
Governor, Western Region

(L.S.)

No. 5



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE LOCAL GOVERNMENT LAW, 1957.

[12th April, 1957.] Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Local Government (Amendment) Law, 1957, and shall be deemed to have come into operation on the 12th day of April, 1957. Short title and commencement.

Amendment
of section 171
of the Local
Government
Law, 1957.
W.R. No. 12
of 1957.

2. Section 171 of the Local Government Law, 1957, is hereby amended in the following respects :—

(a) by deleting paragraph (a) of sub-section (1) of the section and inserting instead the following paragraph :—

“(a) subject to the provisions of sub-section (2) of this section, confirm, reduce, increase or annul the assessment or valuation ; or” ;

(b) by adding to the section the following sub-section :—

“(2) An assessment appeal tribunal shall not reduce an assessment of the total income of any male person of or above the age of sixteen years liable to a rate upon income to less than fifty pounds”.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 21st day of February, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 6



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE NATIVE LANDS ACQUISITION LAW, 1952.

[6th March, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Native Lands Acquisition (Amendment) Law, 1957. Short title.

Amendment
of section 2
of Law No. 4
of 1952.

2. In section 2 of the Native Lands Acquisition Law, 1952, (hereinafter referred to as the principal Law) for the definition of "alien" there shall be substituted the following definition—

"'alien' means—

(a) any individual other than a native of Nigeria, and

(b) any company or association or body of persons corporate or unincorporate other than—

(i) a corporate body established specifically by or under any Ordinance or Law which empowers that body to acquire and hold land ; or

Cap. 107.

(ii) a corporate body incorporated under the provisions of the Land (Perpetual Succession) Ordinance or any other Ordinance or Law containing general provisions for incorporation where the corporate body is composed solely of natives of Nigeria ;

(iii) a corporate body established under any Law of the Region relating to local government or education and empowered by that Law to acquire and hold land ;

(iv) a co-operative society the majority of the members of which are natives of Nigeria and which is registered under the provisions of any Law of the Region relating to co-operative societies ;

(v) a company or association or body of persons corporate or unincorporate which the Governor in Council may by order made under sub-section (2) of section 7 declare to be exempt from the provisions of this Law."

Replacement
of section 3
of Law No. 4
of 1952.

3. For section 3 of the principal Law there shall be substituted the following section—

"Alien not to
acquire land
except with
approval of
Governor or
unless
exempt.

3. (1) Except as provided by any regulations or orders made pursuant to section 7, no alien shall acquire any interest or right in or over any land from a native unless the transaction under which the interest or right is acquired has been approved by the Governor in accordance with the provisions of this Law.

(2) Except as provided by any regulations or orders made pursuant to section 7, where any such interest or right has been lawfully acquired by an alien, that right shall not be transferred, alienated, demised or otherwise disposed of to any other alien, or be sold to any other alien under any process of law, without the approval of the Governor of the transaction or sale, as the case may be, in accordance with the provisions of this Law.

(3) Any agreement and any instrument in writing or under seal by or under which an alien purports to acquire any interest in or right over any land (other than a right or interest acquired pursuant to any regulations or order

made under sub-section (1) or sub-section (2) of section 7) and which forms part of or gives effect to a transaction that has not been duly approved in accordance with the provisions of this Law shall be void and of no effect”.

4. For sub-section (1) of section 4 of the principal Law there shall be substituted the following sub-section—

Replacement of sub-section (1) of section 4 of Law No. 4 of 1952.

“(1) It shall be unlawful for any alien or for any person claiming under an alien to occupy any land belonging to a native, unless the right of the alien to occupy or authorise the occupation of the land—

(a) was acquired in a transaction which has received the approval of the Governor in accordance with section 3 ; or

(b) was acquired by virtue of any regulations or order made pursuant to sub-section (1) or sub-section (2) of section 7 ; or

(c) is evidenced by an instrument which has received the approval of the Governor in writing under any statutory provision in force at the time of the approval ; or

(d) was acquired, if the land is situate in that part of the Western Region which in the year 1900 was included in the Protectorate of Southern Nigeria, before the 1st of January, 1900, and in the case of lands situate elsewhere, before the 30th March, 1908 ; or

(e) is authorised by or under any Ordinance or Law”.

5. For section 7 of the principal Law there shall be substituted the following section—

Replacement of section 7 of Law No. 4 of 1952.

“Power to make regulations and orders.

7. (1) The Governor in Council may make regulations with respect to all or any of the following matters—

(a) prescribing the procedure for application for approval in accordance with section 3 of the acquisition of any right or interest in land by an alien ;

(b) specifying the stage in any transaction for the grant of any right or interest in land to an alien at which application is to be made for approval in accordance with section 3 ;

(c) requiring that any agreement for the grant of any right or interest in land to an alien or any instrument granting such right or interest shall be in writing or in any specified form ;

(d) prescribing the terms and conditions to be included in agreements in writing or other instruments submitted for approval in accordance with section 3 ;

(e) prescribing the form in which approval in accordance with section 3 may be given ;

(f) exempting from the provisions of sub-section (1) or sub-section (2) of section 3,

(i) the acquisition by all or any specified class of aliens of such rights or interests in land as may be prescribed ; or

(ii) the acquisition by any alien or any specified class of aliens of rights or interests in land for any specified purpose ;

(g) prescribing the fees (if any) to be paid in connection with applications for, and the grant of, approval of a transaction.

(2) The Governor in Council may by order declare any company or association or body of persons corporate or unincorporate and not already exempt from the provisions of this Law, to be so exempt, subject to such conditions (if any) as the Governor in Council may deem fit to impose”.

“Cap. 144 of
no force or
effect in the
Western
Region.

6. For the avoidance of doubt it is hereby declared that the Native Lands Acquisition Ordinance has no force or effect in the Western Region.”

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 1st day of April, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 7



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE PROVISION FOR THE IMPOSITION OF A CURFEW FOR THE PURPOSE OF MAINTAINING AND SECURING PUBLIC SAFETY AND PUBLIC ORDER AND FOR OTHER PURPOSES INCIDENTAL THERETO OR CONNECTED THEREWITH.

[1st April, 1958.]

Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Curfew Law, 1958.

Short title.

Interpre-
tation.

2. In this Law—

“curfew area” means an area to which a curfew order relates ;

“curfew order” means an order made under section 3 ;

“hours of curfew” means the hours specified in a curfew order ;

“the Region” means the Western Region.

Power of
Governor
in Council
to impose
curfew.

3. Whenever the Governor in Council is satisfied that it is necessary to do so, for the purposes of maintaining and securing public safety and public order in any area within the Region, he may, by order, impose a curfew upon the inhabitants of that area.

Publication,
commence-
ment and
proof of
curfew
order.

4. (1) Every curfew order shall be made known to the inhabitants of the area to which it relates in such manner as the Governor in Council may direct and shall come into operation on the date on which it is so made known.

(2) Without prejudice to any other mode of proof, a certificate purporting to be signed by the Secretary to the Premier and Executive Council shall be sufficient evidence of the terms of any such order and of the date on which it came into operation in accordance with the provisions of sub-section (1) of this section.

(3) As soon as may be after any such order has been made, it shall be published in the Regional Gazette.

Effect of
curfew
order.
Schedule.

5. Where a curfew has been imposed in any area, no person, excepting the persons or officers mentioned in the Schedule to this Law, shall be abroad within that area (save in enclosed premises) between such hours as may be specified in the curfew order, except under the authority of and in accordance with the conditions of a permit granted under the provisions of this Law.

Permits.

6. (1) Any police officer not below the rank of Assistant Superintendent may, in his absolute discretion issue to any person applying therefor a written permit authorising the holder thereof to be abroad within the curfew area during such times and for such purposes and subject to such conditions or limitations as may be specified in such permit.

(2) It shall be a condition of every such permit that the person to whom it has been granted shall carry it on his person at all times when he is abroad in a curfew area (save in enclosed premises) during the hours of curfew.

(3) Every such permit shall on demand be produced for the inspection of any police officer or member of a local government police force.

(4) Any person to whom a permit has been granted under this Law who fails to produce the same when lawfully required to do so shall be liable on conviction to a fine of twenty-five pounds or to imprisonment for three months.

7. Any person found abroad in any curfew area contrary to the provisions of this Law may be arrested without warrant by a police officer or a member of a local government police force and shall be liable on conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment. Arrest without warrant and penalty.

8. The provisions of this Law conferring any power or imposing any duty upon police officers shall not have effect until the Governor-General shall have given his consent to the conferment or imposition of that power or duty. Functions conferred on police officers.

9. The Governor in Council may, by order, amend or vary the Schedule to this Law. Variation of Schedule.

SCHEDULE

The Governor.

The Premier and other members of the Executive Council, and the Secretary to the Premier and Executive Council.

The Deputy Governor.

The Chief Justice and Judges of the High Court.

Magistrates.

Members of Her Majesty's Forces in uniform.

Police Officers and members of any local government police force in uniform.

Medical Practitioners.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Supplement to the Western Regional Gazette Extraordinary No. 29, Vol. 7, 30th April, 1958—Part A

Assented to in Her Majesty's name this 30th day of April. 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 8



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE LOCAL GOVERNMENT LAW, 1957.

[30th April, 1958.] Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Local Government (Amendment) Law, 1958. Short title.

Amendment
of section 21
of principal
Law,
No. 12 of
of 1957.

2. Section 21 of the Local Government Law, 1957 (hereinafter referred to as the principal Law) is hereby amended by deleting sub-sections (1) and (3) of the section and inserting instead the following sub-sections as sub-sections (1) and (3) respectively—

“(1) The term of office of members of a council, other than traditional members appointed directly by the Instrument, shall be not less than three years and not more than three years and six months, and the whole number of such members of the council shall retire on the date, within six months after the expiration of the period of three years from the date of the last general election of elected members to that council, fixed by the Minister under sub-section (2) of section 25, and their places shall be filled by newly elected or appointed members who shall come into office on the date so fixed by the Minister.

(3) In the case of a new council the term of office of members, other than traditional members appointed directly by the Instrument, shall commence from the date appointed in the Instrument for the first election of elected members and end on the date, within six months after the expiration of the period of three years from the date appointed in the Instrument for the first election of elected members, fixed by the Minister under sub-section (2) of section 25.”

Amendment
of section 25
of principal
Law.

3. Section 25 of the principal Law is hereby amended by substituting a colon for the full stop at the end of sub-section (2) of the section and adding the following proviso to the sub-section—

“Provided that the Minister may fix different days for the holding of general elections to different councils.”

Amendment
of section 26
of principal
Law.

4. Section 26 of the principal Law is hereby amended by deleting the proviso to sub-section (2) of the section and inserting instead the following proviso—

“Provided that, in the case of a vacancy among elected members, if the vacancy occurs within a period of less than four months before the commencement of the period of six months within which members are due to retire under section 21, the vacancy shall not be filled unless the Minister otherwise directs.”

Amendment
of section 29
of principal
Law.

5. Section 29 of the principal Law is hereby amended in the following respects—

(a) by deleting from sub-section (3) of the section the words “sub-section (5) of this section” and inserting instead the words “sub-section (5) or (6) of this section”;

(b) by adding to the section the following sub-section—

“(6) No person who is a traditional member of a council by virtue of section 16 and who is also a Federal Minister, a Regional Minister or a Parliamentary Secretary to a Federal Minister or a Regional Minister shall be elected or hold office as chairman of a council :

Provided that where any person ceases to hold office as chairman by virtue of this sub-section and a casual vacancy in the office of chairman occurs in consequence thereof the provisions of sub-section (4) of this section and of sub-section (3) of section 32 shall apply in respect of such casual vacancy."

6. Section 30 of the principal Law is hereby amended in the following respects—

Amendment of section 30 of principal Law.

(a) by deleting from paragraph (a) of sub-section (1) of the section the comma and all the words appearing after the word "proceedings" in the paragraph ;

(b) by inserting at the beginning of paragraph (e) of sub-section (1) of the section the words "subject to the provisions of sub-section (6) of section 29,";

(c) by deleting from paragraph (f) of sub-section (1) of the section the words "all the members of the council" and inserting instead the words "the members of the council present at the proceedings and forming a quorum".

7. Section 31 of the principal Law is hereby amended by deleting the words "in any other year on such day in May as the council may fix" in paragraph (b) of sub-section (2) of the section and inserting instead the words "in any other year, within a period of thirty days after the anniversary of the last general election to the council, on the date fixed by the council for holding such meeting, which shall be its first meeting after such anniversary."

Amendment of section 31 of principal Law.

8. Section 86 of the principal Law is hereby amended by inserting in sub-paragraph (ii) of paragraph (b) of sub-section (1) of the section, next after the words "a general election shall be held" the words "on a date to be fixed by the Minister".

Amendment of section 86 of principal Law.

9. Section 90 of the principal Law is hereby amended by inserting next after sub-section (2) of the section the following sub-section—

Amendment of section 90 of principal Law.

"(2A) The Minister may by writing under his hand, authorise any other public officer to exercise the rights and powers conferred by paragraphs (a) and (b) of sub-section (2) of this section on the public officers mentioned in that sub-section, subject to such conditions, exceptions and qualifications and for such period as may be specified by the Minister, and any public officer so authorised may thereupon or from the date specified by the Minister exercise such rights and powers subject as aforesaid."

10. There shall be inserted in the principal Law, next after section 95, the following sections—

Insertion of new sections (Sections 95A and 95B) in principal Law.

"Privilege of proceedings. 95A. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Local Government Service Board may make in exercise of its functions or any member of the Board may make in the

performance of his duties or in discharge of any duty to the Governor or to any public officer or council or employee of a council, shall be privileged in that its production may not be compelled in any legal proceedings if the Governor certifies that such production is not in the public interest.

Protection of
members
from legal
proceedings.

95B. The Chairman and any member of the Local Government Service Board shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under this Law, as is by law given to the acts done or words spoken by a Judge of the High Court in the exercise of his judicial office.”.

Amendment
of section 119
of principal
Law.

11. Section 119 of the principal Law is hereby amended by adding to paragraph (a) of sub-section (2) of the section the words “and to members of assessment committees and assessment appeal tribunals whilst engaged in carrying out their functions under this Law”.

Amendment
of section 150
of principal
Law.

12. Section 150 of the principal Law is hereby amended by substituting a colon for the full stop at the end of sub-section (3) of the section and adding the following proviso to the sub-section—

“Provided that nothing in this sub-section shall be deemed to exempt any person from any duty, obligation or liability imposed on him under or by virtue of sub-section (1) of this section”.

Insertion of
new section
(Section
166A) in
principal
Law.

13. There shall be inserted in the principal Law, next after section 166, the following section—

“Rating
authority
may require
information
from
employers
and
other
persons.

166A. (1) Every employer when required to do so by notice from a rating authority shall, within the time limited by the notice, prepare and deliver returns containing—

(a) the names and places of residence of all persons employed by him who may be liable to a rate on a capita-tion basis ; and

(b) the full amount of remuneration, whether in cash or otherwise, paid or payable to those persons in respect of that employment.

(2) Where the employer is a company or a body of persons, the manager or other principal officer shall be deemed to be the employer for the purposes of this section and any director of a company or person engaged in the management of a company shall be deemed to be a person employed.

(3) Every person, other than a company engaged in the business of banking or a person who is under a statutory obligation of secrecy, who may be so required by a rating authority shall give orally or in writing, as may be required,

all such information as may be demanded by the rating authority for the purpose of enabling it to carry out its functions under this Law :

Provided that nothing in this sub-section shall be deemed to exempt any person from any duty, obligation or liability imposed on him under or by virtue of sub-section (1) of this section."

14. Section 168 of the principal Law is hereby amended by deleting sub-section (1) of the section and inserting instead the following sub-section— Amendment of section 168 of principal Law.

"(1) Any person aggrieved with an assessment of his income for rating purposes or any rating authority aggrieved with an assessment of the income of any person for rating purposes may appeal against the assessment to the appropriate appeal tribunal."

15. Section 169 of the principal Law is hereby amended by deleting sub-section (1) of the section and inserting instead the following sub-section— Amendment of section 169 of principal Law.

"(1) No appeal for which provision is made in section 168 shall lie unless, within the time allowed for an appeal—

(a) notice is given in the prescribed manner to the rating authority or to the person assessed as the case may be ; and

(b) any fee prescribed is paid ; and

(c) in the case of a person aggrieved with the assessment of his income the amount of any rate due is deposited with the rating authority."

16. Section 170 of the principal Law is hereby repealed and the following section substituted therefor— Repeal and replacement of section 170 of principal Law.

"Onus of proof. 170. (1) The onus of proving that an assessment of income is excessive or inadequate shall be on the person or rating authority asserting that such assessment is excessive or inadequate, as the case may be.

(2) The onus of proving that a valuation of a tenement is excessive shall be on the owner aggrieved by the valuation."

17. Section 173 of the principal Law is hereby amended by adding to the section the following sub-section— Amendment of section 173 of principal Law.

"(3) In the case of an appeal by a rating authority against an assessment upon income, the rating authority may be represented by any person appointed by it in writing, or by a legal practitioner."

18. Section 174 of the principal Law is hereby amended by deleting paragraph (a) of sub-section (1) of the section and inserting instead the following paragraph— Amendment of section 174 of principal Law.

"(a) at the instance of an appellant other than the rating authority or assessment committee ;"

24. (1) There shall be inserted in the principal Law, next after section 282, the following section—

“Duties of competent council as regards native courts—fees, etc., to be paid into revenue of competent council.

282A. (1) The Minister may direct that a council shall be the competent council in respect of any native court exercising jurisdiction within the area of authority of the council.

Insertion of new section (section 282A) in principal Law.

(2) The competent council shall—

(a) provide, maintain and equip such court buildings, offices and other buildings required for use in connection with a native court as may be specified by the Minister ;

(b) pay to the members of a native court such salary, sitting fees, or other allowances as may be prescribed by the Minister ;

(c) pay to the officers and servants of a native court salaries and allowances in accordance with the scales of salary and allowance prescribed by the Minister.

(3) All fees, fines and penalties payable in respect of or as a result of proceedings in a native court and the proceeds of sale of any forfeiture ordered by a native court shall be paid to and form part of the revenue of the competent council.

(2) Sub-section (1) of this section shall be deemed to have come into operation on the 12th day of April, 1957”.

25. There shall be inserted in the Third Schedule to the principal Law, opposite the words “All Local Councils” at the end of the Schedule, under the heading “Powers under Section 65”, in the correct numerical order, the numbers “(20)” and “(31)”.

Amendment of Third Schedule to principal Law.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Supplement to the Western Regional Gazette No. 31, Vol. 7, 8th May, 1958—Part A

Assented to in Her Majesty's name this 24th day of April, 1958.

J. D. RANKINE.
Governor, Western Region

(L.S.)

No. 9



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE
WESTERN REGION FOR THE YEAR WHICH ENDED THE THIRTY-FIRST
DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-SEVEN.

[8th May, 1958.]

Date of
commence-
ment.

WHEREAS by the 1956-57 Appropriation Law, 1956, a sum not exceeding twelve million, four hundred and twenty-six thousand, five hundred and fifty pounds was provided for the service of the Western Region for the year which ended on the thirty-first day of March, one thousand, nine hundred and fifty-seven to be applied and expended in the manner therein described and for the several services specified in the Schedule thereto :

Preamble
No. 2 of
1956.

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sums provided for the said services by the said Law :

Enactment. NOW, THEREFORE, BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Short title. 1. This Law may be cited as the 1956-57 (Supplementary) Appropriation Law, 1957.

Additional Expenditure for 1956-57 legalised. Schedule to No. 2 of 1956. 2. The sums of money set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the services therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the 1956-57 Appropriation Law, 1956.

SCHEDULE

<i>Head of Expenditure</i>	£
325. Western Region London Office	6,672
333. Produce Inspection	18,349
339. Ministry of Finance... ..	30,610
341. Public Debt Charges	45,000
351. Ministry of Local Government	543,964
356. Public Works Recurrent—Maintenance Works and Services	2,657
Total	<u>£ 647,252</u>

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk of the Regional Legislature

Assented to in Her Majesty's name this 9th day of April, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 10



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO CONFER UPON THE FEDERAL LEGISLATURE AUTHORITY TO PROVIDE BY ORDINANCE FOR THE TRANSFER OF CONTRACTUAL RIGHTS AND OBLIGATIONS IN RESPECT OF THAT PART OF THE COLONY DEVELOPMENT BOARD'S ACTIVITIES WHICH WAS CONCERNED WITH THE WESTERN REGION, AND FOR PURPOSES CONNECTED THEREWITH.

[*By Notice*] Commence-
ment.

WHEREAS the Colony Development Board established in accordance with the Regional Development Boards Ordinance, 1949, carried on its activities in respect of an area which upon the 1st day of October, 1954, became an area partly the legislative jurisdiction of the Federation and partly the legislative jurisdiction of the Western Region :

Preamble.

AND WHEREAS it has become desirable to wind up the affairs of the Colony Development Board and agreement has been reached between the Governments of the Federation and of the Western Region as to the details of apportionment of assets and liabilities and as to the contractual rights and obligations the transfer of which will be necessary :

AND WHEREAS section 52 of the Nigeria (Constitution) Order in Council, 1954, enables the Legislature of a Region to confer upon the Federal Legislature authority to make laws for that Region with respect to any matter which would not otherwise be within the legislative competence of the Federation :

NOW THEREFORE, BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Short title.

1. This Law may be cited as the Colony Development Board (Federal Legislature) (Enabling) Law, 1957.

Interpretation.

2. In this law—

“appointed day” means a date to be agreed between the Federal Minister and the Regional Minister for the purpose of this Law which date shall be notified in the Gazette of the Federation ;

Ordinance 14 of 1949.

“Colony Development Board” means the Colony Development Board established by section 3 of the Regional Development Boards Ordinance, 1949 ;

Law No. 9 of 1955.

“Corporation” means the Western Region Finance Corporation established in accordance with section 4 of the Finance Corporation and Local Loans Boards Law, 1955 ;

“Regional transfer schedule” has the meaning assigned to it by section 3.

Regional transfer schedule.

3. (1) There may be prepared and agreed between the Minister charged with responsibility for matters relating to finance in the Federation and the Regional Minister charged with responsibility for matters relating to the Corporation a schedule of the assets of the Colony Development Board which in their opinion relate, or which in their opinion can more conveniently be related, to the area of the Colony excluding the Federal Territory of Lagos, as distinct from the area of the Colony which is within such Federal Territory. Such schedule shall be known as the Regional transfer schedule, and shall be authenticated under the hands of the Federal Minister and the Regional Minister as aforesaid and deposited with the Secretary of the Corporation (in this section referred to as the Secretary).

Ordinance 17 of 1956.

(2) There shall not be included in the Regional transfer schedule any asset of the Colony Development Board which is or has been included in the transfer schedule referred to in section 8 of the Industrial Loans (Lagos and Federation) Ordinance, 1956.

(3) The Secretary shall as soon as shall be convenient after the deposit with him of the Regional transfer schedule despatch to every person who appears to him to have any financial liability in respect of any contract relating to such an asset, a notification that that asset is specified in the schedule and shall refer to the effect of section 4 of this Law.

(4) The Secretary shall upon the request of any person appearing to him to have any right or liability in respect of any asset included in the Regional transfer schedule make available any relevant portion of the schedule for inspection by such person or his agent.

(5) An extract of the Regional transfer schedule certified over the signature of the Secretary shall be admissible as evidence of the contents of the schedule.

4. (1) Authority is hereby conferred upon the Federal Legislature to make provision by Ordinance—

Authority conferred on Federal Legislature to provide by Ordinance for transfer of assets rights and liabilities of the Colony Development Board to the Corporation and for incidental matters.

(a) that the ownership of the assets, and all contractual and other rights vested in the Colony Development Board in respect of the assets, specified in the Regional transfer schedule should vest in the Corporation without further assurance with effect from the appointed day ;

(b) that the Corporation should in respect of such assets have all the rights and be subject to all the liabilities which the Colony Development Board had or to which it was subject immediately before the appointed day ;

(c) that every agreement relating to assets included in the Regional transfer schedule to which the Colony Development Board was a party shall have effect as from the appointed day as if the Corporation had been a party to the agreement, and as if for any reference to the Colony Development Board there were substituted a reference to the Corporation in respect of anything falling to be done on or after the appointed day, and

(d) that where by the operation of any of paragraphs (a), (b) and (c) any right or liability would become a right or liability of the Corporation, the Corporation and all other persons should as from the appointed day have the same rights, powers and remedies (and in particular the same rights, and powers and remedies as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Corporation, and that any legal proceedings pending on the appointed day by or against the Colony Development Board should be continued by or against the Corporation ; and the Federal Legislature may by Ordinance make any provision that is incidental to the matters specified in this sub-section, or that otherwise may be necessary

W.R. No. 10 of 1958 *Colony Development
Board (Federal Legislature)
(Enabling)*

more effectually to transfer the interest of the Colony Development Board in assets in the area of the Colony excluding the Federal Territory of Lagos to the Corporation, or to enable the Corporation to take the place of that Board in the enforcement of any rights in respect of such assets.

(2) Upon the enactment of an Ordinance by the Federal Legislature in accordance with the provision of sub-section (1) such Ordinance shall, without prejudice to its application in any other manner, take effect as though it were a Law enacted by the Legislature of the Western Region.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 19th day of May, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 11



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FURTHER TO AMEND THE CUSTOMARY COURTS LAW, 1957.

[29th May, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Customary Courts (Amendment) Law, 1958.

Amendment
of section 1
of principal
Law. No. 26
of 1957.

2. Section 1 of the Customary Courts Law, 1957 (hereinafter referred to as the principal Law) is hereby amended in the following respects—

(a) by inserting in the section, next after the word “date” the words “or dates” ;

(b) by renumbering the section as sub-section (1) of section 1 ;

(c) by adding the following sub-section as sub-section (2)—

“(2) Different dates may be appointed from time to time under sub-section (1) of this section for the commencement of this Law in different parts of the Region.”.

Amendment
of section 2
of principal
Law.

3. There shall be inserted in section 2 of the principal Law, next after the definition of “cause”, the following definition—

“the commencement of this Law” in relation to any part of the Region means the date on which this Law comes into operation by notice under section 1 in that part of the Region ;”

Amendment
of sections 11
and 12 (2) of
principal
Law.

4. There shall be substituted for the word “Minister” in section 11 and in sub-section (2) of section 12 of the principal Law, the words “Governor in Council”.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 24th day of May, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 12



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF A WESTERN REGION
HOUSING CORPORATION AND FOR THE FUNCTIONS TO BE DISCHARGED
BY THE CORPORATION AND FOR PURPOSES CONNECTED THEREWITH.

[*By Notice*]

Date of
Commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Western Region Housing Corporation Law, 1958, and shall come into force on a day to be appointed by the Governor in the Gazette.

Short title
and
commence-
ment.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—

“the Corporation” means the Western Region Housing Corporation established under section 3 ;

“the Gazette” means the Gazette of the Region ;

“land” means any estate or interest in lands and includes any interest in or right to a dwelling-house, building or structure ;

“member” includes the Chairman of the Corporation ;

“the Minister” means the Regional Minister charged with responsibility for the Western Region Housing Corporation in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1958 ;

“the Region” means the Western Region.

PART II.—ESTABLISHMENT, CONSTITUTION AND POWERS OF THE CORPORATION

Establish-
ment of the
Corporation.

3. So soon as may be after the commencement of this Law there shall be established a public authority to be known as the Western Region Housing Corporation.

The
Corporation
to be a
Corporate
body.

4. The Corporation shall be a body corporate with perpetual succession and a common seal, and shall have power to sue and be sued in its corporate name and to hold, acquire and dispose of land.

Constitution
of the
Corporation.

5. (1) The Corporation shall consist of—

(a) a Chairman ; and

(b) not less than four nor more than six other members.

(2) The Chairman and other members of the Corporation shall be appointed by the Minister after obtaining the approval of the Governor in Council in respect of the appointments.

(3) There shall be paid to the members of the Corporation or to any of them such remuneration, fees and allowances for expenses as the Governor in Council may determine.

Schedule.

(4) The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Corporation.

Functions of
the
Corporation.

6. It shall be the duty of the Corporation, so far as its resources permit and subject to the provisions of this Law, to increase the availability in the Region of dwelling-houses for acquisition by members of the public.

Financial
policy of the
Corporation.

7. (1) The Corporation shall so manage its business that, taking one year with another, its revenue is sufficient for meeting all charges properly chargeable to revenue.

(2) Except in so far as is required by the provisions of this section or Part III the making of profits shall not be the main object of the activities of the Corporation, and if there are any profits or other income

surplus to the requirements of the Corporation for the satisfaction of its obligations under the provisions of this section or Part III such profits or income shall be employed in the reduction of the cost of the performance of the functions of the Corporation under this Law.

(3) In this section "charges properly chargeable to revenue" means charges payable out of revenue of the Corporation in accordance with section 10.

8. (1) Subject to the provisions of this Law, the Corporation shall have power— Powers of the Corporation.

(a) to undertake the development, construction and management of housing estates ;

(b) to construct and maintain dwelling-houses and other buildings that are necessary or desirable for the performance of the functions of the Corporation ;

(c) to provide and maintain roads, footways, bridges, drains, sewers and water courses for or in connection with any housing estate or building owned, constructed or managed by the Corporation ;

(d) to acquire, construct, maintain or repair any works, plant or apparatus necessary or desirable for the provision of electrical, water or sanitary services for or in connection with any housing estate or building owned, constructed or managed by the Corporation ;

(e) to sell, let or otherwise dispose of any land vested in the Corporation upon such conditions as the Corporation thinks fit (including conditions as to payment of the consideration upon deferred terms) ;

(f) to enter into agreements with any person—

(i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, that is necessary or appropriate for the purposes of the Corporation ;

(ii) for the provision by that person of any services that may be provided by the Corporation ;

(g) to enter into agreements with any person for the management by that person of any housing estate owned by the Corporation ;

(h) to enter into and carry out agreements with any person for the development, construction, maintenance or supervision by the Corporation of housing estates, dwelling-houses or other buildings ;

(i) to prohibit, control and regulate the presence of any person or vehicle or thing on any premises occupied by the Corporation ;

(j) to make, draw, accept or endorse negotiable instruments ;

(k) to buy and sell movable property ;

(l) subject to such terms and conditions as the Corporation may deem fit to impose generally or in any particular case, to make advances of money in the discharge of its functions under section 6 on the security of a mortgage of land in the Region, either with or without collateral security of the following classes—

- (i) a charge upon a policy of life assurance ;
- (ii) a guarantee given by an assurance company ;
- (iii) a charge given upon any stocks, shares or securities for the time being authorised by law for the investment of trust moneys :

Provided that the Corporation shall not make an advance of money to any person on the security of any land which is already subject to a mortgage or charge, unless the mortgage or charge is in favour of the Corporation.

(2) The Corporation shall in any case, before exercising the powers referred to in paragraph (g) of sub-section (1), obtain the approval of the Minister.

(3) For the avoidance of doubt it is hereby declared that the preceding provisions of this section relate only to the capacity of the Corporation as a statutory corporation and nothing in the said provisions shall be construed as authorising the disregard by the Corporation of any enactment or rule of law.

Power of
Minister to
give
directions.

9. (1) The Minister may, after consultation with the Corporation, give to the Corporation such directions of a general character as to the discharge by the Corporation of its functions as appear to the Minister to be necessary to ensure conformity by the Corporation with the housing and financial policies of the Government and the Corporation shall give effect to any such directions.

(2) The Minister may, after consultation with the Corporation, give the Corporation specific directions for the purposes of remedying any defect which may be disclosed in the arrangements of the Corporation for the discharge of its functions under this Law, and the Corporation shall give effect to any such directions.

(3) The Corporation shall afford to the Minister facilities for obtaining information with respect to the property and functions of the Corporation, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

PART III.—FINANCIAL PROVISIONS

Application
of revenue.

10. The revenues of the Corporation shall be applied in defraying the following—

- (a) the remuneration, fees or allowances of the members of the Corporation ;

(b) the salaries, fees or other remuneration and pensions, superannuation, allowances and gratuities of the servants, agents and technical or other advisers of the Corporation ;

(c) all expenses of working and management of the Corporation and its undertaking, including proper provision for depreciation or renewal of assets ;

(d) interest on any debentures issued or interest and other charges on borrowed moneys ;

(e) advances of money under sub-section (1) (l) of section 8 ;

(f) income tax and other taxation on profits levied under any written law ;

(g) such allocation to the general reserve established under section 11 and to contingencies or other reserves as may in the opinion of the Corporation be appropriate ;

(h) sums required to be set aside for the purpose of making provision for the redemption of debentures or the repayment of other borrowed moneys ;

(i) such minor works of a capital nature as the Corporation may deem necessary from time to time.

11. (1) The Corporation shall carry to a general reserve fund such part of the receipts of revenue account as is available for the purpose until the fund reaches the prescribed amount, and if the fund is subsequently reduced below that amount the Corporation shall carry to the fund so much of any such receipts as is required to restore the fund to that amount and is available for the purpose. Reserve fund.

(2) The application of the reserve fund so formed shall be as the Corporation may, with the approval of the Minister determine :

Provided that no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Corporation.

(3) The amount of the reserve fund shall be such as the Minister may from time to time prescribe.

12. (1) Subject to the provisions of this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing powers.

(2) (a) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister as to the amount (within the maximum specified in or under the next succeeding sub-section), as to sources of the borrowing and as to the terms on which the borrowing may be effected ; and an approval given for the purposes of this sub-section may be either general or limited to a particular borrowing.

(b) Approval of the Minister for the purposes of this sub-section may be subject to such conditions, other than conditions that may be imposed under paragraph (a) of this sub-section, as he may specify.

(3) The Corporation shall not borrow so as to have outstanding at any time—

(a) in respect of sums borrowed temporarily, by way of overdraft or otherwise, an amount exceeding such aggregate amount as the Minister may from time to time specify ; and

(b) in respect of sums borrowed otherwise (whether by way of advance or from other sources) an aggregate amount exceeding two million pounds.

(4) A person lending money to the Corporation shall not be bound to inquire whether the borrowing of money is within the power of the Corporation.

Debentures.

13. If the Government makes an advance to the Corporation at any time, to provide for working capital or for any other purpose, the Corporation shall, if so required by the Minister, issue to the Government a debenture or debentures of a total nominal value equivalent to the sum advanced and bearing interest at such rate and from such date as shall be determined by the Minister.

Guarantee of borrowings by the Government.

14. (1) The Government may guarantee by the undertaking of the Minister in such manner and on such conditions as he thinks fit, the payment of the principal and interest of any authorised borrowings of the Corporation.

(2) Such sums as may be required by the Accountant-General for the purpose of making good the obligations of the Government under any guarantee of the borrowings of the Corporation shall be charged on the consolidated fund of the Region and shall be statutory expenditure.

(3) As soon as practicable after entering into any guarantee of the borrowings of the Corporation on behalf of the Government, the Minister shall lay a statement before the Houses of the Regional Legislature setting out the particulars of the guarantee.

Repayment of, and interest issued to meet guarantees.

15. (1) The Corporation shall make to the Minister, at such times and in such manner as he may direct—

(a) payments of such amounts as he may so direct in or towards repayment of any sums paid by the Government in fulfilment of any guarantee of the borrowings of the Corporation ; and

(b) payments of interest on the amount for the time being outstanding in respect of any sums so paid at such rate as he may so direct.

(2) Different rates of interest may be directed by the Minister—

(a) as respects different sums ; and

(b) for different periods.

Preliminary expenses.

16. Any act done and preliminary expenses sanctioned by the Minister in connection with the formation of the Corporation shall have the same effect and validity as if such acts had been done and such

expenses incurred by the Corporation ; and the Corporation may continue any action or thing commenced by the Minister remaining unfinished at the date of coming into force of this Law as if such action or thing had been initiated by the Corporation.

17. The Corporation may invest money standing to its credit and not for the time being required for the purposes of its functions in securities approved by the Minister and may sell such securities. Investment of moneys.

PART IV.—ACCOUNTS AND REPORTS

18. (1) The Corporation shall—

Accounts and audit.

(a) cause proper accounts and other records in relation thereto to be kept ; and

(b) shall prepare an annual statement of accounts containing such particulars as the Minister may from time to time direct.

(2) The said annual statement of accounts shall present a true and fair view of the financial position of the Corporation and of the results of the operations of the Corporation for the financial year to which it relates and the Minister shall exercise his powers under this section accordingly.

(3) The accounts of the Corporation shall be audited by an auditor or auditors to be appointed annually by the Corporation with the approval of the Minister.

(4) As soon as the accounts of the Corporation have been audited as aforesaid the Corporation shall send a copy of the statement of accounts referred to in paragraph (b) of sub-section (1) to the Minister together with a copy of the report made by the auditor.

19. (1) The Corporation shall, within ninety days after the end of each financial year, make to the Minister a report, in such form and containing such particulars as the Minister may from time to time direct, dealing with the activities of the Corporation during that financial year. Annual report.

(2) The Minister shall lay or cause to be laid on the Table of the House of Assembly and of the House of Chiefs a copy of every such annual report and a copy of the statement of accounts and auditor's report delivered to him in accordance with sub-section (4) of section 18.

PART V.—POWERS IN RELATION TO LAND

20. (1) Whenever it appears to the Corporation that any land in the Region is likely to be needed for the purposes of a housing estate, the Corporation may, by its servants or agents together with all necessary workmen, enter upon any such land and—

Preliminary investigation of land required for purposes of the Corporation.

(a) (i) survey and take levels of the land ;

(ii) dig or bore under the subsoil ; and

(iii) do all other acts necessary to ascertain whether the land is adapted for such purposes ;

(b) clear, set out and mark the boundaries of the land in respect of which it is proposed to make an application under sub-section (1) of section 21 :

Provided that no such agent, servant or workman shall enter any building or upon any enclosed court or garden attached to a dwelling-house (except with the consent of the occupier) unless at least seven days notice of the intended entry has been given to the occupier.

(2) As soon as conveniently may be after any entry made under sub-section (1), the Corporation shall pay compensation for all damage arising out of the exercise of any power conferred by that sub-section.

(3) In the case of dispute as to the amount of any compensation payable under this section the amount may be determined by the High Court or a Magistrate's Court having jurisdiction in respect of the place where the land is situated.

Compulsory
acquisition of
land.

21. (1) Whenever there is any hindrance to acquisition by the Corporation of any land required for the purposes of a housing estate, including any failure by the Corporation to reach agreement as to the amount to be paid in respect of the acquisition, the Governor in Council, upon the application of the Corporation and after such enquiry as he may think fit, may declare that the land is required for the service of the Corporation.

Cap. 185.

(2) Upon such declaration being made the land to which it relates shall be deemed to be land required for a public purpose of the Region within the meaning of the Public Lands Acquisition Ordinance and the Governor may cause action to be taken under the Public Lands Acquisition Ordinance for acquiring the land for the Government of the Region.

(3) When any land which has been the subject of a declaration under sub-section (1) has been acquired the Governor may vest the land in the Corporation by means of a certificate under the hand and seal of the Principal Land Officer.

(4) The compensation, if any, payable under the Public Lands Acquisition Ordinance for the acquisition of any land under this section shall in the first instance be paid by the Government of the Region but the Corporation shall refund to the Government any compensation so paid and all incidental expenses incurred by the Government.

PART VI.—MISCELLANEOUS

General
Manager and
other
employees
of the
Corporation.

22. (1) The Minister, after consulting with the Corporation and obtaining the approval of the Governor in Council in respect of the appointment, shall appoint a person to be General Manager of the Corporation upon such terms as to remuneration or otherwise as, after consulting the Corporation, he may determine.

(2) The Corporation may employ such other servants and agents as it may think necessary for the due discharge of its functions under this Law upon such terms as to remuneration or otherwise as it may determine.

23. (1) The Corporation may grant pensions, gratuities and retiring allowances to servants of the Corporation and their dependants subject to such rules as may, from time to time, be made by it under the provisions of sub-section (2). Pensions and gratuities.

(2) The Corporation may, with the approval of the Minister, by rules make provision for—

(a) the pensions, gratuities and retiring allowances to be granted to servants of the Corporation or their dependants ;

(b) the establishment, maintenance and management of a provident fund for the benefit of non-pensionable staff and for all matters ancillary thereto.

24. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Corporation by any person generally or specially authorised by the Corporation for that purpose. Execution or issue of instruments.

(2) Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

25. Service upon the Corporation of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Secretary of the Corporation. Service of notices.

26. Stamp duties under the Stamp Duties Ordinance and registration fees under the Land Registration Ordinance shall not be payable in respect of a conveyance or lease by any person to the Corporation. Exemption from stamp duties and fees.
Cap. 209.
Cap. 108.

27. The Corporation may make bye-laws prescribing the procedure for the allocation of plots of land, vested in or managed by the Corporation, that are to be disposed of to members of the public. Bye-laws.

(Section 5 (4))

SCHEDULE

1. The Chairman of the Corporation shall, subject to the provisions of this Schedule, hold office for a period of five years from the date of his appointment. Tenure of office of Chairman.

2. A member of the Corporation (other than the Chairman) shall, subject to the provisions of this Schedule, hold office for a period of three years from the date of his appointment. Tenure of office of members.

SCHEDULE—*contd.*

- Resignation. 3. A member of the Corporation may at any time resign from membership by sending his resignation in writing to the Minister.
- Eligibility for re-appointment. 4. A person who has ceased to be a member of the Corporation shall be eligible for re-appointment.
- Vacation of office. 5. (1) The Minister may, in his absolute discretion, at any time terminate the appointment of a member of the Corporation.
(2) If the Minister is satisfied that a member of the Corporation—
(a) has been absent from two consecutive meetings of the Corporation without the permission of the Chairman ; or
(b) has become bankrupt or made an arrangement with his creditors ; or
(c) is incapacitated by physical or mental illness ; or
(d) is otherwise unable or unfit to discharge the functions of a member, the Minister may declare his office as a member of the Corporation to be vacant and shall notify the fact in such manner as the Minister thinks fit, and thereupon his office shall become vacant.
- Vacancies. 6. No act or proceedings of the Corporation shall be questioned on account of any vacancy among its members or on account of the appointment of any member having been defective.
- Temporary membership. 7. Where the Chairman or a member of the Corporation is temporarily incapacitated by illness or temporarily absent from Nigeria, the Minister may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the powers and duties of the Chairman or a member under this Law shall devolve upon the person so temporarily appointed.
- Co-option of members. 8. Where upon any special occasion the Corporation desires to obtain the advice of any person on any particular matter, the Corporation may co-opt such a person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.
- Quorum. 9. Such number of members as constitute a majority of the members of the Corporation for the time being appointed shall form a quorum at any meeting of the Corporation.
- Standing orders. 10. Subject to the preceding provisions of this Schedule, the Corporation may make Standing Orders—
(a) for the proceedings of the Corporation, the manner of transaction of its business and the method of voting, and for the appointment of, and transaction of business by, committees of the Corporation ;
(b) for the appointment of a chairman of any meeting whereat the chairman appointed pursuant to section 5 is not present ;
(c) for the custody and use of the common seal and, subject to the provisions of section 24, the manner in which documents and instruments of any description shall be signed on behalf of the Corporation.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 27th day of May, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 13



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO ESTABLISH A PILGRIMS WELFARE BOARD CHARGED WITH THE DUTY OF PROTECTING AND SAFEGUARDING THE INTERESTS AND WELFARE OF WESTERN REGION PILGRIMS AND FOR PURPOSES INCIDENTAL TO OR CONNECTED WITH THE FOREGOING PURPOSES.

[By Notice]

Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—INTRODUCTORY

1. This Law may be cited as the Pilgrims Welfare Board Law, 1958, and shall come into operation on a date to be appointed by the Governor by notice in the Regional Gazette.

Short title and commencement.

Interpretation.

2. In this Law, unless the context otherwise requires—
 “the Board” means the Pilgrims Welfare Board established in accordance with this Law ;
 “functions” includes powers and duties ;
 “member” means member of the Board and includes the Chairman ;
 “the Minister” means the Regional Minister charged with responsibility for the Pilgrims Welfare Board, in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1958 ;
 “official member” means the public officer appointed to be a member of the Board in accordance with this Law.

PART II.—ESTABLISHMENT, CONSTITUTION AND PROCEEDINGS
OF THE BOARD

Establishment and Constitution of the Pilgrims Welfare Board.

3. (1) There shall be established for the purposes of this Law a Board to be known as the Pilgrims Welfare Board.

(2) The Board shall consist of a Chairman and three or four other members, one of whom shall be a public officer, in this Law referred to as the official member.

(3) The Chairman and other members (excepting the official member) shall be appointed by the Minister from among persons appearing to him to be interested in the welfare of Western Region pilgrims.

(4) The official member shall be appointed by the Governor in Council, either by name or by reference to his office.

Temporary appointments.

4. The Minister may appoint any person to act temporarily in the place of the Chairman or any other member of the Board not being the official member in the case of the absence or inability to act of the Chairman or such other member.

Tenure of office of Chairman and other members.

5. (1) The Chairman and other members (excepting the official member) shall, subject to the pleasure of the Minister, hold office for three years from the date of their respective appointments but shall be eligible for re-appointment.

(2) The public officer appointed to be the official member shall hold office as such during the pleasure of the Governor in Council.

Resignations.

6. (1) Any member, other than the Chairman or the official member, may at any time resign his office by letter addressed to the Minister and transmitted through the Chairman and such member shall cease to be a member of the Board as from the date of receipt of the letter by the Minister.

(2) The Chairman may at any time resign his office by letter addressed to the Minister and such resignation shall take effect as from the date of receipt of the letter by the Minister.

Publication of membership.

7. The names of all members of the Board as first constituted and any change in the membership thereof shall be published in the Regional Gazette.

8. (1) The Board shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind. Incorporation.

(2) The seal of the Board shall be authenticated by the signature of the Chairman, or any member authorised to act in that behalf, and of the Secretary of the Board, and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal and all decisions of the Board may be signified under the hand of the Chairman, any member authorised to act in that behalf, or the Secretary of the Board.

(4) The Board may sue and be sued in its corporate name and may for all purposes be described by that name.

9. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine. Procedure and meetings.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written requisition for that purpose addressed to him by the Minister.

(3) The Chairman shall preside at every meeting of the Board at which he is present and in his absence from any meeting the members present at that meeting shall select one of their number to preside thereat in place of the Chairman.

(4) The Chairman or the member presiding at a meeting of the Board in the absence of the Chairman shall have an original and a casting vote.

(5) The quorum of the Board shall be three including the Chairman or member presiding in the absence of the Chairman from the meeting.

(6) Subject to the foregoing provisions of this section, the Board shall have the power to regulate its own proceedings.

(7) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members or any defect in the appointment of a member.

PART III.—FUNCTIONS OF THE BOARD

10. (1) It shall be the duty of the Board, within the limits of its resources, and subject to the provisions of this Law, to protect and safeguard the interests and welfare of Western Region pilgrims journeying to or from any place of pilgrimage specified in the Schedule to this Law or stranded in the course of a journey to or from any such place of pilgrimage. Duty of the Board.
Schedule.

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section, it shall be the duty of the Board to make suitable arrangements for the transport and accommodation of such pilgrims and for assistance to be given to them in matters relating to immigration and currency exchange.

General
powers of
Board.

11. (1) Subject to the provisions of this Law, the Board shall have power for the purpose of the execution of its duty under section 10—

(a) to carry on all activities, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of that duty ;

(b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing or the granting of financial assistance, the acquisition of any property or rights or the disposal of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(2) For the avoidance of doubt it is hereby declared that the provisions of sub-section (1) of this section relate only to the capacity of the Board as a statutory corporation, and nothing in the said provisions shall be construed as authorising the disregard by the Board of any enactment or rule of law.

Borrowing
powers.

12. (1) Subject to the provisions of sub-section (2) of this section, the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The Board shall not borrow any sums whereby the aggregate amount outstanding on loan to the Board at any one time exceeds two thousand pounds, without the prior approval of the Minister as to the amount, as to the sources of the borrowing, and as to the terms on which the borrowing may be effected ; and an approval given in any respect for the purposes of this sub-section may be either unconditional or subject to conditions.

Remunera-
tion of
members.

13. The Board shall pay to each member in respect of his office as such, such, if any, remuneration and allowances as the Minister may determine.

Appointment
of employees
and agents.

14. The Board may, with the approval of the Minister, appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Secretary and such employees and agents as it may deem necessary for the proper carrying out of the provisions of this Law.

Regulations.

15. (1) The Board may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Law and, in particular, but without prejudice to the generality of the foregoing, may make regulations providing for the imposition of fees or charges in such cases as may be determined by the Board for services rendered by the Board, its servants or agents, in carrying out the provisions of this Law.

(2) All regulations made under sub-section (1) of this section shall be laid before both Houses of the Regional Legislature as soon as may be after they are made.

16. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board. Liability of members.

17. The Minister may give to the Board general or special directions as to the policy to be followed in the exercise and performance of its functions under this Law and the Board shall give effect to all such directions. Powers of Minister.

PART IV.—FINANCIAL PROVISIONS

18. The funds and resources of the Board shall consist of— Funds and resources of the Board.

(a) such sums as may be provided by the Government of the Western Region ;

(b) such sums as may be borrowed by the Board in accordance with this Law ;

(c) all sums collected under the authority of regulations made under this Law ;

(d) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

19. The Board shall keep proper accounts in a form which shall conform with satisfactory commercial standards of its receipts, payments, credits and liabilities and shall submit the same from time to time with vouchers to a duly qualified auditor to be audited. Accounts and audit.

20. (1) The Board shall in each year prepare and present on or before the 1st day of October to the Minister a report of its proceedings during the twelve months ending on the 31st day of March in such year : Annual report and estimates.

Provided that the first report shall be for the period between the date of commencement of this Law and the 31st day of March, 1959.

(2) A copy of every such report shall be laid before both Houses of the Regional Legislature.

(3) The Board shall as soon as may be practicable after the 1st day of January in each year submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the 1st day of April in such year and ending on the 31st day of March of the following year.

PART V.—VARIATION OF SCHEDULE AND LIMITATION OF POWERS

21. The Governor in Council may by order vary the Schedule to this Law. Power to vary schedule.
Schedule.

Limitation
of powers
of Board.

22. Nothing in this Law shall be deemed or be so construed as to confer any power or impose any duty on the Board or any person in relation to any matter within the exclusive legislative competence of the Federal Legislature.

SCHEDULE

(Sections 10 and 21)

PLACE OF PILGRIMAGE

Mecca and Medina

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 29th day of May, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 14



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO GIVE EFFECT TO A CHANGE IN THE DESIGNATION OF THE CROWN AGENTS FOR THE COLONIES. Title.

[5th June, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Crown Agents (Change of Designation) Law, 1957. Short title.

**Interpreta-
tion.**

2. In this Law, the expression "legislation of the Western Region" means—

(a) any laws enacted or having effect as if enacted by the Legislature of the Western Region ; and

(b) any subsidiary legislation (by whatever name called), and any instruments, made in pursuance of any of those laws, in force or having effect in the Western Region at the commencement of this Law.

**Change of
designation
of Crown
Agents.**

3. All references to the Crown Agents for the Colonies in any legislation of the Western Region shall be construed as references to the Crown Agents for Oversea Governments and Administrations.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Chiefs and the Western House of Assembly, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Supplement to the Western Regional Gazette No. 42, Vol. 7, 19th June, 1958—Part A

Assented to in Her Majesty's name this 7th day of June, 1958.

J. D. RANKINE.
Governor, Western Region

(L.S.)

No. 15



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND PUBLIC LANDS ACQUISITION ORDINANCE.

[19th June, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Public Lands Acquisition Short title. (Amendment) Law, 1958.

Amendment
of section 10
of Cap. 185.

2. Section 10 of the Public Lands Acquisition Ordinance is hereby amended in the following respects :—

(a) by renumbering the section as sub-section (1) of section 10 ;

(b) by adding the following sub-section (2) of section 10 :—

"Claims not to be entertained after expiration of twelve months from publication of notice.

(2) Subject to the provisions of section 20, no claim to any estate, interest or right in or to any lands in respect of which a notice has been served and published in the Gazette in accordance with section 9, or to any compensation or rent in respect of any such estate, interest or right, made after the expiration of twelve months from the publication of the notice, shall be entertained by any public officer whose duty it is to receive such claims or by any court".

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,

Clerk to the Regional Legislature

Assented to in Her Majesty's name this 11th day of June, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 16



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE CHIEFS LAW, 1957.

[19th June, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Chiefs (Amendment) Law, 1958. Short title.

Amendment
of section 18
of the Chiefs
Law, 1957.
No. 20 of
1957.

2. For sub-section (1) of section 18 of the Chiefs Law, 1957, there shall be substituted the following sub-section—

“(1) The Governor in Council may appoint in respect of the area (which expression shall in this Part and Part IV be deemed to include a reference to part of an area) of any local government council or group of councils, an authority (in this Part referred to as the prescribed authority) consisting of one person, or of more persons than one, who may be the chairman and other members of a committee established by section 5, to exercise the powers conferred by this section in respect of the office of any minor chief whose chieftaincy title is associated with a native community in that area”.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 1st day of July, 1958.

J. D. RANKINE.
Governor, Western Region

(L.S.)

No. 17



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.

Governor, Western Region

A LAW TO PROVIDE FOR THE TRANSFER OF CERTAIN STATUTORY FUNCTIONS OF THE GOVERNOR TO REGIONAL MINISTERS, AND FOR PURPOSES INCIDENTAL THERETO OR CONNECTED THEREWITH.

[10th July, 1958.] Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Governor's Statutory Functions (Transfer to Regional Ministers) Law, 1957. Short title.

Interpreta-
tion.

2. In this Law—

“functions” includes powers and duties other than powers or duties which the Governor is required to exercise or perform in his discretion or on the recommendation of any person or authority other than the Executive Council ;

“Law or Ordinance” means any Law or Ordinance enacted or having effect as if enacted by the Legislature of the Western Region, in force or having effect on and after the date of commencement of this Law.

Power of
Governor
to make
orders for
the transfer
of certain
statutory
functions to
Regional
Ministers.

3. The Governor may, by order, make in any Law or Ordinance such adaptations as he may think fit for the purpose of—

(a) transferring to any Regional Minister any of the functions which are by that Law or Ordinance conferred or imposed upon the Governor ;

(b) making provisions consequential on or incidental to any such transfer.

Provisions
relating to
the making
of orders.

4. An order made under section 3—

(a) may provide, generally or in relation to any particular matter, for the carrying on and completion by the Regional Minister to whom any functions are transferred of anything commenced by the Governor ;

(b) may be made with retrospective effect from the date of commencement of this Law, or from any later date ;

(c) shall be laid before both Houses of the Regional Legislature as soon as may be after it is made.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 7th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 18



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE INTERPRETATION ORDINANCE.

[17th July, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region Enactment.
of Nigeria as follows :—

1. This Law may be cited as the Interpretation (Amendment) Short title.
Law. 1958.

Amendment
of section
33B of
Interpre-
tation
Ordinance
Cap. 94.
No. 3 of
1957.

2. Section 33B of the Interpretation Ordinance, as inserted therein by the Interpretation (Amendment) Law, 1956, is hereby amended by adding to the section the following sub-section—

“(3) The foregoing provision of this section shall apply in the case of the Attorney-General of the Region as those provisions apply in the case of a Minister in the circumstances and to the extent specified in those provisions.”

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 8th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 19



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE
WESTERN REGION FOR THE YEAR ENDING THE THIRTY-FIRST DAY
OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-EIGHT.

[17th July, 1958.]

Date of
commence-
ment.

WHEREAS by the 1957-58 Appropriation Law, 1957, a sum not exceeding thirteen million, three hundred and thirty thousand, six hundred and forty pounds was provided for the service of the Western Region for the year ending on the thirty-first day of March, one thousand nine hundred and fifty-eight to be applied and expended in the manner therein described and for the several services set forth in the Schedule thereto :

Preamble
No. 18 of
1957.

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sums provided for the said services by the said Law :

Enactment. NOW, THEREFORE, BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Short title. 1. This Law may be cited as the 1957-58 (Supplementary) Appropriation Law, 1958.

Additional Expenditure for 1957-58 legalised. Schedule to No. 18 of 1957. 2. The sums of money set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the service therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the 1957-58 Appropriation Law, 1957.

SCHEDULE

<i>Head of Expenditure</i>	<i>£</i>
320. The Governor	600
321. Governor's Office	61
322. Premier's Office	11,420
323. Executive	1,181
325. Western Region London Office	10,269
326. Legislature	532
327. Judicial	1,180
328. Public Service Commission	4,380
329. Audit	850
330. Ministry of Agriculture and Natural Resources...	1,049
331. Agriculture	4,736
332. Forestry	150
335. Ministry of Development	7,189
336. Co-operative Societies	110
337. Ministry of Education	11,483
338. Ministry of Finance	107,982
339. Pensions and Gratuities	482
341. Ministry of Home Affairs	20,217
342. Printing and Stationery	675
343. Western Region Information Services	3,506
344. Ministry of Justice	547
345. Legal	755
346. Ministry of Lands and Labour	1,280
348. Survey	350
349. Ministry of Local Government	116,516
350. Ministry of Health	1,925
351. Medical Services	37,130
352. Ministry of Works	1,261
353. Public Works	21,730
354. Public Works Recurrent—Maintenance Works and Services	185
355. Ministry of Economic Planning	6,037
356. Office of Director of Public Prosecutions	3,022

£378,810

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 20



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO RELIEVE INNKEEPERS OF PARTIAL LIABILITY IN RESPECT OF
GOODS BROUGHT TO INNS BY GUESTS AND TO MAKE LAWFUL THE
SALE OF SUCH GOODS IN CERTAIN CASES.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Innkeepers Law, 1958.

Short title.

Interpretation.
26 & 27 Vict.,
c. 41, s. 4.

2. In this Law—

“inn” means any hotel, inn, tavern, public house or other place of refreshment the keeper of which is now by law responsible for the goods and chattels of his guests ;

41 & 42 Vict.,
c. 38, s. 1.

“innkeeper” means the keeper of any inn ;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads ;

20 & 21
Geo. V,
c. 43, s. 1.

“trailer” means any vehicle drawn by a motor vehicle.

Innkeeper
not to be
liable for
loss, etc.,
beyond £30
except in
certain cases.

3. No innkeeper shall be liable to make good to any guest of such innkeeper any loss or injury to goods or chattels brought to his inn not being a motor vehicle or trailer to a greater amount than the sum of thirty pounds, except in the following cases, that is to say—

26 & 27
Vict.,
c. 41, s. 1.

(a) where such goods or chattels have been stolen, lost or injured through the wilful act, default or neglect of such innkeeper or any servant in his employ ;

(b) where such goods or chattels have been deposited expressly for safe custody with such innkeeper :

Provided that in the case of such deposit it shall be lawful for such innkeeper, if he thinks fit, to require, as a condition of his liability, that such goods or chattels shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

Obligation
to receive
property of
guest for
safe custody.
26 & 27 Vict.,
c. 41, s. 2.

4. If any innkeeper refuses to receive for safe custody, as before mentioned, any goods or chattels of his guest, or if any such guest is through any default of such innkeeper, unable to deposit such goods or chattels as aforesaid, such innkeeper shall not be entitled to the benefit of section 3 in respect of such goods or chattels.

Notice of
law to be
conspicuously
exhibited.
26 & 27 Vict.,
c. 41, s. 3.

5. Every innkeeper shall cause at least one copy of section 3, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his inn ; and he shall be entitled to the benefit of the said section in respect of such goods and chattels only as are brought to his inn while such copy is so exhibited.

Innkeeper
may dispose
of goods left
with him
after six
weeks.
41 & 42
Vict.,
c. 38, s. 1.

6. (1) The keeper of any inn shall in addition to his ordinary lien, have the right, subject to the provisions of this section, absolutely to sell and dispose by public auction of any goods or chattels which may have been deposited with him or left in the house he keeps, or in the garage, or other premises appurtenant or belonging thereon, where the person depositing or leaving such goods or chattels is or becomes indebted to the said innkeeper either for board or lodging :

Provided that the debt for the payment of which a sale is made shall not be any other or greater debt than the debt for which the goods or chattels could have been retained by the innkeeper under his lien.

(2) No such sale shall be made until after the said goods or chattels have been for the space or six weeks in such charge or custody or in or upon such premises without such debt having been paid or satisfied.

(3) Such innkeeper, after having, out of the proceeds of such sale, paid himself the amount of any such debt, together with the costs and expenses of such sale, shall on demand pay to the person depositing or leaving any such goods or chattels the surplus (if any) remaining after such sale.

(4) At least one month before any such sale the innkeeper shall cause to be inserted in one newspaper circulating in the district where such goods or chattels or some of them have been deposited or left, an advertisement containing notice of such intended sale and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same, where known.

(5) For the purposes of this section the expression "goods or chattels" includes motor vehicles, trailers, wares or merchandise.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 21



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW RELATING TO THE CAPACITY, PROPERTY AND LIABILITIES OF
MARRIED WOMEN AND THE LIABILITIES OF HUSBANDS.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. (1) This Law may be cited as the Married Women's Property Law, 1958.

Short title,
and
application.

(2) Nothing in this Law shall affect the capacity, property or liabilities of any persons married solely in accordance with the requirements of customary law.

Interpretation.
45 and 46
Vict.,
c. 75, s. 24
and in also
ss. 5-9.

2. (1) In this Law—

“company” includes corporation and public body, municipal, commercial, or otherwise and any industrial, provident, friendly, benefit, building or loan society ;

“contract” includes the acceptance by a married woman of any trust or of the office of executrix or administratrix ;

“deposits” means deposits in any post office or other savings bank or in any other bank ;

“property” includes a thing in action ;

“shares” includes any sums forming part of the public stocks or funds or any other stocks or funds transferable in the books of any bank and any shares, stock, debentures, debenture stock, and any other benefit, right, claim or other interests of or in any company.

(2) The provisions of this Law as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration.

Capacity of
married
women.
25 and 26
Geo. V, c. 30,
s. 1.

3. Subject to the provisions of this Law a married woman shall—

(a) be capable of acquiring, holding and disposing of any property ;

(b) be capable of rendering herself and being rendered liable in respect of any tort, contract, debt or obligation ;

(c) be capable of suing and being sued, either in tort or in contract, or otherwise ; and

(d) be subject to the law relating to the enforcement of judgments and orders,

in all respects as if she were a *feme sole*.

Property of
married
women.
25 and 26
Geo. V, c. 30,
s. 2.

4. (1) Subject to the provisions of the Law all property which—

(a) immediately before the passing of this Law was the separate property of a married woman or held for her separate use in equity ; or

(b) belongs at the time of her marriage, to a woman married after the passing of this Law ; or

(c) is acquired by or devolves upon a married woman after the passing of this Law,
shall belong to her in all respects as if she were a *feme sole* and may be disposed of accordingly :

Provided that nothing in this sub-section shall interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of any provision attaching such a restriction contained in any written law or in any Act

of Parliament in force in the Region passed before the passing of this Law or in any instrument executed before the commencement of this Law.

(2) Any instrument executed after the commencement of this Law shall, in so far as it purports to attach to the enjoyment of any property by a woman any restriction upon anticipation or alienation which could not have been attached to the enjoyment of that property by a man, be void.

(3) For the purposes of the provisions of this section relating to restrictions upon anticipation or alienation—

(a) an instrument attaching such a restriction as aforesaid executed after the commencement of this Law in pursuance of an obligation before then imposed to attach such a restriction shall be deemed to have been executed before the commencement of this Law ;

(b) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created ; and

(c) the will of any testator who dies after the expiration of ten years from the commencement of this Law shall, notwithstanding the actual date of the execution thereof, be deemed to have been executed after the commencement of this Law.

5. Subject to the provisions of the foregoing section nothing in this Law shall interfere with or affect any settlements or agreements for a settlement made or to be made whether before or after marriage, respecting the property of any married woman but no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors :

Validity of settlements. 45 and 46 Vict., c.75, s. 19.

Provided that a settlement or agreement for a settlement made after the commencement of this Law by the husband or intended husband whether before or after marriage, respecting the property of any woman he may marry or have married, shall not be valid unless it is executed by her if she is of full age or confirmed by her after she attains full age, but if she dies an infant any covenant or disposition by her husband contained in the settlement or agreement shall bind or pass any interest in any property of hers to which he may become entitled on her death and which he could have bound or disposed of if this Law had not been passed :

7 Edw. VII, c.18 s. 2.

Provided also that nothing in this section shall render invalid any settlement or agreement for a settlement made or to be made under the provisions of any written law relating to the making of settlements by infants.

Stock etc., to which a married woman is entitled. 45 and 46 Vict., c. 75. ss. 6, 7, 8 and 9.

6. (1) All deposits, all annuities granted by any person and all shares which at the commencement of this Law are standing in the sole name of a married woman shall be deemed, unless and until the contrary be shown, to be the property of such married woman.

(2) The fact that any such deposit, annuity, or share, as aforesaid is standing in the sole name of a married woman shall be sufficient prima facie evidence that she is beneficially entitled thereto so as to authorise and empower her to receive or transfer the same and to receive the dividends, interest and profits thereof without the concurrence of her husband and to indemnify all directors, managers and trustees of every such company, as aforesaid in respect thereof.

(3) All such deposits, annuities, or shares, as aforesaid which after the commencement of this Law shall be allotted to or placed, registered or transferred in or into or made to stand in the sole name of any married woman shall be deemed unless and until the contrary be shown, to be her property in respect of which so far as any liability may be incident thereto she shall alone be liable :

Provided always that nothing in this Law shall require or authorise any corporation or joint stock company to admit any married woman to be a holder of any shares or stock therein to which any liability may be incident contrary to the provisions of any written law or of any Act of Parliament, charter, byelaw, articles of association or deed of settlement regulating such corporation or company.

(4) All the provisions of the preceding sub-sections shall respectively extend and apply, so far as relates to the estate, right, title or interest of the married woman to any deposits, annuities or shares which, at the commencement of this Law or at any time afterwards, shall be standing in or shall be allotted to placed registered or transferred to or into or made to stand in the name of any married woman jointly with any person or persons other than her husband.

(5) It shall not be necessary for the husband of any married woman in respect of her interest to join in the transfer of any deposits, annuities or shares which are now or shall at any time hereafter be standing in the sole name of any married woman or in the joint names of such married woman and any other person or persons other than her husband.

Investments with money of husband without his consent. 45 and 46 Vict., c. 75, s. 10.

7. If any investment in any such deposit, annuity or shares, shall have been made by a married woman by means of moneys of her husband without his consent the High Court may upon an application under section 17 order such investment and the dividends thereof or any part thereof to be transferred and paid respectively to the husband.

8. Nothing in this Law shall give validity as against creditors of the husband to any gift by a husband to his wife of any property which, after such gift, shall continue to be in the order and disposition or reputed ownership of the husband or to any deposit or other investment of moneys of the husband made by or in the name of his wife in fraud of his creditors, but any moneys so deposited or invested may be followed as if this Law had not been passed.

Fraudulent gifts invalid as against creditors. 45 and 46 Vict., c. 75 s. 10.

9. A married woman may effect a policy of assurance upon her own life or the life of her husband for her own benefit and the same and all benefit thereof shall enure accordingly.

Policy of assurance. 45 and 46 Vict., c. 75, s. 11.

10. Every woman whether married before or after this Law shall have in her own name against all persons whomsoever, including her husband, the same civil remedies for the protection and security of her own property as if she were a *feme sole* :

Remedies for protection of property. 45 and 46 Vict., c. 75, s. 12.

Provided that, except as aforesaid, no husband or wife shall be entitled to sue the other for a tort.

11. A woman after her marriage shall continue to be liable for all debts contracted and all contracts entered into or wrongs committed by her before marriage and may be sued for any such debt and for any liability in damages or otherwise under any such contract or in respect of any such wrong.

Ante-nuptial debts and liabilities. 45 and 46 Vict., c. 75, s. 13.

12. Subject to the provisions of this Law the husband of a married woman shall not, by reason only of his being her husband be liable—

Abolition of husbands liability in certain cases. 25 and 26 Geo. V, c. 30, s. 3.

(a) in respect of any tort committed by her whether before or after the marriage or in respect of any contract entered into or debt or obligation incurred by her before the marriage ; or

(b) to be sued or made a party to any legal proceeding brought in respect of any such tort, contract, debt or obligation.

13. (1) The will of a married woman made during coverture whether she is or is not possessed of or entitled to any separate property at the time of making it, shall be construed with reference to the real estate and personal estate comprised in it to speak and take effect as if it had been executed immediately before the death of the testator unless a contrary intention shall appear by the will.

Will of married woman. 56 and 57 Vict., c. 63, s. 3.

(2) No such will shall require to be re-executed or republished after the death of her husband.

14. For the purposes of this Law the legal personal representatives of any married woman shall in respect of her estate have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living.

Legal representatives. 45 and 46 Vict., c. 75, s. 23.

Married woman as executrix or trustee. 45 and 46 Vict., c. 75, s. 18.

15. A married woman who is an executrix or administratrix alone or jointly with any other person or persons of the estate of any deceased person, or a trustee alone or jointly as aforesaid of property subject to any trust, may sue or be sued and may transfer or join in transferring any annuity or deposit or any shares of or in any company in that character, without her husband, as if she were a *feme sole*.

Acquisitions and dispositions of trust estates by married women. 7 Edw. VII, c. 18, ss 1 and 15 and 16 Geo. V, c. 20, s. 170.

16. (1) A married woman is able to acquire as well from her husband as from any other person, and hold any interest in property real or personal either solely or jointly with any other person (whether or not including her husband) as a trustee or personal representative, in like manner as if she were a *feme sole*; and no interest in such property shall vest or be deemed to have vested in the husband by reason only of the acquisition by his wife.

(2) A married woman is able, without her husband, to dispose of or to join in disposing of any interest in real or personal property held by her solely or jointly with any other person (whether or not including her husband) as trustee or personal representative in like manner as if she were a *feme sole*.

(3) This section operates to render valid and confirm all such acquisitions and dispositions made after the thirty-first day of December eighteen hundred and eighty two, whether before or after the commencement of this Law but where any title or right has been acquired through or with the concurrence of the husband before the commencement of this Law that title or right shall prevail over any title or right which would otherwise be rendered valid by this section.

Summary disposal of questions between husband and wife as to property. 45 and 46 Vict., c. 75, s. 17.

17. (1) In any question between husband and wife as to the title to or possession of property, either party or any bank or company, in whose books any shares of either party are standing, may apply in a summary way, by summons or as may be otherwise prescribed by rules of court, to any judge of the High Court and the judge may make such order with respect to the property in dispute and as to the costs of and consequent upon the application as he thinks fit or may direct such application to stand over from time to time and any inquiry touching the matter in question to be made as he shall think fit.

(2) The judge may, if either party so require, hear any such matter of any such application in chambers.

(3) Any such bank, or company, as aforesaid shall, in the matter of any such application for the purposes of costs or otherwise be treated as a stakeholder only.

Savings. 25 and 26 Geo. V, c. 30, s. 4.

18. (1) Nothing in this Law shall—

(a) during coverture which began before the first day of January eighteen hundred and eighty-three, affect any property to which the title, whether vested or contingent and whether in possession, reversion or remainder of a married woman accrued before that date, except property held for her separate use in equity;

(b) affect any legal proceeding in respect of any tort if proceedings had been instituted in respect thereof before the commencement of this Law ;

(c) enable any judgment or order against a married woman in respect of a contract entered into, or debt or obligation incurred before the commencement of this Law to be enforced otherwise than against her property.

(2) For the avoidance of doubt it is hereby declared that nothing in this Law—

(a) renders the husband of a married woman liable in respect of any contract entered into or debt or obligation incurred by her after the marriage in respect of which he would not have been liable if this Law had not been passed ;

(b) exempts the husband of a married woman from liability in respect of any contract entered into or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred by her after the marriage in respect of which he would have been liable if this Law had not been passed.

(c) prevents a husband and wife from acquiring, holding and disposing of any property jointly or as tenants in common, or from rendering themselves or being rendered jointly liable in respect of any tort, contract, debt or obligation, and of suing or being sued either in tort or contract or otherwise in like manner as if they were not married ;

(d) prevents the exercise of any joint power given to a husband and wife.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 22



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE CERTAIN PROVISIONS IN RESPECT OF THE LAW RELATING
TO CONTRACTS.

[24th July, 1958.] Date of
commence
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Contracts Law, 1958.

Short title.

PART II.—PROOF AND EFFECT OF CERTAIN CONTRACTS

Contracts
for sale of
land.

15 & 16 Geo.
V, c.20, s.49.

2. (1) No action may be brought upon any contract for the sale or other disposition of land or any interest in land, unless the agreement upon which such action is brought, or some memorandum or note thereof, is in writing, and signed by the party to be charged or by some other person thereunto by him lawfully authorised.

(2) This section applies to contracts whether made before or after the commencement of this Law and does not affect the law relating to part performance, or sales by the court.

Promise to
answer for
debt, etc., of
another
person.

29 Car. II,
c.3, s.4.

3. (1) No action shall be brought whereby to charge the defendant upon any special promise, whether made before or after the commencement of this Law to answer for the debt, default or miscarriage of another person unless the agreement upon which such action is brought or some memorandum or note thereof is in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorised.

19 & 20 Vict.,
c.97, s.3.

(2) No such special promise, being in writing, and so signed as aforesaid, shall be deemed invalid to support an action, suit, or other proceeding to charge the person by whom such promise has been made by reason only that the consideration for such promise does not appear in writing, or by necessary inference from a written document.

Surety who
discharges
liability to
stand in
place of
creditor.

19 & 20 Vict.,
c.97, s.5.

4. Every person who, being surety for the debt or duty of another, or being liable with another for any debt or duty, pays such debt or performs such duty, shall be entitled to have assigned to him, or to a trustee for him, every judgment, specialty or other security which is held by the creditor in respect of such debt or duty, whether such judgment, specialty or other security shall or shall not be deemed at law to have been satisfied by the payment of the debt or performance of the duty, and such person shall be entitled to stand in the place of the creditor, and to use all the remedies, and, if need be, and upon a proper indemnity, to use the name of the creditor in any action or other proceeding, at law or in equity, in order to obtain from the principal debtor, or any co-surety, co-contractor or co-debtor, as the case may be, indemnification for the advances made and loss sustained by the person who has so paid such debt or performed such duty, and such payment or performance so made by such surety shall not be pleadable in bar of any such action or other proceeding by him :

Provided that no co-surety, co-contractor or co-debtor shall be entitled to recover from any other co-surety, co-contractor or co-debtor, by the means aforesaid, more than the just proportion to which, as between those parties themselves, such last-mentioned person shall be justly liable.

Representa-
tions of
character.
9 Geo. IV,
c.14, s.6.

5. No action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other

person may obtain credit, money or goods, unless such representation or assurance be made in writing signed by the party to be charged therewith.

PART III.—FRUSTRATED CONTRACTS

6. Where a contract governed by the law in force in the Region has become impossible of performance or been otherwise frustrated, and the parties thereto have for that reason been discharged from the further performance of the contract, the following provisions of this section shall, subject to the provisions of this Part, have effect in relation thereto—

Rights and liabilities of parties to frustrated contracts. 6 & 7 Geo. VI, c. 40, s. 1.

(a) All sums paid or payable to any party in pursuance of the contract before the time when the parties were so discharged (in this Part referred to as "the time of discharge") shall, in the case of sums so paid, be recoverable from him as money received by him for the use of the party by whom the sums were paid, and, in the case of sums so payable, cease to be so payable :

Provided that if the party to whom the sums were so paid or payable incurred expenses before the time of discharge in, or for the purpose of, the performance of the contract, the court may, if it considers it just to do so having regard to all the circumstances of the case, allow him to retain or, as the case may be, recover the whole or any part of the sums so paid or payable, not being an amount in excess of the expenses so incurred ;

(b) where any party to the contract has, by reason of anything done by any other party thereto in, or for the purpose of, the performance of the contract, obtained a valuable benefit (other than a payment of money to which the last foregoing paragraph applies) before the time of discharge, there shall be recoverable from him by the said other party such sum (if any) not exceeding the value of the said benefit to the party obtaining it, as the court considers just, having regard to all the circumstances of the case and, in particular—

(i) the amount of any expenses incurred before the time of discharge by the benefited party in, or for the purpose of, the performance of the contract, including any sums paid or payable by him to any other party in pursuance of the contract and retained or recoverable by that party under paragraph (a) of this section, and

(ii) the effect, in relation to the said benefit, or the circumstances giving rise to the frustration of the contract ;

(c) In estimating, for the purposes of the foregoing provisions of this section the amount of any expenses incurred by any party to the contract, the court may, without prejudice to the generality of the said provisions, include such sum as appears to be reasonable in respect of overhead expenses and in respect of any work or services performed personally by the said party ;

(d) In considering whether any sum ought to be retained or recovered under the foregoing provisions of this section by any party to the contract, the court shall not take into account any sums which

have, by reason of the circumstances giving rise to the frustration of the contract become payable to that party under any contract of insurance unless there was an obligation to insure imposed by an express term of the frustrated contract or by or under any written law.

(e) Where any person has assumed obligations under the contract in consideration of the conferring of a benefit by any other party to the contract upon any other person, whether a party to the contract or not, the court may, if in all the circumstances of the case it considers it just so to do, treat for the purposes of paragraph (b) of this section any benefit so conferred as a benefit obtained by the person who has assumed the obligations as aforesaid.

Contracts to which Part III applies. 6 & 7 Geo. VI, c.40, s.2 (1).

7. This Part shall apply to contracts, whether made before or after the commencement of this Law, as respects which the time of discharge is on or after the date of commencement of this Law, but not to contracts as respects which the time of discharge is before the said date.

Contracts to which Crown is party. Ib. s.2 (2).

8. This Part shall apply to contracts to which the Crown is a party in like manner as to contracts between subjects.

Contracts containing provision as to frustration. Ib. s.2.

9. Where any contract to which this Part applies contains any provision which, upon the true construction of the contract, is intended to have effect in the event of circumstances arising which operate, or would but for the said provision operate, to frustrate the contract, or is intended to have effect whether such circumstances arise or not, the court shall give effect to the said provision and shall only give effect to the provisions of this Part to such extent (if any) as appears to the court to be consistent with the said provision.

Severance of part of contract. Ib. s.2 (4).

10. Where it appears to the court that a part of any contract to which this Part applies can properly be severed from the remainder of the contract, being a part wholly performed before the time of discharge, or so performed except for the payment in respect of that part of the contract of sums which are or can be ascertained under the contract, the court shall treat that part of the contract as if it were a separate contract and had not been frustrated and shall treat the provisions of this Part as only applicable to the remainder of that contract.

Part III not to apply to contracts to which certain provisions of the Sale of Goods Law apply. Ib. s.2 (5).

11. This Part shall not apply to any contract to which the provisions of the Sale of Goods Law (relating to the avoidance of contracts for the sale of specific goods which perish before the risk has passed to the buyer) applies, or to any other contract for the sale, or for the sale and delivery, of specific goods, where the contract is frustrated by reason of the fact that the goods have perished.

12. For the purposes of this Part "court" means, in relation to any matter, the court or arbitrator by or before whom the matter falls to be determined.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 23



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW RELATING TO THE TIME OF PRESCRIPTION IN RESPECT OF CERTAIN PROFITS, BENEFITS, EASEMENTS OR OTHER RIGHTS IN OR OVER LAND.

[24th July, 1958.]

Date of
Commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. (1) This Law may be cited as the Prescription Law, 1958.

Short title
and applica-
tion.

(2) Nothing in this Law affects the acquisition of easements or rights over or in respect of any land the tenure of which is subject to customary law, or any claims in respect of such easements or rights.

Claims to
profits &
prevents.
2 & 3 Will.
17, c. 71, s. 1

2. No claim which may be lawfully made at common law by prescription or grant to any profit or benefit to be taken and enjoyed from or upon any land vested in the Crown or in any person on behalf of the Crown or land the property of any person, except rent and such other matters and things hereinafter specifically provided for, shall be defeated or destroyed on the ground only that such right, profit or benefit was first taken or enjoyed at any time prior to thirty years next before the suit or action wherein the claim or matter shall have been or shall be brought into question, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated.

Provided that—

(a) such right, profit or benefit shall have been actually taken and enjoyed by the person claiming the right without interruption for the said period of thirty years ;

(b) such right, profit or benefit shall be deemed absolute and indefeasible if it has been so taken and enjoyed as aforesaid for a full period of sixty years without interruption unless it shall appear that the same was enjoyed by some consent or agreement given or made for that purpose by deed or writing.

Claim to
rights of way
and other
easements.
2 & 3 Will.
IV, c. 71, s. 2.

3. No claim which may be lawfully made at common law by prescription or grant to any way or other easement or to any water-course or the use of any water, to be enjoyed or derived upon over, or from any land or water vested in the Crown or in any person on behalf of the Crown or being the property of any person shall be defeated or destroyed on the ground only that such way or other matter was first enjoyed at any time prior to twenty years next before the suit or action wherein the claim or matter shall have been or shall be brought into question, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated :

Provided that—

(a) such way or other matter shall have been actually enjoyed by any person claiming the right without interruption for the said period of twenty years ;

(b) such way or other matter shall be deemed absolute and indefeasible if it has been so enjoyed for a full period of forty years without interruption unless it shall appear that the same was taken and enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing ;

(c) when any land or water upon, over or from which any way or other easement or water-course or use of water shall have been or shall be enjoyed or derived, has been or shall be held under or by virtue of any term of life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter, during the continuance of such term shall be excluded in the computation of the period of forty years herein-before mentioned, in case the claim shall within three years next

after the end or sooner determination of such term be resisted by any person entitled to any reversion expectant on the determination thereof.

4. Where the access and use of light to and for any dwelling house, workshop or other building shall have been actually enjoyed therewith without interruption for a period of twenty years next before any suit or action wherein a claim to such enjoyment shall have been made or called in question, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Right to the use of light.
2 & 3 Will.
IV, c.71, s.3.

5. No act or other matter shall be deemed to be an interruption within the meaning of the preceding sections of this Law unless the same shall have been or shall be submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof and of the person making or authorising the same to be made.

Nature of interruption.
2 & 3 Will.
IV, c.71, s.4.

6. In the several cases provided for by this Law no presumption shall be allowed or made in favour or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this Law as may be applicable to the case and to the nature of the claim.

No presumption in certain cases.
2 & 3 Will.
IV, c.71, s.6.

7. The time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or shall be an infant, idiot, *non compos mentis* or tenant for life or during which any action or suit shall have been pending and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the period hereinbefore mentioned, except only in cases when the right or claim is hereby declared to be absolute and indefeasible.

Provision as to incapacity.
2 & 3 Will.
IV, c.71, s.7.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 24



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.,
Governor, Western Region

A LAW FOR MORE EFFECTUALLY SECURING THE LIBERTY OF THE
SUBJECT.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region
of Nigeria as follows :—

Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Habeas Corpus Law, 1958.

Short title.

Interpretation.

2. In this Law—

“Court” means the High Court ;

“judge” means a judge of the Court ;

“session” means any session during which the Court is open for the transaction of general legal business ;

“vacation” means any period during which any vacation is observed by the Court.

PART II.—CRIMINAL MATTERS

Return to be made to writ of *habeas corpus* within time prescribed.
31 Car. II, c.2, s.1.

3. Upon the issue of any writ of *habeas corpus* directed to any person to produce the body of any prisoner in his custody for any criminal or supposed criminal matter (other than for treason or felony plainly and specially expressed in the warrant of commitment) and the said writ being served in accordance with the provisions of this Law, the person to whom the writ is directed shall, within three days after the service of the writ, make return thereto or bring or cause to be brought the body of the prisoner before the court by which the writ was issued or before any judge before whom the writ is made returnable and shall then certify the true cause of the prisoner's commitment and detainer :

Provided that the person to whom the writ is directed shall not be required so to produce the body of the prisoner save upon payment or tender of the charges of bringing him before such Court or judge (to be determined by the judge by whom the writ is issued and endorsed upon the writ, but not exceeding one shilling per mile), and upon security given by bond to pay the charges of carrying back the prisoner if he is remanded by the court or judge before whom he is brought in pursuance of this Law and that he will not make any escape by the way :

Provided also that where the place in which the prisoner is in custody is more than twenty miles but not more than one hundred miles from the court or place to which he is to be brought, return to the writ may be made within ten days from the service thereof, and, if more than one hundred miles then within twenty days from such service.

How writ to be marked.
31 Car. II, c.2, s.2.

4. Every writ of *habeas corpus* shall be marked “Issued under the Habeas Corpus Law, 1958” and shall be signed by the judge issuing the same.

Issue of writ during vacation.

31 Car. II, c.2, ss.2 and 9.

5. (1) If any prisoner is committed or in custody as aforesaid during a vacation, he or any person on his behalf may apply to any judge, who shall, upon production of a copy of the warrant of commitment, or of an affidavit that a copy thereof was refused to be given to the applicant by the person by whom the prisoner is detained, and upon a request in writing by the application attested and subscribed by two witnesses present at the making thereof, issue a writ of *habeas*

corpus under the seal of the court, directed to the officer or person in whose custody the prisoner is detained, and if any judge refuses any writ of *habeas corpus* required by this section to be issued upon being moved for as aforesaid, he shall forfeit to the prisoner or person aggrieved the sum of five hundred pounds to be recovered by action as for debt in any court of competent jurisdiction.

(2) Such writ shall be returnable before the judge issuing the same and upon service thereof in the manner prescribed by this Law, the person to whom it is directed shall within the times prescribed by this Law bring such prisoner before the judge to whom the writ is returnable or, in the case of his absence, before any judge of the Court, with the return to such writ and the true cause of the prisoner's commitment and detainer.

(3) Unless it appears to the judge before whom the prisoner is brought that the prisoner is detained upon legal process, order or warrant out of some court of competent jurisdiction in criminal matters, or by some warrant, signed by a judge, magistrate or justice of the peace, for some matter or offence for which by law the prisoner is not bailable, the judge shall, within two days after the prisoner is brought before him, discharge the prisoner from his imprisonment upon his entering into a recognizance with one or more surety or sureties in any sum which the judge shall think sufficient, conditioned for his appearance before the Court at the next session or at the next assizes in the place where the warrant of commitment was issued or where the offence was committed or at such other court wherein the offence is properly cognizable and shall then certify the said writ, with the return thereof and the said recognizance, to the court where such appearance is to be made :

Provided that if any prisoner has wilfully neglected for the space of two whole sessions after his imprisonment to pray a writ of *habeas corpus* for his release such prisoner shall not have any such writ awarded to him in vacation in pursuance of this section. 31 Car. II,
c.2, s.3.

6. (1) If any person to whom a writ of *habeas corpus* is directed or his servant or agent neglects or refuses to make due return to the writ of *habeas corpus* or to bring the body of the prisoner according to the demand thereof within the time prescribed by this Law, or upon demand made by the prisoner or any person on his behalf refuses to deliver or within six hours after such demand does not deliver to the person so demanding a true copy of the warrant of commitment of such prisoner, every such person in whose custody the prisoner is detained shall for the first offence forfeit to the prisoner or person aggrieved the sum of one hundred pounds and for the second offence the sum of two hundred pounds and shall be and is hereby made incapable of holding or executing his office. Penalty for
neglect or
refusal to
make return
to writ.
31 Car. II,
c.2, s.4.

(2) The penalties prescribed by the foregoing sub-section may be recovered by the prisoner or person aggrieved, his executors or administrators, against the offender, his executors or administrators, by an

action as for debt in any court of competent jurisdiction, wherein no stay of prosecution by *non vult ulterius prosequi* or otherwise or any more than one imparlance shall be admitted or allowed.

(3) Any recovery or judgment at the suit of the prisoner or person aggrieved shall be a sufficient conviction for the first offence and any recovery or judgment thereafter at the suit of any person aggrieved for any offence after the first judgment shall be a sufficient conviction to bring the offender within the penalty aforesaid for the second offence.

Prisoner set at large not to be recommitted or imprisoned save in certain cases.
31 Car. II, c.2, s.5.

7. No prisoner delivered or set at large upon any writ of *habeas corpus* shall at any time be again committed or imprisoned for the same offence by any person whatsoever other than by the legal order and process of such court wherein he may be bound by recognizance to appear or other court having jurisdiction in the cause, and if any person shall, contrary to this Law, knowingly recommit or imprison or knowingly procure or cause to be recommitted or imprisoned for the same offence or pretended offence any prisoner delivered or set at large as aforesaid, or knowingly aid or assist therein, he shall forfeit to the prisoner or person aggrieved, notwithstanding any colourable pretence or variation in the warrant of commitment, the sum of five hundred pounds to be recovered by an action as for debt in any court of competent jurisdiction.

After notice of date of assize prisoner to be brought before the judge of assize.
31 Car. II, c.2, s.17.

8. After due notice has been given of the day upon which assizes will be opened in the district within which the prisoner is detained he shall not within the two weeks preceding such day be removed from the prison in which he is in custody upon any writ of *habeas corpus* issued in pursuance of this Law, but upon any such writ he shall be brought before the judge of assize in open court who shall thereupon do what to justice shall appertain :

31 Car. II, c.2, s.18.

Provided that after the assizes are ended any person detained may be granted a writ of *habeas corpus* in accordance with the provisions of this Law.

Provision as to persons committed to prison by civil process.
31 car. II, c.2, s.7.

9. Nothing in this Part shall effect the discharge from prison of any person committed thereto by process in any civil suit, but when any such person is discharged from imprisonment in respect of any criminal or supposed criminal matter he shall thereafter be kept in custody therefrom according to law.

PART III.—OTHER MATTERS

Issue of writ in vacation in matters other than criminal matters or in civil proceedings.

10. Where any person is in custody or restrained of his liberty (otherwise than for some criminal or supposed criminal matter or by process in any civil suit) a judge shall, upon complaint made to him by or on behalf of the person so in custody or so restrained, and if it shall appear by affidavit that there is probable and reasonable ground for such complaint, issue in vacation time a writ *habeas corpus ad subjiciendum*

under the seal of the Court directed to the person in whose custody or power the person so complaining shall be, returnable before the judge issuing the writ or before any other judge.

56 Geo. III,
c.100, s.1.

PART IV.—GENERAL

11. (1) If any writ of *habeas corpus* is issued, in accordance with the provisions of this Law, so late in the vacation that in the opinion of the judge it cannot be conveniently obeyed during such vacation, the writ may, at his discretion, be made returnable in the Court upon a day certain in the next session and the Court may proceed thereon in like manner as if the writ had originally been issued by the Court.

Writs issued late in vacation returnable in term or vice versa.
56 Geo. III,
c.100, s.2.

(2) If such writ is issued in session but so late that, in the judgment of the Court it cannot be conveniently obeyed during such session, the writ may, at the discretion of the Court, be made returnable upon a day certain in the next vacation before any judge, who shall proceed thereon in such manner as by this Law is provided concerning writs issued in and made returnable during the vacation.

12. Every writ of *habeas corpus* issued in accordance with the provisions of this Law shall be served either by actual delivery to the person to whom such writ is directed or by leaving the same with any servant or agent of such person, at the place where the prisoner is confined or restrained.

Service of writ.
56 Geo. III,
c.100, s.2.

13. (1) If any person to whom a writ of *habeas corpus* is directed, upon service of such writ in accordance with the provisions of this Law, wilfully neglects or refuses to make a return to or obey such writ he shall be deemed guilty of a contempt of the Court.

Non-obedience to writ to be a contempt of court.
56 Geo. III,
c.100, s.2.

(2) In any such case it shall be lawful for the judge before whom such writ is returnable, upon proof by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and the seal of the Court for apprehending and bringing before him or some other judge the person so wilfully disobeying the said writ in order that he may enter into a recognizance with two sufficient sureties in such sum as shall be expressed in the warrant, conditioned for his appearance in the Court at a day in the ensuing session to be mentioned in the said warrant, to answer the matter of contempt with which he is charged.

(3) If any person so apprehended neglects or refuses to enter into such recognizance the judge before whom he is brought may commit him to prison, there to remain until he enters into such recognizance or is discharged by order of the Court in session or by a judge in vacation.

(4) Any recognizance entered into in accordance with the provisions of this section shall be entered and filed in the Court and shall continue in force until the matter of such contempt as aforesaid has been heard and determined, unless sooner ordered by the Court to be discharged.

Examination
of facts set
forth in
return to
writ.
56 Geo. III,
c.100, s.3.

14. (1) In all cases provided for by this Law, although the return to the writ is good and sufficient in law, it shall be lawful for the judge before whom such writ is returnable to proceed to examine into the truth of the facts set forth in such return by affidavit and to do therein as to justice shall appertain.

(2) Where any such writ is returned before a judge and it appears doubtful to him on such examination as aforesaid whether the material facts set forth in the said return, or any of them, be true or not, in such case it shall be lawful for the said judge to admit to bail the person confined or restrained upon his entering into a recognizance with one or more sureties, or in case of infancy or other disability upon security by recognizance, in a reasonable sum, conditioned for his appearance in court before the said judge or some other judge upon a day certain in the ensuing session and so from day to day as the Court shall require and to abide by such order as the Court may make in and concerning the premises.

(3) In any such case the judge shall transmit to the Court the said writ and return, together with such recognizances and affidavits, and thereupon it shall be lawful for the Court to proceed to examine into the truth of the facts set forth in the return in a summary way by affidavit and to make such order as it may think fit touching the discharging, bailing or remanding of the person on whose behalf the writ of *habeas corpus* has been issued.

56 Geo. III,
c.100, s.4.

(4) The like proceeding may be had in the Court for controverting the truth of the return to any such writ of *habeas corpus*, notwithstanding that such writ has been awarded by the Court itself or is returnable therein.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 25



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW RELATING TO THE CAPACITY AND LIABILITY OF INFANTS AND TO
THEIR GUARDIANSHIP AND CUSTODY.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

PART I.—INTRODUCTORY

1. This Law may be cited as the Infants Law, 1958.

Short title
and com-
mencement.

Interpretation.

2. In this Law—

“Court” means the High Court ;

“guardian” means the person who is guardian of an infant by virtue of the provisions of this Law or a person lawfully appointed to the guardian of an infant by deed or will or by order of a Court of competent jurisdiction ;

“infant” or “child” means a person under the age of twenty-one years but for the purposes of Part III and IV does not include a person who is or has been married.

PART II.—CAPACITY AND LIABILITY OF INFANTS

Marriage Settlements. 18 & 19 Vict., c.43, ss.1 and 3.

3. (1) It shall be lawful for every infant, upon or in contemplation of his or her marriage, with the sanction of the Court to make a valid and binding settlement or contract for a settlement of all or any part of his or her property or property on which he or she has any power of appointment whether real or personal and whether in possession, reversion, remainder or expectancy, and every conveyance, appointment and assignment of such real or personal estate or contract to make a conveyance, appointment or assignment thereof, executed by such infant with the approbation of the Court, for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years :

Provided that this section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

(2) The sanction of the Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or his or her guardian in a summary way without the institution of a suit and if there be no guardian the Court may require a guardian to be appointed or not as it shall think fit and the court may also, if it shall think fit, require that any persons interested or appearing to be interested in the property should be served with notice of such petition.

(3) Nothing in this section shall apply to any male infant under the age of twenty years or to any female infant under the age of seven-teen years.

Contracts by infants except for necessities to be void. 37 & 38 Vict., c.62, s.1.

4. All contracts whether by specialty or by simple contract (except any contract with which an infant may enter by virtue of this or any other written law or by the rules of common law or equity) henceforth entered into by infants for the repayment of money lent or to be lent or for goods supplied or to be supplied (other than contracts for necessities) and all accounts stated with infants shall be absolutely void.

No action to be brought on ratification of infant's contract. 37 & 38 Vict., c.62, s.2.

5. No action shall be brought whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy or upon any ratification made after full age of any promise or contract made during infancy whether there shall or shall not be any new consideration for such promise or ratification after full age.

6. (1) If any infant who has contracted a loan which is void in law agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan and is not a new advance such agreement and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement or otherwise in relation to the payment of money representing or in respect of such loan shall so far as it relates to money which represents or is payable in respect of such loan and is not a new advance, be void absolutely as against all persons whomsoever.

Contract for payment of loan advanced during infancy void, 55 & 56 Vict. c.4, s.5.

(2) For the purposes of this section any interest, commission or other payment in respect of such loan shall be deemed to be part of such loan.

PART III.—GUARDIANSHIP AND CUSTODY OF CHILDREN

7. Nothing in this Part shall apply to children who are subject to the customary law relating to the guardianship of children.

Application of Part III.

8. (1) On the death of the father of a child, the mother if surviving, shall, subject to the provisions of this Law, be the guardian of the child, either alone or jointly with any guardian appointed by the father. When no guardian has been appointed by the father or if the guardian or guardians appointed by the father is or are dead or refuses or refuse to act, the Court may if it thinks fit appoint a guardian to act jointly with the mother.

Rights of surviving parent as to guardianship. 15 & 16 Geo. V, c.45, s.4.

(2) On the death of the mother of a child, the father, if surviving, shall, subject to the provisions of this Law, be guardian of the child, either alone or jointly with any guardian appointed by the mother. When no guardian has been appointed by the mother or if the guardian or guardians appointed by the mother is or are dead or refuses or refuse to act, the Court may if it thinks fit appoint a guardian to act jointly with the father.

9. (1) The father of a child may by deed or will appoint any person to be guardian of the child after his death.

Power of father and mother to appoint testamentary guardians. 15 & 16 Geo. V, c.45, s.5.

(2) The mother of a child may by deed or will appoint any person to be guardian of the child after her death.

(3) Any guardian so appointed shall act jointly with the mother or father as the case may be of the child so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the child, the guardian may apply to the Court, and the Court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the child, and in the latter case may make such order regarding the custody of the child and the right of access thereto of its mother or father as, having regard to the welfare

of the child the Court may think fit, and may further order that the mother or father shall pay to the guardian towards the maintenance of the child such weekly or other periodical sum as, having regard to the means of the mother or father, the Court may consider reasonable.

(5) Where guardians are appointed by both parents, the guardian so appointed shall after the death of the surviving parent act jointly.

(6) If under section 8 a guardian has been appointed by the Court to act jointly with the surviving parent, he shall continue to act as guardian after the death of the surviving parent ; but if the surviving parent has appointed a guardian, the guardian appointed by the surviving parent.

Powers of guardians.
49 & 50 Vict.,
c.27, s.4.

10. Every guardian under sections 8 and 9 shall have all such powers over the estate and the person, or over the estate, as the case may be, of a child as a guardian appointed by will or otherwise has by virtue of the rules of common law or equity.

Equal right of mother to apply to Court.
15 & 16 Geo.
V, c.45, s.2.

11. The mother of a child shall have the like powers to apply to the Court in respect of any matter affecting the child as are possessed by the father.

The Court may make order as to custody.
49 & 50 Vict.,
c.27, s.5, as amended by
15 & 16 Geo.
V, c.45, s.3.

12. (1) The Court may, upon the application of the father or mother of a child, make such order as it may think fit regarding the custody of such child and the right of access thereto of either parent, having regard to the welfare of the child, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary, or discharge such order on the application of either parent, or, after the death of either parent, of any guardian under this Law ; and in every case may make such order respecting costs as it may think just.

(2) The power of the Court under sub-section (1) of this section to make an order as to the custody of a child and the right or access thereto may be exercised notwithstanding that the mother of the child is then residing with the father of the child.

(3) Where the Court under sub-section (1) of this section makes an order giving the custody of the child to the mother, then, whether or not the mother is then residing with the father, the Court may further order that the father shall pay to the mother towards the maintenance of the child such weekly or other periodical sum as the Court, having regard to the means of the father, may think reasonable.

(4) No such order, whether for custody or maintenance shall be enforceable, and no liability thereunder shall accrue, while the mother resides with the father, and any such order shall cease to have effect if for a period of three months after it is made the mother of the child continues to reside with the father.

(5) Any order so made may, on the application either of the father or mother of the child, be varied or discharged by a subsequent order.

13. The Court may, in its discretion, on being satisfied that it is for the welfare of the child, remove from his office any guardian, and may also, if the Court shall deem it to be for the welfare of the child, appoint another guardian in place of the guardian so removed.

Power of Court to remove guardian. 49 & 50 Vict., c.27, s.6.

14. Where two or more persons act as joint guardians of a child and they are unable to agree on any question affecting the welfare of the child any of them may apply to the Court for its direction, and the Court may make such order regarding the matters in difference as it may think proper.

Disputes between joint guardians. 15 & 16 Geo. V, c.45, s.6.

15. No agreement contained in any separation deed made between the father and the mother of a child shall be held to be invalid by reason only of its providing that the father of such child shall give up the custody or control thereof to the mother :

In case of separation deed between father and mother. 36 & 37 Vict., c.12, s.2.

Provided always, that the Court shall not enforce any such agreement if it is of opinion that it will not be for the benefit of the child to give effect thereto.

16. Where the parent of a child applies to the Court for a writ or order for the production of the child, and the Court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may, in its discretion, decline to issue the writ or make the order.

Power of Court as to production of child. 54 & 55 Vict., c.3, s.1.

17. If at the time of the application for a writ or order for the production of the child, the child is being brought up by another person, the Court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to the circumstances of the case.

Power of Court to order repayment of costs of bringing up child. 54 & 55 Vict., c.3, s.2.

18. Where the parent has—

(a) abandoned or deserted his child ; or

(b) allowed his child to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties,

Court in making order to have regard to conduct of parent. 54 & 55 Vict., c.3, s.3.

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he or she is a fit person to have the custody of the child.

19. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion to that in which the parent has a legal right to

Power of Court as to child's religious education. 54 & 55 Vict., c.3, s.4.

require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of event to consult child's wishes.

54 & 55 Vict., c.3, s.4.

20. Nothing contained in sections 16 and 19 shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made under the last preceding section, or diminish the right which any child now possesses to the exercise of its own free choice.

Definition of "parent" and "person".

54 & 55 Vict., c.3, s.5.

21. For the purposes of sections 16 to 19—
"parent" includes any person at law liable to maintain such child or entitled to its custody ;

"person" includes any local government council, school or institution.

Enforcement of order for payment of money by attachment of income.

15 & 16 Geo. V, c. 45, s. 8 (2).

22. Where the Court has made any order for the payment of money in pursuance of this Law the Court shall, in addition to any other powers for enforcing compliance with the order, have power in any case where there is any pension or income payable to the person against whom the order is made and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, to order that such part as the Court may think fit or any such pension or income, be attached and paid to the person named by the Court, and such further order shall be an authority to the person by whom such pension or income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the person by whom the pension or income is payable.

Notice of change of address by person ordered to pay money.

Penalty. 15 & 16 Geo. V, c. 45 s.8 (1).

23. (1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Law shall give notice of any change in his address to such person (if any) as may be specified in the order.

(2) Any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine of twenty-five pounds.

Principle on which questions relating to custody, upbringing, etc., of children are to be decided.

15 & 16 Geo. V, c.45, s. 1.

24. Where in any proceeding before any court the custody or upbringing of a child or the administration of any property belonging to or held on trust for a child, or the application of the income thereof, is in question, the court in deciding that question, shall regard the welfare of the child as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

25. Notwithstanding the provisions of this Law any order lawfully made by any court relating to the guardianship or custody of an infant before the commencement of this Law and in force at the time of the commencement thereof shall continue in force, so far as the same may not be rendered inapplicable by this Law, until other provision shall be made under and by virtue of this Law.

Saving of
existing
orders.

26. Nothing in this Law shall restrict or affect the jurisdiction of the Court to appoint or remove guardians by virtue of the High Court Law, 1955 or any other written law.

Saving of
jurisdiction
of the Court.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 26



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FOR THE BETTER APPORTIONMENT OF ANNUITIES, DIVIDENDS,
PENSIONS, RENTS, SALARIES AND OTHER PERIODICAL PAYMENTS.

[24th July, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Apportionment Law, 1958. Short title.

Interpretation. 33 & 34 Vict., c. 35, s. 5.

2. In this Law—

“dividends” includes all payments made by the name of dividend, bonus, or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such companies whether such payments are usually made or declared at any fixed times or otherwise ; and all such divisible revenue shall, for the purposes of this Law, be deemed to have accrued by equal daily increments during and within the period for and in respect of which the payment of the same revenue is declared or expressed to be made, but the word “dividend” does not include payments in the nature of a return or reimbursement of capital ;

“rents” includes all periodical payments or renderings in lieu of or in the nature of rent.

Periodical payments apportionable in respect of time. 33 & 34 Vict., c. 35, s. 2.

3. All annuities, dividends, pensions, rents, salaries and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise) shall, like interest on money lent, be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

Apportioned part to be payable when the next entire portion has become due. 33 & 34 Vict., c. 35, s. 3.

4. The apportioned part of any such annuity, dividend, pension, rent, salary or other payment shall be payable or recoverable in the case of a continuing annuity, dividend, pension, salary or other such payment when the entire portion of which such apportioned part forms part becomes due and payable, and not before, and, in the case of an annuity, dividend, pension, rent, salary or other such payment determined by re-entry, death or otherwise, when the next entire portion of the same would have been payable if the same had not so determined, and not before.

Remedies for recovering apportioned parts. 33 & 34 Vict., c. 35, s. 4.

5. All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns respectively of persons whose interests determine with their own deaths, shall have the same remedies at law and in equity for recovering such apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portion as aforesaid if entitled thereto :

Provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments, and the same lands or other hereditaments, shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent, including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Law, or otherwise, would have been entitled to such entire or continuing rent and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Law to the same.

6. The provisions of this Law shall not extend to any case in which it is expressly stipulated that no apportionment shall take place.

Saving as to contrary stipulations. 33 & 34 Vict., c. 35, s. 7.

7. Nothing in this Law shall render apportionable any annual sums made payable in policies of assurance of any description.

Saving as to policies of assurance. 33 & 34 Vict., c. 35, s. 6.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 27



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE PROVISION IN RELATION TO THE DEALINGS OF
MERCANTILE AGENTS.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Mercantile Agents Law, 1958. Short title.

Interpreta-
tion.
52 & 53 Vict.
c.45, s.1.

2. (1) In this Law—

“document of title” includes any bill of lading, dock warrant, warehouse-keeper’s certificate and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery, the possessor of the document to transfer or receive goods thereby represented ;

“goods” includes wares and merchandise ;

“mercantile agent” means a mercantile agent having in the customary course of his business as such agent authority to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods ;

“pledge” includes any contract pledging or giving a security or lien on goods, whether in consideration of an original advance or of any further or continuing advance or of any pecuniary liability.

(2) A person shall be deemed to be in possession of goods or of the documents of title to goods, where the goods or documents are in his actual custody or are held by any other person subject to his control or for him or on his behalf.

Powers of
mercantile
agent with
respect to
disposition
of goods.
52 & 53
Vict., c.45,
s.2.

3. (1) Where a mercantile agent is, with the consent of the owner, in possession of goods or of the document of title to goods, any sale, pledge or other disposition of the goods made by him when acting in the ordinary course of business as a mercantile agent shall, subject to the provisions of this Law, be as valid as if he were expressly authorised by the owner of the goods to make the same, provided that the person taking under the disposition acts in good faith and has not at the time of the disposition notice that the person making the disposition has not authority to make the same.

(2) Where a mercantile agent has, with the consent of the owner, been in possession of goods or of the documents of title to goods, any sale, pledge or other disposition which would have been valid if the consent had continued shall be valid notwithstanding the determination of the consent, provided that the person taking under the disposition has not at the time thereof notice that the consent has been determined.

(3) Where a mercantile agent has obtained possession of any documents of title to goods by reason of his being or having been, with the consent of the owner, in possession of the goods represented thereby, or of any other documents of title to the goods, his possession of the first-mentioned documents shall for the purposes of this Law, be deemed to be with the consent of the owner.

(4) For the purposes of this Law the consent of the owner shall be presumed in the absence of evidence to the contrary.

4. A pledge of the documents of title to goods made by a mercantile agent under and by virtue of the provisions of this Law shall be deemed to be a pledge of the goods.

Effect of pledges of documents of title.
52 & 53
Vict., c.45,
s.3.

5. Where a mercantile agent pledges goods as security for a debt or liability due from the pledger to the pledgee before the time of the pledge, the pledgee shall acquire no further right to the goods than could have been enforced by the pledgor at the time of the pledge.

Pledge for antecedent debt.
52 & 53
Vict., c.45,
s.4.

6. The consideration necessary for the validity of a sale, pledge or other disposition of goods in pursuance of this Law may be either a payment in cash, or the delivery or transfer of other goods or of a document of title to goods or of a negotiable security or any other valuable consideration, but where goods are pledged by a mercantile agent in consideration of the delivery or transfer of other goods or of a document of title to goods, or of a negotiable security, the pledgee shall acquire no right or interest in the goods so pledged in excess of the value of the goods, documents or security when so delivered or transferred in exchange.

Rights acquired by exchange of goods or documents.
52 & 53
Vict., c.45,
s.5.

7. For the purposes of this Law an agreement made with a mercantile agent through a clerk or other person authorised in the ordinary course of business to make contracts of sale or pledge on his behalf shall be deemed to be an agreement with the agent.

Agreements through clerks, etc.
52 & 53
Vict., c.45,
s.6.

8. (1) Where the owner of goods has given possession of the goods to another person for the purpose of consignment or sale, or has shipped the goods in the name of another person, and the consignee has not had notice that such person is not the owner of the goods, the consignee shall, in respect of advances made to or for the use of such person, have the same lien on the goods as if such person were the owner of the goods and may transfer any such lien to another person.

Provisions as to consignors and consignees.
52 & 53
Vict., c.45,
s.7.

(2) Nothing in this section shall limit or affect the validity of any sale, pledge or disposition by a mercantile agent.

9. For the purposes of this Law, the transfer of a document may be by endorsement, or, where the document is by custom or by its express terms transferable by delivery or makes the goods deliverable to the bearer, then by delivery.

Mode of transferring documents.
52 & 53
Vict., c.45,
s.11.

10. (1) Nothing in this Law shall authorise an agent to exceed or depart from his authority as between himself and his principal or exempt him from any liability civil or criminal, for so doing.

Saving of right of true owner.
52 & 53
Vict., c.45,
s.12.

(2) Nothing in this Law shall prevent the owner of goods from recovering the goods from an agent or his trustee in bankruptcy at any time before the sale or pledge thereof, or shall prevent the owner of goods pledged by an agent from having the right to redeem the goods at any time before the sale thereof, on satisfying the claim for which the goods were pledged, and paying to the agent, if by him required, any money in respect of which the agent would by law be entitled to retain the goods or the documents of title thereto, or any of them, by way of lien as against the owner, or from recovering from any person with whom the goods have been pledged any balance of money remaining in his hands as the produce of the sale of the goods after deducting the amount of his lien.

(3) Nothing in this Law shall prevent the owner of goods sold by an agent from recovering from the buyer the price agreed to be paid for the same, or any part of that price, subject to any right of set-off on the part of the buyer against the agent.

Saving of
common law
powers of
agent.
52 & 53
Vict., c.45,
s.13.

11. The provisions of this Law shall be construed in amplification and not in derogation of the powers exercisable by an agent independently of this Law.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 28



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE CERTAIN PROVISIONS WITH RESPECT TO WILLS.

[24th July, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Wills Law, 1958.

Short title.

Interpretation.

7 Will. IV
and 1 Vict.,
c.26, s.1.

2. In this Law—

“personal estate” includes leasehold estate and other chattels real, monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods and all other property whatsoever which by law devolves upon the executor or administrator and any share or interest therein :

“real estate” includes messuages, lands, rents and hereditaments, whether freehold or of any other tenure and whether corporeal, incorporeal or personal and to any undivided share thereof and to any estate, right or interest (other than a chattel interest) therein ;

“will” includes a testament, a codicil and an appointment by will or by writing in the nature of a will in exercise of a power.

All property
may be
disposed of
by will.
7 Will. IV
and 1 Vict.,
c.26, s.3.

3. (1) Subject to any customary law relating thereto, it shall be lawful for every person to devise, bequeath or dispose of, by his will executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either in law or in equity, at the time of his death and which if not so devised, bequeathed and disposed of would devolve upon the heir at law of him, or if he became entitled by descent, of his ancestor or upon his executor or administrator.

(2) The power hereby given shall extend to—

(a) estates *pur autre vie* whether there shall or shall not be any special occupant thereof and whether the same shall be freehold or of any other tenure and whether the same shall be a corporeal or an incorporeal hereditament ;

(b) all contingent, executory or other future interest in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested and whether he may be entitled thereto under the instrument by which the same respectively were created or under any disposition thereof by deed or will ;

(c) all rights of entry for conditions broken and other rights of entry ; and

(d) such of the same estates, interests and rights respectively and other real and personal estate as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

Estates *pur
autre vie* not
disposed of
by will.
7 Will. IV
and 1 Vict.,
c.26, s.6.

4. (1) If no disposition by will shall be made of any estate *pur autre vie* of a freehold nature the same shall be chargeable in the hands of the heir, if it shall come to him by reason of occupancy, as assets by descent, as in the case of freehold land in fee simple.

(2) In case there shall be no special occupant of any estate *pur autre vie*, whether freehold or of any other tenure and whether a corporeal or incorporeal hereditament it shall go to the executor or administrator of the party that had the estate by virtue of the grant.

(3) If the same shall come to the executor or administrator either by reason of a special occupancy or by virtue of this Law it shall be assets in his hands and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate.

5. No will made by any person under the age of twenty-one years shall be valid.

Will of person under age invalid. 7 Will. IV and 1 Vict., c.26, s.7.

6. No will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned, that is to say it shall be signed at the foot or end thereof by the testator or by some other person in his presence and at his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

Requirements for execution of will. 7 Will. IV and 1 Vict., c.26, s.9.

7. (1) Notwithstanding the provisions of the foregoing section every will shall, so far only as regards the position of the signature of the testator or of the person signing for him as therein provided, be deemed to be valid if the signature be so placed at or after, or following, or under, or beside or opposite to the end of the will that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will.

Position of testator's signature. 15 and 16 Vict., c.24, ss.1 and 2.

(2) No such will shall be affected by the circumstance—

(a) that the signature shall not follow or be immediately after the foot or end of the will ; or

(b) that a blank space shall intervene between the concluding word of the will and the signature ; or

(c) that the signature shall be placed among the words of the testimonium clause or of the clause of attestation or shall follow or be after or under the clause of attestation, either with or without a blank space intervening, or shall follow or be after, or under, or beside the names or one of the names of the subscribing witnesses ; or

(d) that the signature shall be on a side or page or other portion of the paper or papers containing the will whereon no clause or paragraph or disposing part of the will shall be written above the signature ; or

(e) that there shall appear to be sufficient space on or at the bottom of the preceding side or page or other portion of the same paper on which the will is written, to contain the signature.

(3) The enumeration of the above circumstances shall not restrict the generality of sub-section (1) hereof.

(4) No signature under this section or under any other provision of this Law shall be operative to give effect to any disposition or direction which is underneath or follows it nor shall it give effect to any disposition or direction inserted after the signature shall be made.

(5) The provisions of this section shall extend and apply to every will already made where administration or probate has not already been granted or ordered by a court of competent jurisdiction in consequence of the defective execution of such will or where the property has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such will or the right thereto has not been decided to be in some other person or persons than the persons claiming under the will, by a court of competent jurisdiction, in consequence of the defective execution of the will.

Execution of appointments by will.
7 Will. IV and 1 Vict., c.26, s.10.

8. No appointment made by will in exercise of any power shall be valid unless the same be executed in manner hereinbefore required and every will executed in such manner shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Provisions as to wills of soldiers, airmen and mariners.
7 Will. IV and 1 Vict., c.24, s.11.
7 and 8 Geo. V, c.58, s.1.

9. (1) Notwithstanding the foregoing provisions of this Law any soldier being in actual military service or any member of an air force or any mariner or seaman being at sea may dispose of his personal estate as he might have done before the passing of this Law, though under the age of twenty-one years.

Id. s.3.

(2) A testamentary disposition of any real estate made by a person to whom the preceding sub-section applies and who dies after the passing of this Law shall, notwithstanding that the person making the disposition was at the time of making it under twenty-one years of age or that the disposition has not been made in such manner or form as was at the passing of this Law required by law, be valid in any case where the person making the disposition was of such age and the disposition has been made in such manner and form that if the disposition had been a disposition of personal estates made by such person it would have been valid.

Publication not requisite.
7 Will. IV and 1 Vict., c.26, s.13.

10. Every will executed in manner hereinbefore required shall be valid without any other publication thereof.

Will not void because of incompetency of attesting witness.
7 Will. IV and 1 Vict., c.26, s.14.

11. If any person who shall attest the execution of a will shall at the time of the execution thereof or at any time afterwards be incompetent to be admitted a witness to prove the execution thereof such will shall not on that account be invalid.

12. If any person shall attest the execution of any will to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such will or the wife or husband of such person or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such will.

Gifts to attesting witness or wife or husband of attesting witness, void. 7 Will. IV and 1 Vict., c.26, s.15.

13. In case by any will any real or personal estate shall be charged with any debt or debts and any creditor, or the wife or husband of any creditor, whose debt is so charged, shall attest the execution of such will, such creditor notwithstanding such charge shall be admitted a witness to prove the execution of such will or to prove the validity or invalidity thereof.

Creditor attesting a will charging estate with debt. 7 Will. IV and 1 Vict., c.26, s.16.

14. No person shall on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will or a witness to prove the validity or invalidity thereof.

Executor to be admitted a witness. 7 Will. IV and 1 Vict., c.26, s.17.

15. Every will made by a man or woman shall be revoked by his or her marriage (other than a marriage in accordance with customary law) except a will made in exercise of a power of appointment when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator or the person entitled as his or her next of kin under any written law relating to the distribution of the estate of persons dying intestate.

Wills revoked by marriage. Exceptions. 7 Will. IV and 1 Vict., c.26, s.18.

16. No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

No revocation by presumption from altered circumstances. 7 Will. IV and 1 Vict., c.26, s.19.

17. No will or codicil or any part thereof shall be revoked otherwise than as provided by section 15, or by another will or codicil executed in manner hereinbefore required or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator or by some person in his presence and by his direction with the intention of revoking the same.

Revocation of Will otherwise than by marriage. 7 Will. IV and 1 Vict., c.26, s.20.

24. A general devise of the real estate of the testator or of the real estate of the testator in any place or in the occupation of any person mentioned in his will or otherwise described in a general manner, and a bequest of the personal estate of the testator or any bequest of personal property described in a general manner shall be construed to include any real estate and any personal estate or any real estate and any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper and shall operate as an execution of such power unless a contrary intention shall appear by the will.

General gift to include property under general power of appointment. 7 Will. IV and 1 Vict., c.26, s.27.

25. Where any real estate shall be devised to any person without any words of limitation such devise shall be construed to pass the fee which testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

Effect of devise of real estate without words of limitations 7 Will. IV and 1 Vict., c.26, s.28.

26. In any devise or bequest of real or personal estate the words "die without issue" or "die without leaving issue" or "have no issue" or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person and not an indefinite failure of his issue, unless a contrary intention shall appear by the will :

How words "die without issue", or "die without leaving issue", etc., to be construed. 7 Will. IV and 1 Vict., c.26, s.29.

Provided that this provision shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

27. Where any real estate shall be devised to any trustee or executor such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate unless a definite term of years absolute or determinable, or an estate of freehold shall thereby be given to him expressly or by implication.

Devise of realty to trustee or executor. 7 Will. IV and 1 Vict., c.26, s.30.

28. Where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not terminable at or before the death of such person, shall die in the lifetime of the testator leaving issue and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

Gifts to children who leave issue living at testator's death. 7 Will. IV and 1 Vict., c.26, s.33.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 17th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 29



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO APPROPRIATE THE SUM OF FOURTEEN MILLION, ONE HUNDRED AND FIFTY-ONE THOUSAND, FIVE HUNDRED AND TWENTY POUNDS TO THE SERVICE OF THE WESTERN REGION FOR THE YEAR ENDING THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-NINE. Title.

[24th July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the 1958-59 Appropriation Law, 1958. Short title.

Expenditure of £14,151,520 authorised out of the revenue and funds of the Western Region Schedule.

2. The Accountant-General may, on the warrant of the Governor, pay out of the revenue and other funds of the Western Region during the year ending on 31st day of March, 1959, any sums not exceeding in the whole the sum of fourteen million, one hundred and fifty-one thousand, five hundred and twenty pounds, being the total of the amounts set forth opposite Heads 320 to 332 and 334 to 341 in the Schedule hereto.

Appropriation of £14,151,520.

3. The said sums, in the whole not exceeding the sum of fourteen million, one hundred and fifty-one thousand, five hundred and twenty pounds, shall be appropriated to the purposes and in the manner expressed in the Schedule to this Law.

Balance unissued to lapse.

4. The moneys granted by this Law are intended for the services in respect of which moneys will become payable within the year ending on the 31st day of March, 1959, and any balance thereof unissued at the end of the month of March of that year shall lapse and not be available for making payments in any subsequent month.

SCHEDULE

	£
320. The Governor	17,720
321. Governor's Office	18,270
322. Premier's Office	155,590
323. Audit	59,180
324. Electoral Commissioner's Office	82,910
325. Judicial	115,670
326. Legislature	156,500
327. Public Service Commission	36,210
328. Ministry of Agriculture and Natural Resources...	1,565,020
329. Ministry of Economic Planning	24,750
330. Ministry of Education	5,905,300
331. Ministry of Finance	1,065,930
332. Pensions and Gratuities	7,200
334. Ministry of Health and Social Welfare	1,675,170
335. Ministry of Home Affairs	574,780
336. Ministry of Midwest Affairs	8,650
337. Ministry of Justice... ..	58,570
338. Ministry of Lands and Labour	252,300
339. Ministry of Local Government	351,900
340. Ministry of Trade and Industry	393,250
341. Ministry of Works and Transport... ..	1,626,650
Total	£ 14,151,520

EXPLANATORY NOTE

The figures appearing in this Bill represent only estimated recurrent expenditure which is subject to annual appropriation. They do not include—

(1) estimated expenditure of £688,250 on account of public debt charges, pensions, gratuities, salaries of Chief Justice and Judges and Crown Witnesses' expenses, which are statutory charges on the Regional revenue ; and

(2) estimated non-recurrent expenditure of £10,005,860 provided for in the Capital Budget Estimates.

The total expenditure of the Region for 1958-59 is therefore £24,845,630.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY.
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 30



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

**A LAW FOR THE MORE EFFECTUAL PROTECTION OF COMMON
CARRIERS AGAINST LIABILITY FOR THE LOSS OR INJURY TO
CERTAIN PARCELS OR PACKAGES DELIVERED TO THEM FOR
CONVEYANCE OR CUSTODY.**

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

Short title and application.

1. (1) This Law may be cited as the Carriers Law, 1958.

(2) Nothing in this Law shall affect any common carrier engaged in the carriage of goods or persons by railway or on waterways in respect of which the power to enact laws is conferred exclusively upon the Federal Legislature

Interpretation.
11 Geo. IV and 1 Will. IV. s. 5 and 11.

2. In this Law—

“common carrier by land” includes a common carrier by land who is also a carrier by water and as regards every such common carrier this Law shall apply to carriage by water in the same manner as it applies to carriage by land ;

“public conveyance” means any vehicle in which passengers, parcels or packages are conveyed by a common carrier ;

“receiving office” means any office, warehouse or other place which is used or appointed by a common carrier for the receiving of parcels or packages to be conveyed and, where there is no such place, includes the vehicle in which such parcels or packages are to be conveyed.

Common carrier not to be liable for loss of certain goods in certain cases
Schedule.
11 Geo. IV and 1 Will. IV. c. 68, s. 1.

3. No common carrier by land for hire shall be liable for the loss of or injury to any article or property of the description set out in the Schedule hereto contained in any parcel or package which has been delivered either to be carried for hire or to accompany the person of any passenger in any public conveyance when the value of such article or articles or property aforesaid contained in such parcel or package exceeds the sum of ten pounds unless at the time of the delivery thereof to the common carrier or his agent or servant for the purpose of being carried or of accompanying the person of any passenger as aforesaid the value and the nature of such article or property has been declared by the person sending or delivering the same and such increased charge as hereinafter provided, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Increased charge may be demanded in certain cases.
Schedule.
11 Geo. IV and 1 Will. IV. c. 68, s. 2.

4. When any parcel or package containing any of the articles specified in the Schedule is so delivered and its value and contents declared as aforesaid and such value exceeds the sum of ten pounds it shall be lawful for any such common carrier to demand and receive an increased rate of charge to be notified by some notice affixed in legible characters in some public and conspicuous part of the receiving office, where such parcels or packages are received by such common carrier for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such

valuable articles; and all persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such receiving office shall be bound by such notice without further proof of the same having come to their knowledge.

5. When the value has been so declared as aforesaid and the increased rate of charge paid or an engagement to pay the same has been accepted as hereinbefore provided, the person receiving such increased rate or accepting such engagement shall, if so required, sign a receipt for the package or parcel acknowledging the same to have been insured.

Carriers to give receipts for increased charges.
11 Geo. IV and 1 Will. IV, c. 68, s. 3.

6. If such receipt as aforesaid is not given when required or such notice as aforesaid is not affixed in manner aforesaid, the common carrier shall not be entitled to any benefit or advantage under this Law but shall be liable and responsible as at the common law and be liable to refund the increased rate of charge.

Common Carrier not protected in absence of notice or receipt.
11 Geo. IV and 1 Will. IV, c. 68, s. 3.

7. Where any parcel or package has been delivered at any receiving office the value and contents declared as aforesaid and the increased rate of charges has been paid, and such parcel or package has been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover such increased charges so paid as aforesaid in addition to the value of such parcel or package.

Parties entitled to damages for loss may also recover increased charge.
11 Geo. IV and 1 Will. IV, c. 68, s. 7.

8. A common carrier shall not be bound as to the value of any parcel or package by the value declared as aforesaid but shall in all cases be entitled to require from the party suing in respect of any loss or injury proof of the actual value of the contents by the ordinary legal evidence, and shall be liable to such damages only as shall be so proved, not exceeding the declared value, together with the increased charges as hereinbefore provided.

Common Carrier liable only to damages proved
11 Geo. IV and 1 Will. IV, c. 68, s. 9.

9. No public notice or declaration heretofore made or hereafter to be made shall be deemed or construed to limit or in anywise affect the liability at common law of any common carrier for or in respect of any articles or goods to be carried and conveyed by such common carrier but every common carrier shall be liable, as at the common law, to answer for the loss of or any injury to any articles and goods in respect whereof he is not entitled to the benefit of this Law any public notice or declaration by him made and given contrary thereto or in anywise limiting such liability notwithstanding :

Public notices of declarations not to limit liabilities of common carriers.
11 Geo. IV and 1 Will. IV, s. 4 & 6.

Provided that nothing in this Law shall extend or be construed to annul or in anywise affect any special contract between a common carrier and any other person for the conveyance of goods and merchandise.

Actions not to abate for non-joinder of co-proprietor. 11 Geo. IV and 1 Will. IV, s. 5.

10. Where two or more persons engaged in the business of a common carrier are co-proprietors or co-partners in any public conveyance, any one or more of such persons may be sued in his or their own name or names only and no action commenced to recover damages for loss of or injury to any parcels, packages or persons shall abate for the want of joining any co-proprietor or co-partner in such public conveyance.

Exception as to felonious acts, etc. 11 Geo. IV and 1 Will. IV, s. 8.

11. Nothing in this Law shall be deemed to protect any common carrier for hire from liability to answer for loss of or injury to any goods or articles whatsoever arising from the felonious acts of any servant in his employ nor to protect any such servant from liability for any loss or injury occasioned by his own personal neglect or misconduct.

Sections 3 & 4. 11 Geo. IV and 1 Will. IV, s. 1, and 28 & 29 Vict., c. 94, s. 1.

SCHEDULE

Bills, bank notes or currency notes, and orders, notes or securities for the payment of money.

Furs.

Glass or china.

Coins current in any part of Her Majesty's dominions or in any foreign country.

Gold or silver in a manufactured or unmanufactured state.

Gold or silver plate or plated articles.

Lace, not including machine-made lace.

Maps.

Paintings, engravings or pictures.

Precious stones or jewellery.

Silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials.

Stamps.

Trinkets.

Watches, clocks or time-pieces of any description.

Writings or title deeds.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,

Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 31



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE PROVISION FOR THE AVOIDANCE OF UNNECESSARY
OATHS AND THE MAKING OF STATUTORY DECLARATIONS.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Statutory Declarations Law, 1958.

Short title.

Interpreta-
tion.

2. In this Law—

“commissioner of oaths” includes any person authorised by any written law to administer, receive or take any oath, affidavit, affirmation or statutory declaration ;

“oath” includes affidavit or solemn affirmation ;

“statutory declaration” means the declaration of any person voluntarily making the same in pursuance of the provisions of this Law.

When oaths
not to be
adminis-
tered.
5 & 6 Will.
IV, c. 62,
s. 13.

3. It shall not be lawful for any commissioner of oaths to administer or cause or allow to be administered or to take or receive or cause or allow to be taken or received any oath touching any matter or thing whereof such commissioner of oaths has not jurisdiction or cognizance by some written law in force at the time being :

Provided that nothing herein contained shall extend to any oath which may be required by any Law or Ordinance at the time being in force within any other part of the Federation of Nigeria, or by the laws of any country outside the Federation, to give validity to instruments in writing designed to be used within such part of the Federation or such country.

Declarations
to be in
form
prescribed
in Schedule.
5 & 6 Will.
IV, c. 62,
s. 20.

4. In all cases where a statutory declaration in lieu of an oath shall have been substituted by any written law or where a statutory declaration is directed or authorised to be made and subscribed under the authority of this Law or any written law, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed by the written law in that behalf, shall be in the form prescribed in the Schedule hereto.

Commis-
sioner of
oaths to
take
statutory
declarations.
5 & 6 Will.
IV, c. 62,
s. 18.

5. It shall be lawful for any commissioner of oaths to take and receive any statutory declaration.

Statutory
declaration
sufficient to
prove
execution
of
instruments.
5 & 6 Will.
IV, c. 62,
s. 18.

6. Subject to the provisions of any written law it shall be lawful for any attesting witness to the execution of any will or codicil, deed or instrument in writing and for any other competent person to verify and prove the signing, sealing, publication or delivery of any such will, codicil, deed or instrument in writing by a statutory declaration made in accordance with the provisions of this Law.

7. Nothing in this Law shall extend or apply to any oath which now is or may hereafter be made or taken in any judicial proceeding in the High Court or any Magistrate's Court but all such oaths shall continue to be required and to be administered taken and made as well and in the same manner as if this Law had not been passed.

Saving as to judicial proceedings. 5 & 6 Will. IV. c. 62. s. 7.

8. Any person who knowingly and wilfully makes or signs any statutory declaration which is false in any material particular shall be deemed to be guilty of an offence under section 191 of the Criminal Code.

Penalty.

9. Sections 15 and 17 of the Statutory Declarations Act, 1835 are hereby repealed.

Repeals of 5 & 6 Will. IV, c. 62. ss. 15 and 17. (22 & 23 Vict., c. 12. s. 2).

SCHEDULE

I, A, B, (address, occupation), do solemnly and sincerely declare that

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Law, 1958.

Section 4.

Declared at.....this.....day of.....
.....19.....

*(the same having been read over and explained by.....
.....Interpreter in the.....
.....language to the declarant, who expressed himself *(herself) as having fully understood the same).

Before me :

Signature and qualification of person before whom declaration is made.

*Delete if unnecessary.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 32



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE CERTAIN PROVISIONS RELATING TO THE LAW OF
LANDLORD AND TENANT AND IN PARTICULAR THE LAW RELATING
TO WASTE, TO LIABILITY FOR AND RECOVERY OF RENT, AND TO
DISTRESS FOR RENT.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Landlord and Tenant Law, 1958. Short title.

Interpretation.

2. In this Law—

“demised premises” means the premises to which the contract of tenancy between the landlord and tenant relates ;

“landlord” means any person who under a lease or other contract of tenancy is, as between himself and the lessee or tenant, for the time being entitled to the rents and profits of the demised premises payable under the lease or other contract of tenancy ;

“premises” means lands, houses or other corporal hereditaments ;

“rent” means any sum payable by the tenant to the landlord in connection with his tenancy ;

“tenant” means any person entitled in possession to the holding under any lease or other contract of tenancy.

PART II.—WASTE

Tenant's liability for waste.
52 Hen. III, c.23.

3. A tenant for life or lives, or for years, or from year to year or for any other period, by deed or otherwise, shall be liable for waste unless a contrary intention shall appear from the deed or other instrument in writing which creates the tenancy.

PART III.—RENT

Action for arrears of rent against tenant for life.
8 Anne, c.18, s.4.

4. A landlord having any rent in arrear or due upon any lease or demise for life or lives may bring an action for such arrears in the same manner as he might have done in case such rent were due and reserved upon a lease for years.

Tenants holding over, after giving notice to quit liable for double rent.
11 Geo. II, c.19, s.18.

5. Where any tenant has given notice of his intention to quit the premises held by him and shall not deliver up possession thereof at the time stated in such notice, the tenant or his executors or administrators shall thereafter pay to the landlord double the rent he should otherwise have paid, to be levied, sued for and recovered at the same time and in the same manner as the single rent, before giving such notice, could be levied, sued for or recovered, during such time as the tenant shall continue in possession as aforesaid.

Tenants holding over after expiration of tenancy, liable to double rent in certain cases.
4 Geo. II, c.28, s.1.

6. Where a tenant for any term for life or lives, or for years, or any person coming into possession of the demised premises by, from, under or by collusion with such tenant, shall wilfully hold over any such premises after the determination of the term of his tenancy and after demand made and notice in writing given for delivery of possession thereof by the landlord or the person to whom the remainder or reversion of such premises shall belong, or by his lawfully authorised agent, the tenant so holding over shall, for and during the time he shall so hold over or keep the person entitled out of possession of the demised premises, pay to the person so kept out of possession, his executors, administrators or assigns, double the yearly value of the premises so detained for so long as the same are detained, to be recovered as for debt in any court of competent jurisdiction.

7. Where the agreement for the demise of any premises is not by deed the landlord may recover a reasonable satisfaction therefor in an action for the use and occupation of the said premises and if in evidence on the trial of such action any parol demise or any agreement (not being by deed), whereon a certain rent was reserved, shall appear the plaintiff in such action shall not therefore be non-suited but may make use thereof as evidence of the quantum of damages to be recovered.

Recovery of rent where demise not by deed.
11 Geo. II, c.19 s.14.

PART IV.—DISTRESS

8. Where any tenant *per autre vie* or for years or from year to year or at will holds over after the determination of his tenancy and any arrears of rent have become due in respect of the demised premises before such determination the landlord may distrain for such arrears after the determination of the tenancy in the same manner as he might have done if such tenancy had not determined :

Distress for arrears on tenancies determined.
8 Anne c.18 ss.6 and 7.

Provided that such distress shall be made within the space of six months after the determination of the tenancy and during the continuance of the landlord's title to or interest in the demised premises and during the possession thereof by the tenant from whom such arrears became due.

9. (1) If any superior landlord levies or authorises to be levied a distress on any goods or chattels of—

Relief where distress levied on goods of under tenant, lodger, etc.,
8 Edw. VII, c.53 ss.1 and 2.

(a) any under tenant liable to pay by equal instalments not less often than every actual or customary quarter of a year a rent which would return in any whole year the full annual value of the premises or of such part thereof as is comprised in the under tenancy ; or

(b) any lodger ; or

(c) any other person not being a tenant of the premises or of any part thereof and not having any beneficial interest in any tenancy of the premises or of any part thereof,

for arrears of rent due to such superior landlord by his immediate tenant, such under tenant, lodger or other person aforesaid may serve such superior landlord, or any bailiff employed by him to levy such distress, with a declaration in writing made by such under tenant, lodger or other person aforesaid, setting forth that such immediate tenant has no right of property or beneficial interest in the goods or chattels so distrained or threatened to be distrained upon and that such goods or chattels are the property or in the lawful possession of such under tenant, lodger or other person aforesaid and are not goods to which this section is expressed not to apply, and also, in the case of an under tenant or lodger, setting forth the amount of rent (if any) then due to his immediate landlord and the times at which future instalments of rent will become due, and the amount thereof, and containing an undertaking to pay to the superior landlord any rent so due or to become due to his immediate landlord, until the arrears of rent in respect of which the distress was levied or authorized to be

levied have been paid off, and to such declaration shall be annexed a correct inventory, subscribed by the under tenant, lodger or other person aforesaid, of the goods and chattels referred to in the declaration.

(2) If the superior landlord or any bailiff employed by him shall, after being served with such declaration and inventory, and, in the case of an under tenant or lodger, after such undertaking as aforesaid has been given and the amount of rent (if any) then due has been paid or tendered in accordance with such undertaking, levy or proceed with the distress on the goods or chattels of the under tenant, lodger or other person aforesaid, such superior landlord or bailiff shall be deemed guilty of an illegal distress and shall be liable to an action at law at the suit of the under tenant, lodger or other person aforesaid, in which action the truth of the declaration and inventory may be enquired into.

Avoidance of distress on goods of under tenant or lodger.
8 Edw. VII, c.53, s.6.

10. Where the rent of the immediate tenant of the superior landlord is in arrear it shall be lawful for such superior landlord to serve upon any undertenant or lodger a notice stating the amount of such arrears of rent and requiring all future payments of rent, whether the same has already accrued due or not, by such under tenant or lodger to be made direct to the superior landlord giving such notice until such arrears shall have been duly paid and such notice shall operate to transfer to the superior landlord the right to recover, receive and give discharge for such rent.

Recovery of sums payable by under tenant or lodger under section 9 or 10.
8 Edw. VII, c.53, s.3.

11. For the purposes of the recovery of any sums payable by an under tenant or lodger to a superior landlord under an undertaking given in accordance with section 9, or under a notice served in accordance with section 10, the under tenant or lodger shall be deemed to be the immediate tenant of the superior landlord and the sums payable shall be deemed to be rent ; but, where the under tenant or lodger has, in pursuance of any such undertaking or notice as aforesaid, paid any sums to the superior landlord, he may deduct the amount thereof from any rent due or which may become due from him to his immediate landlord and any person (other than the tenant for whose rent the distress is levied or authorised to be levied) from whose rent a deduction has been made in respect of such a payment may make the like deductions from any rent due or which may become due from him to his immediate landlord.

Exclusion of certain under tenants.
8 Edw. VII, c.53, s.5.

12. Sections 9, 10 and 11 shall not apply to any under tenants where the under tenancy has been created in breach of any covenant or agreement in writing between the landlord and his immediate tenant or, where the under tenancy has been created under a lease existing at the commencement of this Law, contrary to the wish of the landlord in that behalf expressed in writing and delivered at the premises within a reasonable time after the circumstances have come, or with due diligence would have come, to his knowledge.

13. Section 9 shall not apply—

(1) to goods belonging to the husband or wife of the tenant whose rent is in arrear, nor to goods comprised in any bill of sale, hire-purchase agreement or settlement made by such tenant, nor to goods in the possession order or disposition of such tenant by the consent and permission of the true owner under such circumstances that such tenant is the reputed owner thereof ;

Exclusion of certain goods.
8 Edw. VII, c.53, s.4.

(2) (a) to goods of a partner of the immediate tenant ;

(b) to goods (not being the goods of a lodger) upon premises where any trade or business is carried on in which both the immediate tenant and the under tenant have an interest ;

(c) to goods (not being goods of a lodger) on premises used as offices or warehouses where the owner of the goods neglects for one month after notice (which shall be given in like manner as a notice to quit) to remove the goods and vacate the premises ;

(d) to goods belonging to and in the offices of any company or corporation on premises the immediate tenant whereof is a director or officer in the employment of such company or corporation.

14. For the purposes of sections 9 to 13, the words "superior landlord" shall be deemed to include a landlord where the goods seized are not those of an under tenant or lodger, and the words "tenant" and "under tenant" do not include a lodger.

Definition of "superior landlord"
"tenant" and "under tenant".
8 Edw. VII, c.53, s.9.

15. In addition to any goods or chattels which are exempt from distress for rent by common law or by the provisions of any written law, the following goods and chattels shall be so exempt, that is to say any wearing apparel and bedding of the tenant or his family and the tools and implements of his trade to the value of five pounds :

Goods exempted from distress.
51 & 52 Vict., c.21, s.4.

Provided that this enactment shall not extend to any case where the lease, term or interest of the tenant has expired and where possession of the premises in respect of which the rent is claimed has been demanded and where the distress is made not earlier than seven days after such demand.

16. A landlord or any bailiff employed by him may take and seize as distress for rent any cattle or stock of the tenant feeding or depastured on any part of the demised premises :

Cattle, etc., may be distrained.
11 Geo. II, c.19, s.8.

Provided that no animals used for ploughing shall be distrained unless there is no other sufficient distress.

Statutes of the Exchequer (Temp. incert.)

Corn (loose or growing) and other products may be distrained. 2 Will. & Mar. c. ss.3 and 11 Geo. II, c.19, ss.8-9.

17. A landlord or bailiff employed by him may take and seize as distress for rent any corn or other grain, loose or in the straw, and threshed or unthreshed, lying or being on any part of the demised premises, and any corn or other grain, or roots, fruits or other products growing on any part of such premises :

Provided that if the tenant, his executors, administrators or assigns, at any time before such corn or other grain or roots, fruits or other products so growing are ripe and cut, cured or gathered, pays or causes to be paid to the landlord or bailiff the whole rent which is then in arrear together with the fees, charges and expenses of making such distress, then upon such payment or lawful tender thereof, the distress and every part thereof shall cease and all such corn or other grain, or roots, fruits or other products be delivered up to the tenant.

Distrain in case of fraudulent removal. 11 Geo. II, c.19, ss.1, 2 & 3.

18. (1) Where any tenant fraudulently or clandestinely removes from the demised premises his goods or chattels in order to prevent the landlord from distraining the same for arrears of rent the landlord or any bailiff employed by him may within thirty days next ensuing such removal as aforesaid, take and seize such goods and chattels wherever the same may be found as a distress for the said arrears of rent and sell or otherwise dispose of the same in such manner as if the said goods and chattels had actually been distrained in and upon the demised premises :

Provided that no landlord or bailiff shall take or seize any such goods or chattels as may have been sold *bona fide* and for valuable consideration, before such seizure has been made, to any person not privy to such fraud as aforesaid.

(2) If any tenant shall fraudulently remove his goods or chattels as aforesaid or if any person shall wilfully and knowingly aid or assist such tenant in such fraudulent removal of any part of such goods or chattels or in concealing the same, every such person shall forfeit and pay to the landlord double the value of the goods and chattels so removed or concealed to be recovered as for debt in any court of competent jurisdiction.

By whom distress may be levied. Fees and charges. 51 & 52 Vict., c.21, ss.7 & 8 ; 58 & 59. Vict. c.24, ss.3 & 57. Geo. III, c.93, s.1.

19. (1) No person shall levy a distress for rent save the landlord of the demised premises in person or a bailiff duly certified under the provisions of this section and employed by the landlord to levy such distress.

(2) No person shall act as a bailiff to levy any distress for rent unless he is authorised so to do by a certificate in writing under the hand of a magistrate and such certificate may be general or apply to a particular distress or distresses and may be granted in such manner as may be prescribed by rules made under this section. A certificate granted under this sub-section may at any time be cancelled or declared void by a magistrate.

(3) If any person not holding a certificate issued under the provisions of this section levies a distress for rent the person so levying and any person who has authorised him so to levy shall be deemed to have committed a trespass, and the person so levying shall, without prejudice to any civil liability, be liable on summary conviction to a fine of ten pounds.

(4) No person levying any distress for rent nor any person employed in any manner in making such distress or doing any act in the course of such distress or for carrying the same into effect shall have, take or receive out of the produce of the goods or chattels distrained and sold or from the tenant distrained on or from the landlord or any other person any other or greater sum in respect of fees, charges and expenses for and in respect of such distress, or any matter or thing done therein, than is prescribed by rules made under this section and appropriated by such rules to each act actually done in the course of such distress.

(5) The Chief Justice may make rules—

Rules.

(a) for prescribing the manner in which certificates may be granted under this section ;

(b) for regulating the security (if any) to be required from bailiffs ;

(c) for fixing the duration of certificates granted to bailiffs ;

(d) for regulating the fees, charges and expenses in and incidental to distress ;

(e) generally for carrying into effect the purposes of this section.

20. (1) Where a distress for rent is levied by the landlord in person he shall, before proceeding to sale under the provisions of this Law, serve upon the tenant or leave on the demised premises a notice setting forth the amount of the rent then due, such information as to the goods seized as will enable the tenant to know what particular goods have been seized, the place where the goods have been impounded (if the goods are impounded elsewhere than on the demised premises) and the date and time when the goods will be sold unless they are replevied or the rent and charges are paid.

Notice of distress.
2 Will. & Mar. c.5, s.1.

(2) Where a distress for rent is levied by a bailiff he shall in every case deliver to the tenant or leave on the demised premises a notice in the form prescribed by rules made under section 19 setting out, as well as the information required by sub-section (1) of this section, the fees, charges and expenses prescribed by such rules.

Distress for Rent Rules 1953, s.1. 1953, No. 1702.

21. The landlord or bailiff levying any distress for rent may impound or otherwise secure the goods or chattels or stock distrained in such place or upon such part of the demised premises as may be most fit and convenient for the impounding and securing such distress and may appraise, sell and dispose of the same upon such premises in such

Impounding goods seized on demised premises. 11 Geo. II, c.19, s.10.

manner as is provided by this Law and it shall be lawful for any person to come and go to and from such place or part of the demised premises where any distress is impounded and secured as aforesaid in order to view, appraise and buy and remove the same on account of the purchaser thereof.

Impounding
cattle off the
demised
premises.
1 & 2 Phil.
& Mar. c.12,
s.1.

22. Where any cattle or stock are seized and taken as distress for rent and the same are not impounded on the demised premises in accordance with the provisions of the foregoing section they shall not be driven to or impounded at any place more than three miles distant from the demised premises nor shall they be impounded in several places :

Provided that such cattle or stock may be driven to and impounded in the nearest public pound (if any) established within the district or local government council area within which the demised premises are situate notwithstanding that such public pound is a greater distance than three miles from such premises.

Poundbreach
or rescue :
treble
damages.
2 Will. &
Mar. c.5, s.3.

23. Upon any poundbreach or rescue of goods or chattels distrained for rent the person aggrieved thereby shall recover by action for the wrong thereby sustained treble damages against the offender or against the owner of the goods distrained if the same be afterwards found to have come to his use or possession.

Goods
distrained
may be sold.
2 Will. &
Mar.
c.5, s.1.

24. Where any goods or chattels are distrained for rent and the tenant or owner of the goods shall not within five days next after such distress and after notice thereof as prescribed by section 20 replevy the same, then after the expiration of such five days it shall be lawful for the landlord or any bailiff employed by him to sell the goods and chattels so distrained, for the best price which can be obtained, towards the satisfaction of the rent for which the goods and chattels were distrained and of the fees, expenses and charges lawfully incurred in such distress.

Appraise-
ment before
sale: when
necessary.
11Geo. II
c.19, s.8, and
51 & 52.
Vict., c.21,
s.5.

25. (1) Where any growing crops are distrained for rent under the provisions of section 17 the landlord shall, after the same have been cut, gathered or cured and before sale, cause the same to be appraised by two independent appraisors.

(2) Save as is provided in the foregoing sub-section the landlord or bailiff levying a distress may sell the goods and chattels distrained without causing them to be previously appraised unless the tenant or owner of the goods and chattels distrained by writing requires such appraisement to be made.

(3) The costs and expenses of appraisement when required by the tenant or owner shall be borne and paid by him.

26. (1) For the purposes of sale the goods and chattels distrained shall at the request in writing of the tenant or owner of such goods and chattels, be removed to a public auction room or to some other fit and proper place specified in such request and there be sold.

Tenant may require removal of goods to public auction room for sale.
51 & 52 Vict., c.21, s.5.

(2) The cost and expenses attending any such removal and any damage to the goods and chattels arising therefrom shall be borne and paid by the person requesting the removal.

27. Where any distress and sale is made by virtue or colour of this Law for rent pretended to be in arrear and due whereas in fact no rent is in arrear or due to the person distraining or authorising the distraint, the owner of the goods and chattels so distrained and sold, his executors or administrators shall recover by action against the person so distraining or authorising the distraint, his executors or administrators, double the value of the goods or chattels so distrained and sold.

Wrongful distress and sale: double damages.
2 Will & Mar. c.5, s.4.

28. Where any distress shall be made for rent justly due and any irregularity or unlawful act shall be afterwards done by the person distraining or authorising the distraint, the distress itself shall not therefore be deemed to be unlawful nor the person distraining deemed a trespasser *ab initio* but the person aggrieved by such irregularity or unlawful act shall recover by action satisfaction for the special damage he has sustained thereby :

Irregular distress remedy.
11 Geo. II, c.19, ss.19 and 20.

Provided that no tenant shall recover in any action for any such irregularity or unlawful act as aforesaid if tender of amends has been made by the person distraining or authorising the distraint before action brought.

PART V.—SAVING

29. The provisions of this Law shall not apply or have any effect with respect to any tenancy by customary law or to any land held under customary tenure save in so far as with respect to any such land it shall appear, either from express contract or from the nature of the transaction out of which a relation of landlord and tenant may have arisen, that the parties to the transaction agreed that the rights, obligations and liabilities arising therefrom should be regulated by this Law, or, if the transaction was entered into before the commencement of this Law, by English law, or it shall appear from the terms of the transaction that it is of a nature unknown to customary law.

Saving as to customary tenancies.

30. The rules of common law and equity applicable to the relationship of landlord and tenant and to distress for rent shall continue in force except in so far as they are inconsistent with the express provision of this Law.

Saving as to common law and equity.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 16th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 33



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE EDUCATION LAW, 1954.

[1st April, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Education (Amendment) Law, 1958 and shall come into operation on the 1st day of April, 1958.

Short title
and
commence-
ment.

Amendment of sub-section (1) of section 2 of the principal Law. No. 6 of 1955.

2. Sub-section (1) of section 2 of the Education Law, 1954 (hereinafter referred to as the principal Law) is hereby amended in the following respects :—

(a) by deleting from the sub-section the definition of "Director" ;

(b) by deleting from the definition of "the Ministry" in the sub-section the words "and includes the Education Department of the Region" ;

(c) by inserting in the sub-section, next after the definition of "parent", the following definition :—

" 'the Permanent Secretary' means the public officer for the time being lawfully discharging the duties of the Permanent Secretary to the Ministry ;".

Amendment of sub-section (6) of section 5 of the principal Law.

3. There shall be deleted from sub-section (6) of section 5 of the principal Law the words "to the Ministry".

Substitution of "Permanent Secretary" for "Director" in the principal Law.

4. The words "Permanent Secretary" shall be substituted for the word "Director" wherever that word occurs in the principal Law.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 17th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 34



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE WESTERN REGION PRODUCTION
DEVELOPMENT BOARD LAW, 1955.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows:— Enactment

1. This Law may be cited as the Western Region Production Development Board (Amendment) Law, 1958. Short title

Amendment
of section 4
of principal
Law, No. 12
of 1955.

2. Section 4 of the Western Region Production Development Board Law, 1955 (hereinafter referred to as the principal Law) is hereby amended in the following respects—

(a) by substituting for sub-section (1) of the section the following sub-section—

“(1) The Board shall consist of a Chairman and such number of other members being not less than six nor more than ten (to be determined by the Minister), all of whom shall be appointed by the Minister.”;

(b) by deleting from sub-section (2) of the section the comma after the word “may” and the words “with the prior approval of the Governor in Council,”.

Amendment
of section 5
of principal
Law.

3. Section 5 of the principal Law is hereby amended by deleting from sub-section (1) of the section the words “Governor in Council” and inserting instead the word “Minister”.

Amendment
of section 12
of principal
Law.

4. Section 12 of the principal Law is hereby amended by deleting from sub-section (1) of the section the words “with the prior approval of the Governor in Council”.

Board
deemed to
be validly
constituted
after
exclusion of
official
members.

5. For the avoidance of doubt it is hereby declared that the Board as constituted immediately before the date of commencement of this Law (exclusive of all representatives of the Ministries concerned) shall from and after that date be deemed to be properly and validly constituted as regards membership and in all other respects, in accordance with and subject to the provisions of the principal Law.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 17th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 35



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FURTHER TO AMEND THE WESTERN REGION PRODUCTION
DEVELOPMENT BOARD LAW, 1955.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Western Region Production Development Board (Amendment) (No. 2) Law, 1958. Short title.

Amendment
of section 20
of principal
Law No. 12
of 1955.

2. Section 20 of the Western Region Production Development Board Law, 1955 is hereby amended by deleting paragraph (a) of the section and inserting instead the following paragraph—

“(a) securities, stocks, or shares, approved by the Minister, and the Board may from time to time with like approval sell any or all of such securities, stocks, or shares ;”

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 36



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

**A LAW TO AMEND THE FINANCE CORPORATION AND LOCAL
LOANS BOARDS LAW, 1955.**

[31st July, 1958.]

Date of
commence
ment

BE IT ENACTED by the Legislature of the Western
Region of Nigeria as follows:—

Enactment

**1. This Law may be cited as the Finance Corporation
and Local Loans Boards (Amendment) Law, 1958.**

Short title

Substitution
of new
section 5 of
principal
Law, No 9
of 1955.

2. For section 5 of the Finance Corporation and Local Loans Boards Law, 1955 (hereinafter referred to as the principal Law) there shall be substituted the following section—

“Constitution
of the
Corporation.

5. (1) The Corporation shall consist of a Chairman and such number of other members being not less than six nor more than ten (to be determined by the Minister), all of whom shall be appointed by the Minister.

(2) There shall be paid to the members of the Corporation such remuneration and allowances as the Minister may determine.

First
Schedule.

(3) The provisions contained in the First Schedule shall have effect with respect to the constitution and proceedings of the Corporation.”

Amendment
of First
Schedule to
the principal
Law.

3. The First Schedule to the principal Law is hereby amended in the following respects—

(a) by substituting for paragraph 2 of the Schedule the following paragraph—

“Tenure of
office of
members.

2. A member of the Corporation other than the Chairman shall, subject to the provisions of this Schedule, hold office for a period of three years from the date of his appointment.”;

(b) by deleting from paragraph 3 of the Schedule the words “(other than a person who is a public officer)”;

(c) by deleting sub-paragraph (1) of paragraph 5 of the Schedule and inserting instead the following sub-paragraph—

“(1) The appointment of the Chairman or any other member of the Corporation may be terminated by the Minister at any time at pleasure.”;

(d) by deleting sub-paragraph (3) of paragraph 5 of the Schedule;

(e) by deleting from paragraph 7 of the Schedule the words “(other than an *ex-officio* member)”;

(f) by deleting paragraph 7A of the Schedule (inserted therein by the Finance Corporation and Local Loans Boards (Amendment) Law, 1956).

4. For the avoidance of doubt it is hereby declared that the Corporation as constituted immediately before the date of commencement of this Law (exclusive of all representatives of the Ministries concerned) shall from and after that date be deemed to be properly and validly constituted as regards membership and in all other respects, in accordance with and subject to the provisions of the principal Law.

Corporation
deemed to
be validly
constituted
after
exclusion of
official
members.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 37



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FURTHER TO AMEND THE FINANCE CORPORATION AND LOCAL
LOANS BOARDS LAW, 1955.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Finance Corporation and Local Loans Boards (Amendment) (No. 2) Law, 1958.

Amendment
of section 15
of principal
Law No. 9 of
1955.

2. Section 15 of the Finance Corporation and Local Loans Boards Law, 1955 (hereinafter referred to as the principal Law) is hereby amended by deleting paragraph (h) of sub-section (1) of the section and inserting instead the following paragraph—

“(h) to invest money standing to its credit and not for the time being required for its purposes under this Law in securities, stocks, or shares, approved by the Minister, and to sell such securities, stocks, or shares”.

Amendment
of section 28
of principal
Law.

3. Section 28 of the principal Law is hereby amended in the following respects—

(a) by deleting paragraph (f) of sub-section (1) of the section and inserting instead the following paragraph—

“(f) to invest money standing to its credit and not for the time being required for its purposes under this Law in securities, stocks, or shares, approved by the Minister, and to sell such securities, stocks or shares.” ;

(b) by substituting for the marginal note “Power of the Corporation” the marginal note “Power of Local Loans Board.”.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 38



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.

Governor, Western Region

A LAW TO AMEND THE MARKETING BOARD LAW, 1954.

[31st July, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Enactment.
Region of Nigeria as follows:—

1. This Law may be cited as the Marketing Board Short title.
(Amendment) Law, 1958.

Amendment
of section 2
of principal
Law. No. 10
of 1954.

2. Section 2 of the Marketing Board Law, 1954 (hereinafter referred to as the principal Law) is hereby amended by inserting, next after the definition of "Marketing Board", the following definition—

"'member' in relation to the Marketing Board and to a Representative Committee includes the Chairman ;".

Amendment
of section 3
of principal
Law.

3. Section 3 of the principal Law is hereby amended in the following respects :—

(a) by substituting for sub-section (ii) of the section the following sub-section—

"(2) The Marketing Board shall consist of a Chairman and such number of other members being not less than seven nor more than ten (to be determined by the Minister), all of whom shall be appointed by the Minister." ;

(b) by deleting sub-section (iii) of the section ;

(c) by re-numbering sub-sections (i) and (iv) as sub-sections (1) and (3) respectively.

Amendment
of section 4
of principal
Law.

4. Section 4 of the principal Law is hereby amended in the following respects—

(a) by deleting the words "Governor in Council" and inserting instead the word "Minister" ;

(b) by inserting the following marginal note—
"Tenure of office of members."

Amendment
of section 12
of principal
Law.

5. Section 12 of the principal Law is hereby amended by deleting from sub-section (1) of the section the words "after the prior approval of the Governor in Council".

Amendment
of section 30
of principal
Law.

6. For sub-sections (2) and (3) of section 30 of the principal Law there shall be substituted the following sub-sections respectively—

"(2) Each committee shall consist of—

(a) a Chairman appointed by the Minister ;

(b) one representative of the licensed buying agents appointed by the Minister ;

(c) two members, who shall be members of the Marketing Board, appointed by the Marketing Board ;

(d) six other members appointed by the Minister.

(3) There shall be established a committee, to be known as the Cotton Representative Committee which shall consist of—

- (a) a Chairman appointed by the Minister ;
- (b) one member, who shall be a member of the Marketing Board, appointed by the Marketing Board ;
- (c) three other members appointed by the Minister”.

7. For the avoidance of doubt, it is hereby declared that the Western Region Marketing Board, the Cocoa Representative Committee, the Oil Palm Produce Representative Committee and the Cotton Representative Committee, as constituted immediately before the date of commencement of this Law (exclusive of a representative of the Ministry concerned in the case of the Marketing Board and of all official members in the case of the Representative Committees) shall from and after that date be deemed to be properly and validly constituted as regards membership and in all other respects in accordance with and subject to the provisions of the principal Law.

Marketing Board and Representative Committees deemed to be validly constituted after exclusion of official members.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 39



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FURTHER TO AMEND THE MARKETING BOARD LAW, 1954.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Marketing Board (Amendment) (No. 2) Law, 1958. Short title.

Amendment
of section 22
of principal
Law No. 10
of 1954.

2. Section 22 of the Marketing Board Law, 1954 is hereby amended by deleting sub-section (1) of the section and inserting instead the following sub-section (with marginal note)—

"Power of
Marketing
Board to
invest, and to
make loans
to the
Government.
(1) Moneys standing to the credit of the Marketing Board may, from time to time, be invested in securities, stocks, or shares, approved either generally or specifically by the Minister, and the Board may, from time to time, with like approval, sell any or all of such securities, stocks, or shares."

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 40



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FURTHER TO AMEND THE LOCAL GOVERNMENT LAW, 1957.

[31st July, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Local Government (Amendment) (No. 2) Law, 1958.

Short title.

Insertion of
new section
(section 30A)
in principal
Law.

2. There shall be inserted in the Local Government Law, 1957 (hereinafter referred to as the principal Law), next after section 30, the following section—

“Power of
Minister to
appoint
chairman
in case of
equality of
votes.

30A. Notwithstanding any other provision contained in this Law or in any Instrument by which a council is established, if, in an election held in accordance with the provisions of section 30 there is an equality of votes so that it is not possible for a chairman to be elected, the Minister may appoint one of the members of the council to be the chairman thereof, and that member shall, unless he vacates office as chairman in accordance with the provisions of sub-section (5) or (6) of section 29, continue in office as chairman until his successor becomes entitled to act as chairman.”

Repeal and
replacement
of section
86 of
principal
Law.

3. Section 86 of the principal Law is hereby repealed and the following section substituted therefor—

“Power to
dissolve and
appoint a
committee
of manage-
ment or an
admin-
istrator.

86. (1) Where—

(a) a council fails in any year to hold the meetings it is required to hold by section 31 ; or

(b) the Governor in Council is satisfied that a council is not discharging its functions under this Law in a manner conducive to the welfare of the inhabitants of the area of its authority as a whole, he may by order—

(i) direct that the seats of the President and all members of the council shall become vacant and appoint a committee of management or an administrator for the purposes of this section ; or

(ii) direct that the seats of all members of the council, other than the President or traditional members appointed directly by the Instrument, shall become vacant and that a general election shall be held on a date to be fixed by the Minister to fill the seats vacated.

(2) Where a committee of management or an administrator is appointed—

(a) the term of office of the members of the committee or of the administrator shall be stated in the order ;

(b) the committee or the administrator, as the case may be, shall have and discharge, in accordance with this Law, all the functions of the council under this Law or any other enactment ;

(c) the provisions of Parts VI and VII shall have effect in relation to a committee only to the extent specified in the order.

(3) Where a general election is held in accordance with a direction under sub-paragraph (ii) of sub-section (1) of this section, the term of office of the persons elected shall expire on the date upon which the members of the council in whose place they were elected would ordinarily retire.”

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 41



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO PROVIDE FOR THE COMPENSATION OF THE FAMILIES OF PERSONS KILLED BY ACCIDENTS, TO AMEND THE LAW WITH RESPECT TO THE ASSESSMENT OF DAMAGES ARISING THEREFROM AND THE LAW RELATING TO CONTRIBUTORY NEGLIGENCE AND TO PROCEEDINGS AGAINST AND CONTRIBUTIONS BETWEEN TORT-FEASORS, AND TO ABOLISH THE DEFENCE OF COMMON EMPLOYMENT.

[14th August, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—PRELIMINARY

Short title.

1. This Law may be cited as the Torts Law, 1958.

Interpreta-
tion.
8 & 9 Geo.
VI c. 28,
s. 4.

2. In this Law—

“court” means any court, other than a Customary Court, by or before whom any claim falls to be determined ;

“damage” includes loss of life and personal injury ;

“fault” means negligence, breach of statutory duty, default or other act or omission which gives rise to a liability in tort or would apart from Part III of this Law give rise to a defence of contributory negligence.

PART II.—FATAL ACCIDENTS

Action maintain-
able where
death
caused by
negligence.
9 & 10
Vict.. c. 93,
s. 1.

3. Whenever the death of a person shall be caused by the fault of any other person and the fault is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued shall be liable in an action for damages, notwithstanding the death of the person injured and although the death shall have been caused under such circumstances as amount in law to felony :

9 & 10
Vict.. c. 93,
s. 3.

Provided always that not more than one action shall lie for and in respect of the same subject matter of comp'aint and that every such action shall be commenced within three years after the death of such deceased person.

Action to
be brought
by executor
or adminis-
trator for
the benefit
of depend-
ants.
9 & 10
Vict.. c. 93,
s. 2.

4. Every such action as is maintainable by virtue of this Part shall be for the benefit of the wife or wives, husband, parent and child of the person whose death shall have been so caused and shall be brought by and in the name of the executor or administrator of the person deceased ; and in every such action the court may give such damages as it thinks proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the court by its judgment shall find and direct :

27 & 28
Vict.. c. 95,
s. 1.

Provided that if there shall be no executor or administrator of the person deceased or that there be being such executor or administrator no such action as aforesaid shall within six calendar months after the death of such deceased person have been brought by and in the name of his or her executor or administrator then and in every such case such action may be brought by and in the name or names of all or any of the persons for whose benefit such action would have been if it had been brought by and in the

name of such executor or administrator; and every action so to be brought shall be for the benefit of the same person or persons and shall be subject to the same regulations and procedure, as nearly as may be, as if it were brought by and in the name of such executor or administrator

5. For the purposes of this Part—

(a) the word "parent" shall include father and mother, and grandfather and grandmother, and step-father and step-mother, and the word "child" shall include son and daughter, and grandson and granddaughter and step-son and step-daughter;

Interpretation.
9 & 10
Vict., c. 93.
s. 5. and
24 & 25
Geo. V.
c. 41. s. 2.

(b) a person shall be deemed to be the parent or child of the deceased person notwithstanding that he was only related to him illegitimately or in consequence of adoption; and accordingly in deducing any relationship which under this section is included within the meaning of the expressions "parent" and "child" any illegitimate person and any adopted person shall be treated as being or as having been, the legitimate offspring of his mother and reputed father or, as the case may be, of his adopters;

(c) in this section the expression "adopted person" means a person who has been adopted whether before or after the commencement of this Law in pursuance of an adoption order made under any statute in force in Nigeria or in any other country.

6. (1) In assessing damages in any action brought under this Part, there shall not be taken into account any sum paid or payable on the death of the deceased under any contract of assurance or insurance whether made before or after the passing of this Law and damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.

Assessment of damages.
8 Edw. VII.
c. 7. s. 1
and 24 & 25
Geo. V.
c. 41.
s. 2 (3).

(2) In this section "funeral expenses" means the reasonable expenses of the decent interment or obsequies of a deceased person but does not include the cost of the mourning of any person, or of a tombstone or memorial or of any celebrations or customary presents.

"funeral expenses".

7. If the defendant is advised to pay money into court it shall be sufficient that he pays it as a compensation in one sum to all persons entitled under this Part, without specifying the shares into which it is to be divided by the Court; and if the sum be not accepted and an issue is taken by the plaintiff as to its sufficiency and the Court shall think the same sufficient, the defendant shall be entitled to the finding of the Court on that issue.

Payment into Court.
27 & 28
Vict., c. 95.
s. 2.

PART III.—CONTRIBUTORY NEGLIGENCE

Apportionment of liability. 8 & 9 Geo. VI, c. 28, s. 1 (1).

8. Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering damage, but the damages recoverable in respect thereof shall be reduced to such extent as the Court thinks just and equitable having regard to the claimant's share in the responsibility for the damage :

Provided that—

(a) this section shall not operate to defeat any defence arising under a contract ;

(b) when any contract or enactment providing for the limitation of liability is applicable to the claim, the amount of damages recoverable by the claimant by virtue of this section shall not exceed the maximum limit so applicable.

Total damages to be found and recorded. 8 & 9 Geo. VI, c. 28, s. 1 (2).

9. Where damages are recoverable by any person by virtue of the foregoing section subject to such reduction as is therein mentioned, the Court shall find and record the total damages which would have been recoverable if the claimant had not been at fault.

Application of Part V when two or more persons liable. 8 & 9 Geo. VI, c. 28, s. 1 (3).

10. Part V of this Law shall apply in any case when two or more persons are liable or would, if they had all been sued, be liable by virtue of section 8 in respect of the damage suffered by any person.

Application in case of fatal accidents. 8 & 9 Geo. VI, c. 28, s. 1 (4).

11. When any person dies as the result partly of his own fault and partly of the fault of any other person or persons and, accordingly, if death had not ensued, the damages would be reduced under section 8, any damages recoverable in an action brought for the benefit of the dependants of that person under Part II of this Law shall be reduced to a proportionate extent.

Effect of pleading limitation. 8 & 9 Geo. VI, c. 28, s. 1 (5).

12. Where in any case to which section 8 applies one of the persons at fault avoids liability to any other such person or his personal representative by pleading any enactment limiting the time within which proceedings may be taken, he shall not be entitled to recover any damages or contributions from that other person or representative by virtue of the said section.

PART IV.—COMMON EMPLOYMENT

13. (1) It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by him that that person was at the time the injuries were caused in common employment with the person injured.

Common employment not a defence. 11 & 12 Geo. VI. c. 41, s. 2.

(2) Any provisions contained in a contract of service or apprenticeship or in an agreement collateral thereto (including a contract or agreement entered into before the commencement of this Law) shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the negligence of persons in common employment with him.

(3) In this section the expression "personal injuries" includes any disease and any impairment of a person's physical or mental condition and the expression "injured" shall be construed accordingly.

"Personal injuries".

PART V.—PROCEEDINGS AGAINST AND CONTRIBUTION BETWEEN TORT-FEASORS

14. Where damage is suffered by any person as a result of a tort (whether a crime or not)—

Proceedings against and contribution between joint and several tort-feasors. 25 & 26 Geo. V. c. 30, s. 6 (1).

(a) judgment recovered against any tort-feasor liable in respect of that damage shall not be a bar to an action against any other person who would if sued, have been liable as a joint tort-feasor in respect of the same damage ;

(b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered or for the benefit of the estate or of the wife, husband, parent or child of that person, against tort-feasors liable in respect of the damage (whether as joint tort-feasors or otherwise) the sums recoverable under the judgment given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given ; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the Court is of opinion that there was reasonable ground for bringing the action ;

(c) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tort-feasor or otherwise, so, however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

Proceedings
for contri-
bution.
25 & 26
Geo. V.
c. 30.
s. 6 (2).

15. In any proceedings for contribution under this Part the amount of the contribution recoverable from any person shall be such as may be found by the Court to be just and equitable having regard to the extent of that person's responsibility for the damage ; and the Court shall have power to exempt any person from liability to make contribution or to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

Extent of
application.
25 & 26
Geo. V.
c. 30.
s. 6 (4).

16. Nothing in this Part shall—

(a) apply with respect to any tort committed before the commencement of this Law ;

(b) affect any criminal proceedings against any person in respect of any wrongful act ;

(c) render enforceable any agreement for indemnity which would not have been enforceable if this Law had not been passed.

Interpreta-
tion.

17. For the purposes of this Part—

(a) the expressions "parent" and "child" have the same meanings as they have for the purposes of Part II of this Law ;

(b) the reference in section 14 to "the judgment first given" shall, in a case where that judgment is reversed on appeal be construed as a reference to the judgment first given which is not so reversed and, in a case where the judgment is varied on appeal, be construed as a reference to that judgment as so varied.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA.

Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 24th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 42



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE LAW RELATING TO LIBEL AND SLANDER AND THE
PUBLICATION OF MALICIOUS FALSEHOODS.

[14th August, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows:— Enactment.

1. This Law may be cited as the Defamation Law, 1958. Short title.

Interpretation.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.16.
Newspapers
Law, 1957,
s.2.

2. (1) Any reference in this Law to words shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning.

(2) In this Law "newspaper" means any paper containing public news, intelligence, or occurrences or any remarks, observations or comments thereon printed for sale and published in Nigeria periodically or in parts or numbers.

Broadcast
statements.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.1.

3. For the purposes of the law of libel and slander the broadcasting of words by means of wireless telegraphy shall be treated as publication in permanent form.

Slander of
Women.
54 and 55
Vict. c.51,
s.1.

4. Words spoken and published which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable :

Provided that in any action for such words spoken and published a plaintiff shall not recover more costs than damages unless the court shall certify that there was reasonable ground for bringing the action.

Slander
affecting official
professional or
business
reputation.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.2.

5. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade, or business held or carried on by him at the time of the publication it shall not be necessary to allege or prove special damage whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander of
title, etc.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.3.

6. (1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage—

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form ; or

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 of this Law shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

Consolidation
of
actions.
51 and 52
Vict. c.64,
s.5.

7. (1) It shall be competent for the court upon an application by or on behalf of two or more defendants, in actions in respect to the same or substantially the same libel brought by one and the same person, to make an order for the consolidation of such actions so that they shall be tried together : and after such order has been made and before the trial of the said actions the defendants in any new actions instituted in respect of the same or substantially the same libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

(2) In a consolidated action under this section the court shall assess the whole amount of the damages (if any) in one sum but a separate judgment shall be entered for or against each defendant in the same way as if the actions consolidated had been tried separately and if the court shall have entered a judgment against the defendant or defendants in more than one of the actions so consolidated it shall proceed to apportion the amount of damages which it has so found as between and against the said last-mentioned defendants and the court if it awards to the plaintiff the costs of the action shall make such order as it shall deem just for the apportionment of such costs between and against such defendants.

(3) This section shall apply to actions for slander and to actions for slander of title, slander of goods or other malicious falsehood as it applies to actions for libel and references in the preceding sub-sections to the same or substantially the same libel shall be construed accordingly.

15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.13.

8. In any action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do given to the plaintiff at the time of filing or delivering the plea in such action) to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action or as soon afterwards as he had an opportunity of doing so in case the action shall have been commenced before there was an opportunity of making or offering such apology.

Offer of
apology
admissible in
evidence in
mitigation of
damages.
6 and 7 Vict.,
c.96, s.1.

9. In any action for libel or slander the defendant may give evidence in mitigation of damages that the plaintiff has recovered damages or has brought actions for damages for libel or slander in respect of the publication of words to the same effect as the words on which the action is founded or has received or agreed to receive compensation in respect of any such publication.

Evidence of
other dama-
ges recovered
by plaintiff.
15 and 16
Geo. VI and
1 Eliz. II,
s.12.

10. (1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section ; and in any such case—

Uninten-
tional
defamation.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.4.

(a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication) ;

(b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved ; and for the purposes of a defence under paragraph (b) of sub-section (1) of this section no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer—

(a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words ;

(b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the party aggrieved—

(a) any question as to the steps to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the court, whose decision thereon shall be final ;

(b) the power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a) of this sub-section, shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question ;

and if no such proceedings as aforesaid are taken, the court may, upon application made by the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in such proceedings.

(5) For the purposes of this section words shall be treated as published by one person (in this sub-section referred to as the publisher) innocently in relation to another person if and only if the following conditions are satisfied, that is to say—

(a) that the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him ; or

(b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person,

and in either case that the publisher exercised all reasonable care in relation to the publication ; and any reference in this sub-section to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Paragraph (b) of sub-section (1) of this section shall not apply in relation to the publication by any person of words of which he is not the author unless he proves that the words were written by the author without malice.

11. In an action for libel or slander in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

Justification.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.5.

12. In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expressions of opinion a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

Fair
comment.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.6.

13. A defamatory statement published by or on behalf of a candidate in any election to a Legislative House or a local government authority in Nigeria shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

Limitation
on privilege
at elections.
15 and 16
Geo. VI and
1 Eliz. II,
c.66, s.10.

14. In an action for libel contained in any newspaper it shall be competent to the defendant to plead that such libel was inserted in such newspaper without actual malice and without gross negligence and that before the commencement of the action or at the earliest opportunity afterwards he inserted in such newspaper a full apology for the said libel or if the newspaper in which the said libel appeared should be ordinarily published at intervals exceeding one week had offered to publish the said apology in any newspaper to be selected by the plaintiff in such action ; and to such plea it shall be competent to the plaintiff to reply generally, denying the whole or any part of such plea :

Newspaper :
plea of ab-
sence of ma-
lice or negli-
gence, etc.
6 and 7 Vict.,
c.96, s.2.

Provided that it shall not be competent to any defendant in such action to file any such plea without at the same time making a payment of money into court by way of amends but every such plea so filed without payment of money into court shall be deemed a nullity and may be treated as such by the plaintiff in the action.

8 and 9 Vict.,
c.75, s.2.

Newspaper reports of court proceedings in Nigeria : absolute privilege. 51 and 52 Vict., c.64, s.3 Geo. VI 1 Eliz. II, c.66, s.8.

Newspaper reports of certain matters : qualified privilege. 15 and 16 Geo. VI and 1 Eliz. II, c.66, s.7, Schedule.

Extension of certain defences to broadcasting. 15 and 16 Geo. VI and 1 Eliz. II, c.66, s.9.

Agreements for indemnity. 15 and 16 Geo. VI and 1 Eliz. II, c.66, s.11.

15. A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority within Nigeria shall if published contemporaneously with such proceedings be absolutely privileged :

Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter or any matter the publication of which is prohibited by law.

16. (1) Subject to the provisions of this section, the publication in a newspaper of any such report or other matter as is mentioned in the Schedule to this Law shall be privileged unless the publication is proved to be made with malice.

(2) In an action for libel in respect of the publication of any such report or matter as is mentioned in Part II of the Schedule to this Law the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the newspaper in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication of any matter the publication of which is prohibited by law or of any matter which is not of public concern and the publication of which is not for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting at common Law immediately before the commencement of this Law.

17. (1) Sections 15 and 16 of this Law shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station within Nigeria and in relation to any broadcasting by means of wireless telegraphy of any such report or matter, as they apply in relation to reports published in a newspaper and to publication in a newspaper ; and sub-section (2) of the said section 16 shall have effect in relation to such broadcasting as if for the words "in the newspaper in which" there were substituted the words "in the manner in which".

(2) In this section "broadcasting station" means any station in respect of which a licence granted under any Law or Ordinance relating to wireless telegraphy is in force, being a licence which (by whatever form of words) authorizes the use of the station for the purpose of providing broadcasting services for general reception.

18. An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory and does not reasonably believe there is a good defence to any action brought upon it.

19. (1) This Law applies for the purposes of any proceedings begun after the commencement of the Law whenever the cause of action arose but does not affect any proceedings begun before the commencement of this Law.

Proceedings affected and saving. 15 and 16 Geo. VI and 1 Eliz. II, c.66, s.17.

(2) Nothing in this Law affects the Law relating to criminal libel.

SCHEDULE

NEWSPAPER STATEMENTS HAVING QUALIFIED PRIVILEGE

Section 16.

PART I

Statements Privileged without Explanation or Contradiction

1. A fair and accurate report of any proceedings in public of the legislature of any part of Her Majesty's dominions outside Nigeria.

2. A fair and accurate report of any proceedings in public of an international organisation of which the Region or the Federation of Nigeria or the Government of either is a member or of any international conference to which either sends a representative.

3. A fair and accurate report of any proceeding in public of an international court.

4. A fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of Her Majesty's dominions outside Nigeria or of any proceedings before a court-martial held outside Nigeria.

5. A fair and accurate report of any proceedings in public of a body or person appointed to hold a public enquiry by the government or legislature of any part of Her Majesty's dominions outside Nigeria.

6. A fair and accurate copy of or extract from any register kept in pursuance of any Law or Ordinance which is open to inspection by the public or of any other document which is required by any Law or Ordinance to be open to inspection by the public.

7. A notice or advertisement published by or on the authority of any court within Nigeria or officer of such a court.

PART II

Statement privileged Subject to Explanation or Contradiction

8. A fair and accurate report of the findings or decision of any of the following associations or of any committee or governing body thereof, that is to say—

(a) an association formed in Nigeria for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association or the actions or conduct of any persons subject to such control or adjudication ;

(b) an association formed in Nigeria for the purposes of promoting or safeguarding the interests of any trade, business, industry or profession or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with the trade, business, industry or profession or the actions or conduct of those persons ;

(c) an association formed in Nigeria for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercise of which members of the public are invited or admitted and empowered by its constitution to exercise control over or adjudicate upon persons connected with or taking part, in the game, sport or pastime, being a finding or decision relating to a person who is a member of or is subject by virtue of any contract to the control of the association.

9. A fair and accurate report of the proceedings at any public meeting held in Nigeria, that is to say a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.

10. A fair and accurate report of the proceedings at any meeting or sitting in any part of Nigeria of—

(a) any local authority or committee of a local authority or local authorities ;

(b) any commission, tribunal, committee or person appointed for the purposes of any inquiry by or under any Law or Ordinance ;

(c) any person appointed by any local authority to hold a local inquiry in pursuance of any Law or Ordinance ;

(d) any other tribunal, board, committee or body constituted by or under or exercising functions under any Law or Ordinance, not being a meeting or sitting admission to which is denied to representatives of newspapers and other members of the public.

Cap. 38.

11. A fair and accurate report of the proceedings at a general meeting of any company or association constituted, registered or certified by or under any Law or Ordinance or formed in pursuance of any Act of Parliament or of letters patent, not being a private company within the meaning of the Companies Ordinance.

12. A copy or fair and accurate report or summary of any notice or other matter issued for the information of the public by or on behalf of any government department, office of state, local authority or superior officer of police.

PART III

Interpretation

13. In this Schedule—

“International Court” means the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States ;

“legislature” in relation to any territory comprised in Her Majesty’s dominions which is subject to a central and local legislature means either of those legislatures ;

“local authority” means any local government body established within Nigeria under any Law or Ordinance ;

“part of Her Majesty’s dominions” means the whole of any territory within those dominions which is subject to a separate legislature.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 26th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 43



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW FOR CODIFYING THE LAW RELATING TO THE SALE OF GOODS.

[14th August, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Sale of Goods Law, 1958.

Short title.

Interpretation.
56 and 57
Vict. c.71,
s.62.

2. (1) In this Law—

“action” includes counterclaim and set off ;

“buyer” means a person who buys or agrees to buy goods ;

“contract of sale” includes an agreement to sell as well as a sale ;

“delivery” means voluntary transfer of possession from one person to another ;

“document of title to goods” includes any bill of lading, dock warrant, warehouse-keeper’s certificate, and warrant or order for delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented ;

“fault” means wrongful act or default ;

“future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale ;

“goods” includes all chattels personal, other than things in action and money, and includes emblements, industrial growing crops, and things attached to and forming part of the land which are agreed to be severed before sale or under the contract of sale ;

“plaintiff” includes defendant counter-claiming ;

“property” means the general property in goods and not merely a special property ;

“quality of goods” includes their state or condition ;

“sale” includes a bargain and sale as well as a sale and delivery ;

“seller” means a person who sells or agrees to sell goods ;

“specific goods” means goods identified and agreed upon at the time a contract of sale is made ;

“warranty” means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated.

(2) A thing is deemed to be done “in good faith” within the meaning of this Law when it is in fact done honestly whether it be done negligently or not.

(3) A person is deemed to be insolvent within the meaning of this Law who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due.

(4) Goods are in a “deliverable state” within the meaning of this Law when they are in such a state that the buyer would under the contract be bound to take delivery of them.

PART II.—FORMATION OF THE CONTRACT

Contract of Sale

3. (1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another.

Sale and agreement sell.
56 and 57
Vict. c.71,
s.1.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale ; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

4. (1) Capacity to buy and sell is regulated by the general law concerning capacity to contract and to transfer and acquire property :

Capacity to buy or sell.
56 and 57
Vict. c.71,
s.2

Provided that where necessaries are sold and delivered to an infant or minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

(2) "Necessaries" in this section mean goods suitable to the condition in life of such infant, minor or other person, and to his actual requirements at the time of the sale and delivery.

Formalities of the Contract

5. Subject to the provisions of this Law and of any written law in that behalf a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties :

Contract of sale, how made.
56 and 57
Vict. c.71,
s.3.

Provided that nothing in this section shall affect the law relating to corporations.

Subject matter of Contract

6. (1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Law called "future goods".

Existing or future goods.
56 and 57
Vict. c.71,
s.5.

(2) There may be a contract for the sale of goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

Goods which have perished. 56 and 57 Vict. c.71, s.6.

7. Where there is a contract for the sale of specific goods and the goods, without the knowledge of the seller, have perished at the time the contract is made, the contract is void.

Goods perishing before sale but after agreement to sell. 56 and 57 Vict. c.71, s.7.

8. Where there is an agreement to sell specific goods and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided.

The Price

Ascertainment of price. 56 and 57 Vict. c.71, s.8.

9. (1) The price in a contract of sale may be fixed by the contract or may be left to be fixed in manner thereby agreed or may be determined by the course of dealing between the parties.

(2) When the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price, what is a reasonable price being a question of fact dependent on the circumstances of each particular case.

Agreement to sell at valuation. 56 and 57 Vict.c.71, s.9.

10. (1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation, the agreement is avoided :

Provided that if the goods or any part thereof have been delivered to or appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

Conditions and Warranties

Stipulations as to time. 56 and 57 Vict. c.71, s.10.

11. (1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale but whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(2) In a contract of sale "month" means prima facie calendar month.

Where condition to be treated as warranty. 56 and 57 Vict. c.71, s.11.

12. (1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition or may elect to treat the breach of such condition as a breach of warranty and not as a ground for treating the contract as repudiated.

(2) Whether a stipulation in a contract of sale is a condition the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as

repudiated, depends in each case on the construction of the contract, and a stipulation may be a condition though called a warranty in the contract.

(3) Where a contract of sale is not severable and the buyer has accepted the goods or part thereof, or when the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term in the contract, express or implied, to that effect.

(4) Nothing in this section shall affect the case of any condition or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

13. In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

(a) an implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass ;

(b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods ;

(c) an implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party not declared or known to the buyer before or at the time when the contract is made.

14. Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description, and if the sale be by sample as well as by description, it is not sufficient if the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

15. Subject to the provisions of this Law and of any written law in that behalf there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows :—

(a) where the buyer, expressly or by implication makes known to the seller the particular purpose for which the goods are required so as to show that the buyer relies on the sellers' skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose : provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose ;

(b) where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of

Implied undertaking as to title, etc. 56 and 57 Vict. c.71, s.12.

Sale by description. 56 and 57 Vict. c.71, s.13.

Implied conditions as to quality or fitness. 56 and 57 Vict. c.71, s.14.

merchandise quality : provided that if the buyer has examined the goods there shall be no implied condition as regards defects which such examination ought to have revealed ;

(c) an implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade ;

(d) an express warranty or condition does not negative a warranty or condition implied by this Law unless inconsistent therewith.

Sale by Sample

16. (1) A contract of sale is a contract of sale by sample where there is a term in the contract, express or implied, to that effect.

(2) In the case of a contract for sale by sample—

(a) there is an implied condition that the bulk shall correspond with the sample in quality ;

(b) there is an implied condition that the buyer shall have reasonable opportunity of comparing the bulk with the sample ;

(c) there is an implied condition that the goods shall be free from any defect rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART III.—EFFECTS OF THE CONTRACT

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

17. Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.

18. (1) Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties and the circumstances of the case.

19. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer :—

Rule 1.—Where there is an unconditional contract for the sale of specific goods in a deliverable state the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.

Rule 2.—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them in a deliverable state, the property does not pass until such thing be done and the buyer has notice thereof.

Sale by sample, 56 and 57 Vict. c.71, s.15.

Goods must be ascertained. 56 and 57 Vict. c.71, s.16.

Property passes when intended to pass. 56 and 57 Vict. c.71, s.17.

Rules of ascertaining intention. 56 and 57 Vict. c.71, s.18.

Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state but the seller is bound to weigh, measure, test or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4.—Where goods are delivered to the buyer on approval or “on sale or return” or other similar terms the property therein passes to the buyer :—

(a) Where he signifies his approval or acceptance to the seller or does any other act adopting the transaction ;

(b) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of reasonable time.

Rule 5.—(1) Where there is a contract for unascertained or future goods by description and goods of that description and in a deliverable state are unconditionally appropriated to the contract either by the seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied and may be given either before or after the appropriation is made.

(2) Where in pursuance of the contract the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to the buyer and does not reserve the right of disposal he is deemed to have unconditionally appropriated the goods to the contract.

20. (1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may by the terms of the contract or appropriation reserve the right of disposal of the goods until certain conditions are fulfilled and in such case notwithstanding the delivery of goods to the buyer or carrier or other bailee for the purpose of transmission to the buyer the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

Reservation
of right of
disposal.
56 and 57
Vict. c.71,
s.19.

(2) Where goods are shipped and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.

(3) Where the seller of the goods draws on the buyer for the price and transmits the bill of exchange and the bill of lading to the buyer together to secure acceptance or payment of the bill of exchange the buyer is bound to return the bill of lading if he does not honour the bill of exchange and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

Risk *prima facie* passes with property. 56 and 57 Vict. c.71, s.20.

21. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not :

Provided that where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault :

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

Transfer of Title

Sale by person not the owner. 56 and 57 Vict. c.71, s.21.

22. Subject to the provisions of this Law, where goods are sold by a person who is not the owner thereof and who does not sell them under the authority or with the consent of the owner the buyer acquires no better title to the goods than the seller had unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell :

Provided that nothing in this Law shall affect—

(a) the provisions of the Mercantile Agents Law or any written law enabling the apparent owner of goods to dispose of them as if he were the true owner thereof ;

(b) the validity of any contract of sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

Market overt. 56 and 57 Vict. c.71, s.22.

23. Where goods are sold in market overt, according to the usage of the market the buyer acquires a good title to the goods provided he buys them in good faith and without notice of any defect or want of title on the part of the seller.

Sale under voidable title. 56 and 57 Vict. c.71, s.23.

24. Where the seller of goods has a voidable title thereto but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods provided he buys them in good faith and without notice of the seller's defect in title.

Revesting of property in stolen goods on conviction of offender. 56 and 57 Vict. c.71, s.24.

25. (1) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen revests in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them whether by sale in market overt or otherwise.

(2) Notwithstanding any written law to the contrary where goods have been obtained by fraud or other wrongful means not amounting to stealing the property in such goods shall not revest in the person who was the owner, or his personal representative, by reason only of the conviction of the offender.

26. (1) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof or under any agreement for sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same.

Seller or buyer in possession after sale. 56 and 57 Vict. c.71, s.25 and 52 and 53 Vict. c.45, ss.8 and 9.

(2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge or other disposition thereof or under any agreement for sale, pledge or other disposition there to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3) In this section the term "mercantile agent" means a mercantile agent having in the customary course of his business as such agent authority either to sell goods or to consign goods for the purpose of sale or to buy goods or to raise money on the security of goods.

27. (1) A writ of *fiery facias* or other writs of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed ; and for the better manifestation of such time it shall be the duty of the sheriff, without fee, upon the receipt of any such writ to endorse upon the back thereof the hour, day, month and year when he received the same :

Effect of writs of execution. 56 and 57 Vict. c.71, s.26.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration unless such person had at the time he acquired his title notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.

(2) In this section the term "sheriff" includes any officer charged with the enforcement of a writ of execution.

PART IV.—PERFORMANCE OF THE CONTRACT

28. It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Duties of seller and buyer. 56 and 57 Vict. c.71, s.27.

Payment and delivery concurrent conditions. 56 and 57 Vict. c.71, s.28.

29. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Rules as to delivery. 56 and 57 Vict. c.71, s.29.

30. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied between the parties.

(2) Apart from any such contract express or implied, the place of delivery is the seller's place of business, if he has one, and if not, his residence :

Provided that if the contract be for the sale of specific goods which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(3) Where under the contract of sale the seller is bound to send the goods to the buyer but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(4) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf :

Provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to the goods.

(5) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour, what is reasonable hour being a question of fact.

(6) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Delivery of wrong quantity. 56 and 57 Vict. c.71, s.30.

31. (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole, but if the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties.

32. (1) Unless otherwise agreed the buyer of goods is not bound to accept delivery thereof by instalments.

Instalment deliveries.
56 and 57
Vict. c.71,
s.31.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments, which are to be separately paid for and the seller makes defective deliveries in respect of one or more instalments, or the buyer refuses or neglects to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated.

33. (1) Where in pursuance of a contract of sale the seller is authorised or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is prima facie deemed to be a delivery of the goods to the buyer.

Delivery to carrier.
56 and 57
Vict. c.71,
s.32.

(2) Unless otherwise authorised by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case, and if the seller omit so to do and the goods are lost or damaged in course of transit the buyer may decline to treat the delivery to the carrier as a delivery to himself or may hold the seller responsible in damages.

(3) Unless otherwise agreed where goods are sent by the seller to the buyer by a route involving sea transit under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and if the seller fails to do so the goods shall be deemed to be at his risk during such sea transit.

34. Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Risk when goods are delivered at distance place.
56 and 57
Vict. c.71,
s.33.

35. (1) Where goods are delivered to the buyer which he has not previously examined he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

Buyer's right of examining goods.
56 and 57
Vict. c.71,
s.34.

(2) Unless otherwise agreed, when the seller tenders delivery of the goods to the buyer, he is bound on request to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

36. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him and he does any act in relation to them

Acceptance.
56 and 57
Vict. c.71,
s.35.

which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time he retains the goods without intimating to the seller that he has rejected them.

Buyer not bound to return rejected goods. 56 and 57 Vict. c.71, s.36.

37. Unless otherwise agreed, where goods are delivered to the buyer and he refuses to accept them, having a right to do so, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Liability of buyer neglecting or refusing delivery. 56 and 57 Vict. c.71, s.37.

38. When the seller is ready and willing to deliver the goods and requests the buyer to take delivery and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery and also for a reasonable charge for the care and custody of the goods :

Provided that nothing in this section shall affect the rights of the seller when the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

PART V.—RIGHTS OF UNPAID SELLER AGAINST THE GOODS

Unpaid seller defined. 56 and 57 Vict. c.71, s.38.

39. (1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Law—

(a) When the whole of the price has not been paid or tendered ;

(b) when a bill of exchange or other negotiable instrument has been received as conditional payment and the condition on which it was received has not been fulfilled by reason of the dis-honour of the instrument or otherwise.

(2) In this Part the term "seller" includes any person who is in the position of a seller as, for instance, an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid or is directly responsible for the price.

Unpaid seller's rights. 56 and 57 Vict. c.71, s.39.

40. (1) Subject to the provisions of this Law and of any written law in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

(a) a lien on the goods for the price while he is in possession of them ;

(b) in case of the insolvency of the buyer, a right of stopping the goods *in transitu* after he has parted with the possession of them ;

(c) a right of re-sale as limited by this Law.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage *in transitu* when the property has passed to the buyer.

Unpaid Seller's Lien

41. (1) Subject to the provisions of this Law, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely—

Seller's lien.
56 and 57
Vict. c.71,
s.41.

(a) where the goods have been sold without any stipulation as to credit ;

(b) where the goods have been sold on credit but the term of credit has expired ;

(c) where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

42. Where an unpaid seller has made part delivery of the goods he may exercise his right of lien on the remainder, unless such part delivery has been made in such circumstances as to show an agreement to waive the lien.

Part delivery
56 and 57
Vict. c.71,
s.42.

43. (1) The unpaid seller of goods loses his lien thereon—

Termination
of lien.
56 and 57
Vict. c.71,
s.43.

(a) when he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods ;

(b) when the buyer or his agent lawfully obtains possession of the goods ;

(c) by waiver thereof.

(2) The unpaid seller of goods having a lien thereon does not lose his lien by reason only that he has obtained judgment or a decree for the price of the goods.

Stoppage in Transitu

44 Subject to the provisions of this Law, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu*, that is to say, he may resume possession of the goods so long as they are in the course of transit and may retain them until payment or tender of the price.

Right of
stoppage
in transitu.
56 and 57
Vict. c.71,
s.44.

45. (1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier or other bailee for the purpose of transmission to the buyer, until the buyer or his agent in that behalf takes delivery of them from such carrier or other bailee.

Duration of
transit.
56 and 57
Vict. c.71,
s.45.

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as

bailee for the buyer or his agent, the transit is at an end and it is immaterial that a further destination may have been indicated by the buyer.

(4) If the goods are rejected by the buyer and the carrier or other bailee continues in possession of them the transit is not deemed to be at an end even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case whether they are in the possession of the master as a carrier or as agent to the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf, the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped *in transitu* unless such part delivery has been made in such circumstances as to show an agreement to give up possession of the whole of the goods.

How stop-
page in
transitu
effected.
56 and 57
Vict. c.71,
s.46.

46. (1) The unpaid seller may exercise his right of stoppage *in transitu* either by taking actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are.

(2) Such notice may be given either to the person in actual possession of the goods or to his principal and in the latter case the notice, to be effectual must be given at such time and in such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent delivery to the buyer.

(3) When notice of stoppage *in transitu* is given by the seller to the carrier or other bailee in possession of the goods, he must re-deliver the goods to, or according to the directions of the seller and the expenses of such re-delivery must be borne by the seller.

RE-SALE BY BUYER OR SELLER

Effect of sub-
sale or pled-
ges by buyer.
56 and 57
Vict. c.71,
s.47.

47. Subject to the provisions of this Law, the unpaid seller's right of lien or stoppage *in transitu* is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto :

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods and that person transfers the document to a person who takes the document in good faith and for consideration then, if such last-mentioned transfer was by way of sale the unpaid seller's right of lien or stoppage *in*

transitu is defeated, and if such last-mentioned transfer was made by way of pledge or other disposition for value, the unpaid seller's right of lien or stoppage *in transitu* can only be exercised subject to the rights of the transferee.

48. (1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or stoppage *in transitu*.

Sale not generally rescinded by lien or stoppage *in transitu*.
56 and 57
Vict. c.71,
s.48.

(2) Where an unpaid seller who has exercised his right of lien or stoppage *in transitu* re-sells the goods, the buyer acquires a good title thereto as against the original buyer.

(3) Where the goods are of a perishable nature or where the unpaid seller gives notice to the buyer of his intention to re-sell and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4) Where the seller expressly reserves a right of re-sale in case the buyer should make default and, on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded but without prejudice to any claim the seller may have for damages.

PART VI.—ACTIONS FOR BREACH OF THE CONTRACT

Remedies of the Seller

49. (1) Where under a contract of sale the property in the goods has passed to the buyer and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.

Action for price.
56 and 57
Vict. c.71,
s.49.

(2) Where under a contract of sale the price is payable on a day certain irrespective of delivery and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price although the property in the goods has not passed and the goods have not been appropriated to the contract.

50. (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

Damages for non-acceptance.
56 and 57
Vict. c.71,
s.50.

(2) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events from the buyer's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted or if no time was fixed for acceptance then at the time of the refusal to accept.

Remedies of the Buyer

Damages for non-delivery, 56 and 57 Vict. c.71, s.51.

51. (1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events from the seller's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Specific performance, 56 and 57 Vict. c.71, s.52.

52. (1) In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the application of the plaintiff, by its judgment or decree direct that the contract be performed specifically without giving the defendant the option of retaining the goods on payment of damages.

(2) The judgment or decree may be unconditional or upon such terms and conditions as to damages, payment of the price and otherwise as to the court may seem just and the application by the plaintiff may be made at any time before judgment or decree.

Remedy for breach of warranty, 56 and 57 Vict. c.71, s.53.

53. (1) Where there is a breach of warranty by the seller or where the buyer elects or is compelled to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods, but he may—

(a) set up against the seller the breach of warranty in diminution or extinction of the price ; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting in the ordinary course of events from the breach of warranty.

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

Interest and special damages, 56 and 57 Vict. c.71, s.54.

54. Nothing in this Law shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable or to recover money paid where the consideration for the payment of it has failed.

PART VII.—SUPPLEMENTARY

55. Where any right duty or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties or by usage, if the usage be such as to bind both parties to the contract.
56. Where by this Law any reference is made to a reasonable time what is a reasonable time is a question of fact.
57. Where any right, duty or liability is declared by this Law it may, unless otherwise by this Law provided, be enforced by action.
58. In the case of a sale by auction—
- (a) where goods are put up for sale by auction in lots, each lot is prima facie deemed to be the subject of a separate contract of sale ;
- (b) a sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner and until such announcement is made any bidder may retract his bid.
59. (1) Any rules made or hereafter to be made by or in pursuance of any written law in relation to any contract of sale in the case of bankruptcy or insolvency shall apply thereto notwithstanding anything in this Law contained.
- (2) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Law and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake or other invalidating cause, shall continue to apply to contracts for the sale of goods.
- (3) Nothing in this Law shall affect any written law relating to bills of sale, or the provisions of any written law relating to the sale of foods, drugs, or any particular kind or class of goods, or (subject to the provisions of section 58) to sales by auction.
- (4) The provisions of this Law relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge or other security.

Exclusion of implied terms and conditions. 56 and 57 Vict. c.71, s.55.

Reasonable time a question of fact. 56 and 57 Vict. c.71, s.56.

Rights, etc. enforceable by action. 56 and 57 Vict. c.71, s.57.

Auction sales. 56 and 57 Vict. c.71, s.58.

Saving. 56 and 57 Vict. c.71, s.59.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA.

Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 26th day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 44



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE CERTAIN PROVISIONS IN RELATION TO PARTNER-
SHIPS AND LIMITED PARTNERSHIPS.

[14th August, 1958.]

Date of
Commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

PART I.—INTRODUCTORY

1. This Law may be cited as the Partnership Law, 1958.

Short title.

Interpretation.
53 & 54
Vict.,
c. 39, s. 45.
Ib. s. 4.

2. In this Law—

“business” includes every trade, occupation or profession ;

“court” means the High Court ;

“firm” means persons who have entered into partnership with one another ;

“firm name” means the name under which the business of a firm is carried on ;

“general partner” means any partner who is not a limited partner within the meaning of Part III ;

“Minister” means the Regional Minister to whom responsibility for trade is assigned in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1958 ;

“partnership property” means all property and rights and interests in property originally bought with the partnership stock or acquired whether by purchase or otherwise on account of the firm or for the purposes and in the course of the partnership business ;

“registrar” means the registrar of limited partnerships appointed under section 48 ;

“registry” means the office of the registrar.

7 Edw. VII,
c. 24, s. 3.

53 & 54
Vict., c. 39,
s. 20.

PART II.—PARTNERSHIP

Nature of Partnerships

Nature of
partnerships.
53 & 54
Vict.,
c. 39, s. 1.

L of N. 1948,
Cap. 38.

Rules for
determining
existence of
partnership.
53 & 54
Vict.,
c. 39, s. 2.

3. (1) Partnership is the relationship which subsists between persons carrying on a business in common with a view to profit.

(2) Notwithstanding the foregoing provision the relation between members of any company or association which is—

(a) registered as a company under the Companies Ordinance or any other written law for the time being in force and relating to the incorporation of trading companies and other associations ; or

(b) formed or incorporated by or in pursuance of any other written law or any Act of Parliament or letters patent or Royal Charter.

is not a partnership within the meaning of this Law.

4. In determining whether a partnership does or does not exist regard shall be had to the following rules :—

(a) Joint tenancy, tenancy in common, joint property, common property or part ownership does not of itself create a partnership as to anything so held or owned whether the tenants or owners do or do not share any profits made by the use thereof.

(b) The sharing of gross returns does not of itself create a partnership whether the persons sharing such returns have or have not a joint or common right or interest in any property from which or from the use of which the returns are derived.

(c) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but receipt of such a share or of a payment contingent on or varying with the profits of a business, does not of itself make him a partner in the business ; and in particular—

(i) the receipt by a person of debt or other liquidated amount by instalments or otherwise out of the accruing profits of a business does not of itself make him a partner in the business or liable as such ;

(ii) a contract for the remuneration of a servant or agent of a person engaged in a business by a share of the profit of the business does not of itself make the servant or agent a partner in the business or liable as such ;

(iii) a person being the widow or child of a deceased partner and receiving by way of annuity a portion of the profits made in the business in which the deceased person was a partner is not by reason only of such receipt a partner in the business or liable as such ;

(iv) the advance of money by way of loan to a person engaged or about to engage in any business on a contract with that person that the lender shall receive a rate of interest varying with the profits or shall receive a share of the profits arising from carrying on the business, does not of itself make the lender a partner with the person or persons carrying on the business or liable as such :

Provided that the contract is in writing and signed by or on behalf of all the parties thereto ;

(v) a person receiving by way of annuity or otherwise a portion of the profits of a business in consideration of the sale by him of the goodwill of the business, is not by reason only of such receipt a partner in the business or liable as such.

5. In the event of any person to whom money has been advanced by way of loan upon such a contract as is mentioned in the last foregoing section, or of any buyer of a goodwill in consideration of a share of the profits of the business being adjudged a bankrupt, entering into an arrangement to pay his creditors less than twenty shillings in the pound or dying in insolvent circumstances, the lender of the loan shall not be entitled to recover anything in respect of his loan and the seller of the goodwill shall not be entitled to recover anything in respect of the share of the profits contracted for, until the claims of the other creditors of the borrower or buyer, for valuable consideration in money or money's worth have been satisfied.

Postponement of rights of certain persons in case of insolvency.
53 & 54
Vict.,
c. 39, s. 3.

Relations of Partners to Persons dealing with them

6. Subject to the provisions of Part III hereof every partner is an agent of the firm and his other partners for the purpose of the business of the partnership and the acts of every partner who does any act for carrying on in the usual way business of the kind carried on by the firm of which he is a member bind the firm and his partners unless the

Power of partner to bind firm.
53 & 54
Vict.,
c. 39, s. 5.

partner so acting has in fact no authority to act for the firm in the particular matter and the person with whom he is dealing either knows that he has no authority or does not know or believe him to be a partner.

Partners bound by acts on behalf of firm.
53 & 54
Vict.,
c. 39, s. 6.

7. An act or instrument relating to the business of the firm done or executed in the firm's name or in any other manner showing an intention to bind the firm by any person thereto authorised, whether a partner or not, is binding on the firm and all the partners :

Provided that this section shall not affect any general rule of law relating to the execution of deeds or negotiable instruments.

Partner using credit of firm for private purposes.
53 & 54
Vict.,
c. 39, s. 7.

8. (1) Where one partner pledges the credit of the firm for a Purpose apparently not connected with the firm's ordinary course of business the firm is not bound unless he is in fact specially authorised by the other partners.

(2) This section does not affect any personal liability incurred by an individual partner.

Effect of notice that firm will not be bound by acts of partner.
53 & 54
Vict.,
c. 39, s. 8.

9. If it has been agreed between the partners that any restriction shall be placed on the power of any one or more of them to bind the firm no act done in contravention of the agreement is binding on the firm with respect to persons having notice of the agreement.

Liability of partners.
53 & 54
Vict.,
c. 39, s. 9.

10. Subject to the provisions of Part III hereof every partner in a firm is liable jointly with the other partners for all debts and obligations of the firm incurred while he is a partner and after his death his estate is also severally liable in a due course of administration for such debts and obligations so far as they remain unsatisfied, subject to the prior payment of his separate debts.

Liability of firm for wrongs.
53 & 54
Vict.,
c. 39, s. 10.

11. Subject to the provisions of Part III hereof where by any wrongful act or omission of any partner acting in the ordinary course of the business of the firm, or with the authority of his co-partners, loss or injury is caused to any person not being a partner in the firm, or any penalty is incurred, the firm is liable therefor to the same extent as the partner so acting or omitting to act.

Misapplication of money or property.
53 & 54
Vict.,
c. 39, s. 11.

12. Where one partner acting within the scope of his apparent authority receives the money or property of a third person and misapplies it and where a firm in the course of its business receives money or property of a third person and the money or property so received is misapplied by one or more of the partners while it is in the custody of the firm, the firm is liable to make good the loss.

Liability for wrongs joint and several.
53 & 54
Vict.,
c. 39, s. 12.

13. Subject to the provisions of Part III hereof, every partner is liable jointly with his co-partners and also severally for everything for which the firm, while he is a partner therein, becomes liable under either of the two last preceding sections.

14. If a partner being a trustee improperly employs trust property in the business or on account of the partnership, no other partner is liable for the trust property to the persons beneficially interested therein :

Improper employment of trust property for partnership purposes. 53 & 54 Vict., c. 39, s. 13.

Provided that this section shall not affect any liability incurred by any partner by reason of his having notice of a breach of trust ; and

Provided also that nothing in this section shall prevent trust money from being followed and recovered from the firm if still in its possession or under its control.

15. Every one who by words spoken or written or by conduct represents himself or who knowingly suffers himself to be represented as a partner in a particular firm is liable as a partner to any one who has on the faith of any such representation given credit to the firm whether the representation has or has not been made or communicated to the person so giving credit by or with the knowledge of the apparent partner making the representation or suffering it to be made :

Persons liable by "holding out". 53 & 54 Vict., c. 39, s. 14.

Provided that where after a partner's death the partnership business is continued in the old firm's name the continued use of that name or of the deceased partner's name as part thereof shall not of itself make his executors, administrators, estate or effects liable for any partnership debts contracted after his death.

16. An admission or representation made by any partner concerning the partnership affairs and in the ordinary course of its business is evidence against the firm.

Admissions and representations of partners. 53 & 54 Vict., c. 39, s. 15.

17. Notice to any partner who habitually acts in the partnership business of any matter relating to partnership affairs operates as notice to the firm except in the case of a fraud on the firm committed by or with the consent of that partner.

Notice to acting partner to be notice to firm. 53 & 54 Vict., c. 39, s. 16.

18. (1) A person who is admitted as a partner into an existing firm does not thereby become liable to the creditors of the firm for anything done before he became a partner.

Liabilities of incoming and outgoing partners. 53 & 54 Vict., c. 39, s. 17.

(2) A partner who retires from a firm does not thereby cease to be liable for partnership debts or obligations incurred before his retirement.

(3) A retiring partner may be discharged from any existing liabilities by an agreement to that effect between himself and the members of the firm as newly constituted and the creditors, and this agreement may be either express or inferred as a fact from the course of dealing between the creditors and the firm as newly constituted.

Revocation of continuing guaranty by change in firm. 53 & 54 Vict., c. 39, s. 18.

19. A continuing guaranty given either to a firm or to a third person in respect of the transactions of a firm is, in the absence of agreement to the contrary, revoked as to future transactions by any change in the constitution of the firm to which, or of the firm in respect of the transactions of which, the guaranty was given.

Relations of Partners to one another

Variations by consent of terms of partnership. 53 & 54 Vict., c. 39, s. 19.

20. The mutual rights and duties of partners whether ascertained by agreement or defined by this Law may be varied by the consent of all the partners and such consent may be either expressed or inferred from a course of dealing.

Partnership property. 53 & 54 Vict., c. 39, s. 20.

21. (1) All partnership property must be held and applied by the partners exclusively for the purposes of the partnership and in accordance with the partnership agreement :

Provided that the legal estate or interest in any land which belongs to the partnership shall devolve according to the nature and tenure thereof and the general rules of law applicable thereto but in trust, so far as necessary, for the persons beneficially interested in the land under this section.

(2) Where co-owners of an estate or interest in any land, not being itself partnership property, are partners as to profits made by the use of that land or estate and purchase other land or estate out of the profits to be used in like manner, the land or estate so purchased belongs to them, in the absence of an agreement to the contrary, not as partners but as co-owners for the same respective estates and interests as are held by them in the land or estate first mentioned at the date of the purchase.

Property bought with partnership money. 53 & 54 Vict., c. 39, s. 21.

22. Unless the contrary intention appears property bought with money belonging to the firm is deemed to have been bought on account of the firm.

Conversion into personal estate of land held as partnership property. 53 & 54 Vict., c. 39, s. 22.

23. Where land or any interest therein has become partnership property it shall unless the contrary intention appears, be treated as between the partners (including the representatives of a deceased partner) and also as between the heirs of a deceased partner and his executors or administrators, as personal and not real property.

24. (1) A writ of execution shall not issue against any partnership property except on a judgment against the firm.

(2) The Court may, on the application of any judgment creditor of a partner, by summons or as may be prescribed by rules of court, make an order charging that partner's interest in the partnership property and profits with payment of the amount of the judgment debt and interest thereon and may by the same or a subsequent order appoint a receiver of that partner's share of profits whether already declared or accruing, and of any other money which may be coming to him in respect of the partnership, and direct all accounts and inquiries and give all other orders and directions which might have been directed or given if the charge had been made in favour of the judgment creditor by the partner, or which the circumstances of the case may require :

Procedure against partnership property for partner's separate judgment debt. 53 & 54 Vict., c. 39, s. 23.

Provided that the other partner or partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.

25. The interests of partners in partnership property and their rights and duties in relation to the partnership shall be determined, subject to any agreement express or implied between the partners by the following rules :—

Rules as to interests and duties of partners. 53 & 54 Vict., c. 39, s. 24.

(a) All the partners are entitled to share equally in the capital and profit of the business and must contribute equally towards the losses, whether of capital or otherwise, sustained by the firm.

(b) The firm must indemnify every partner in respect of payments made and personal liabilities incurred by him in the ordinary and proper conduct of the business of the firm, or in or about anything necessarily done for the preservation of the business or property of the firm.

(c) A partner making, for the purpose of the partnership, any actual payment or advance beyond the amount of capital he has agreed to subscribe is entitled to interest at the rate of five per cent per annum from the date of the payment or advance.

(d) A partner is not entitled, before the ascertainment of profits, to interest on the capital subscribed by him.

(e) Subject to the provisions of Part III hereof every partner may take part in the management of the partnership business.

(f) No partner shall be entitled to remuneration for acting in the partnership business.

(g) Subject to the provisions of Part III no person may be introduced as a partner without the consent of all existing partners.

(h) Subject to the provisions of Part III hereof any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners but no change may be made in the nature of the partnership business without the consent of all existing partners.

(i) The partnership books are to be kept at the place of business of the partnership (or the principal place if there is more than one) and every partner may if he thinks fit have access to and inspect and copy any of them.

Expulsion of partner.
53 & 54
Vict.,
c. 39, s. 25.

26. No majority of the partners can expel any partner unless a power to do so has been conferred by express agreement between the partners.

Retirement from partnership.
53 & 54
Vict.,
c. 39, s. 26.

27. (1) Subject to the provisions of Part III hereof, where no fixed term has been agreed upon for the duration of the partnership, any partner may determine the partnership at any time on giving notice of his intention so to do to all other partners.

(2) Where the partnership has originally been constituted by deed, a notice in writing signed by the partner giving it shall be sufficient for this purpose.

Presumption where partnership for terms continued over.
53 & 54
Vict.,
c. 39, s. 27.

28. (1) Where a partnership entered into for a fixed term is continued after the term has expired and without any express new agreement, the rights and duties of the partners remain the same as they were at the expiration of the term so far as is consistent with a partnership at will.

(2) A continuance of the business by the partners, or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is presumed to be a continuance of the partnership.

Duty to render accounts.
53 & 54
Vict.,
c. 39, s. 28.

29. Partners are bound to render true accounts and full information of all things affecting the partnership to any partner or his legal representatives.

Accountability for private profits.
53 & 54
Vict.,
c. 39, s. 29.

30. (1) Every partner must account to the firm for any benefit derived by him, without the consent of the other partners, from any transaction concerning the partnership or from any use by him of the partnership property, name or business connexion.

(2) This section applies also to transactions undertaken after a partnership has been dissolved by the death of a partner and before the affairs thereof have been completely wound up either by any surviving partner or by the representatives of the deceased partner.

Duty not to compete with firm.
53 & 54
Vict.,
c. 39, s. 30.

31. If a partner, without the consent of the other partners, carries on any business of the same nature as and competing with that of the firm he must account for and pay over to the firm all profits made by him in that business.

Rights of assignee.
53 & 54
Vict.,
c. 39, s. 31.

32. (1) Subject to the provisions of Part III hereof, an assignment by any partner of his share in the partnership, either absolute or by way of mortgage or redeemable charge, does not as against the other partners entitle the assignee during the continuance of the partnership

to interfere in the management or administration of the partnership business or affairs, or to require any accounts of the partnership transactions, or to inspect the books but entitles the assignee only to receive the share of profits to which the assigning partner would otherwise be entitled, and the assignee must accept the account of profits agreed to by the partners.

(2) In case of dissolution of the partnership, whether as respects all the partners or as respects the assigning partner, the assignee is entitled to receive the share of the partnership assets to which the assigning partner is entitled as between himself and the other partners and, for the purpose of ascertaining that share, to an account as from the date of the dissolution.

Dissolution of Partnership

33. (1) Subject to any agreement between the partners, a partnership is dissolved—

- (a) If entered into for a fixed term, by the expiration of that term ;
- (b) If entered into for a single venture or undertaking, by the termination of that venture or undertaking ;
- (c) If entered into for an undefined time, by any partner giving notice to the other or others of his intention to dissolve the partnership.

(2) In the last mentioned case the partnership is dissolved as from the date mentioned in the notice as the date of dissolution, or, if no date is so mentioned, as from the date of the communication of the notice.

34. Subject to the provisions of Part III hereof and to any agreement between the partners—

- (a) every partnership is dissolved as regards all the partners by the death or bankruptcy of any partner ;
- (b) a partnership may, at the option of the other partners, be dissolved if any partner suffers his share of the partnership property to be charged under this Law for his separate debt.

35. A partnership is in every case dissolved by the happening of any event which makes it unlawful for the business of the firm to be carried on or for the members of the firm to carry it on in partnership.

36. On application by a partner to the Court, by summons or in such manner as may be prescribed by rules of court, the Court may decree a dissolution of the partnership in any of the following cases :—

- (a) when, subject to the provisions of Part III hereof, a partner is adjudged to be a lunatic under the provisions of any written law or is shown to the satisfaction of the Court to be of permanently

Dissolution
by expiration
or notice.
53 & 54
Vict.,
c. 39, s. 32.

Dissolution
by death,
bankruptcy
or charge.
53 & 54
Vict.,
c. 39, s. 33.

Dissolution
by illegality
of partner-
ship.
53 & 54
Vict.,
c. 39, s. 34.

Dissolution
by the Court.
53 & 54
Vict.,
c. 39, s. 35.

unsound mind, in either of which cases the application may be made as well on behalf of that partner by his next friend or person having title to intervene as by any other partner ;

(b) when a partner, other than the partner suing, becomes in any way permanently incapable of performing his part of the partnership agreement ;

(c) when a partner, other than the partner suing, has been guilty of such conduct as, in the opinion of the Court, regard being had to the nature of the business, is calculated to affect prejudicially the carrying on of the business ;

(d) when a partner, other than the partner suing, wilfully or persistently commits a breach of the partnership agreement or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him ;

(e) when the business of the partnership can only be carried on at a loss ;

(f) whenever in any case circumstances have arisen which, in the opinion of the Court render it just and equitable that the partnership be dissolved.

Rights of persons dealing with firm against apparent members. 53 & 54 Vict., c. 39, s. 36.

37. (1) When a person deals with a firm after a change in its constitution he is entitled to treat all apparent members of the old firm as still being members of the firm until he has notice of the change.

(2) An advertisement in the Federal Gazette and in any newspaper circulating in Lagos as to a firm whose principal place of business is in Lagos, and in a Regional Gazette and in any newspaper circulating in the Region as to a firm whose principal place of business is in that Region, shall be notice as to persons who had not dealings with the firm before the date of the dissolution or change so advertised.

(3) The estate of a partner who dies or who becomes bankrupt, or of a partner who, not having been known to the person dealing with the firm to be a partner, retires from the firm is not liable for partnership debts contracted after the date of the death, bankruptcy or retirement respectively.

Right to notify dissolution. 53 & 54 Vict., c. 39, s. 37.

38. On the dissolution of a partnership or retirement of a partner, any partner may publicly notify the same and may require the other partner or partners to concur for that purpose in all necessary and proper acts, if any, which cannot be done without his or their concurrence.

Authority of partners for purposes of winding up. 53 & 54 Vict., c. 39, s. 38.

39. Subject to the provisions of Part III hereof, after the dissolution of a partnership the authority of each partner to bind the firm and the other rights and obligations of the partners continue notwithstanding the dissolution so far as may be necessary to wind up the affairs of the partnership and to complete transactions begun but unfinished at the time of the dissolution, but not otherwise :

Provided that the firm is in no case bound by the acts of a partner who has become bankrupt, but this proviso does not affect the liability of any person who has after the bankruptcy represented himself or knowingly suffered himself to be represented as a partner of the bankrupt.

40. On the dissolution of a partnership every partner is entitled, as against the other partners in the firm, and all persons claiming through them in respect of their interests as partners, to have the partnership property applied in payment of the debts and liabilities of the firm, and to have the surplus assets after such payment applied in payment of what may be due to the partners respectively after deducting what may be due from them as partners to the firm, and for that purpose any partner or his representatives may on the termination of the partnership apply to the Court to wind up the business and affairs of the firm.

Rights as to application of partnership property. 53 & 54 Vict., c. 39, s. 39.

41. Where one partner has paid a premium to another on entering into a partnership for a fixed term and the partnership is dissolved before the expiration of that term otherwise than by the death of a partner the Court may order the repayment of the premium or of such part thereof as it thinks just, having regard to the terms of the partnership agreement and to the length of time during which the partnership has continued, unless—

Apportionment of premiums when partnership prematurely dissolved. 53 & 54 Vict., c. 39, s. 40.

(a) the dissolution is in the judgment of the Court, wholly or chiefly due to the misconduct of the partner who paid the premium ; or

(b) the partnership has been dissolved by an agreement containing no provision for a return of any part of the premium.

42. Where a partnership agreement is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled—

Where partnership dissolved for fraud or misrepresentation. 53 & 54 Vict. c. 39, s. 41.

(a) to a lien on the surplus of the partnership assets after satisfying the partnership liabilities, for any sum of money paid by him for the purpose of a share in the partnership and for any capital contributed by him ; and

(b) to stand in the place of the creditors of the firm for any payment made by him in respect of the partnership liabilities ; and

(c) to be indemnified by the person guilty of the fraud or making the misrepresentation against all the debts and liabilities of the firm.

43. Where any member of a firm has died or otherwise ceased to be a partner and the surviving or continuing partners carry on the business of the firm with its capital or assets without any final settlement of accounts as between the firm and the outgoing partner or his estate, then, in the absence of any agreement to the contrary, the outgoing partner or his estate is entitled at the option of himself or his representatives to such share of the profits made since the dissolution as the Court

Right of outgoing partner in certain cases to share profits made after dissolution. 53 & 54 Vict., c. 39, s. 42.

may find to be attributable to the use of his share of the partnership assets or to interest at the rate of five per cent per annum on the amount of his share of the partnership assets :

Provided that when by the partnership agreement an option is given to surviving or continuing partners to purchase the interest of a deceased or outgoing partner and that option is duly exercised, the estate of the deceased partner, or the outgoing partner or his estate, as the case may be, is not entitled to any further or other share of profits ; but if any partner assuming to act in the exercise of the option does not in all material respects comply with the terms thereof, he is liable to account under the foregoing provisions of this section.

Outgoing partner's share a debt. 53 & 54 Vict., c. 39, s. 43.

44. Subject to any agreement between the partners, the amount due from surviving or continuing partners to an outgoing partner or the representatives of a deceased partner in respect of the outgoing or deceased partner's share is a debt accruing at the date of the dissolution or death.

Distribution of assets on final settlement. 53 & 54 Vict., c. 39, s. 44.

45. In settling accounts between the partners after a dissolution of partnership the following rules shall, subject to any agreement, be observed—

(a) Losses, including losses and deficiencies of capital, shall be paid first out of profits, next out of capital, and lastly, if necessary, by the partners individually in the proportion in which they were entitled to share profits.

(b) The assets of the firm including the sums, if any, contributed by the partners to make up losses or deficiencies of capital, shall be applied in the following manner and order :

(i) in paying the debts and liabilities of the firm to persons who are not partners therein ;

(ii) in paying to each partner rateably what is due from the firm to him for advances as distinguished from capital ;

(iii) in paying to each partner rateably what is due from the firm to him in respect of capital ;

(iv) the ultimate residue, if any, shall be divided among the partners in the proportion in which profits are divisible.

PART III.—LIMITED PARTNERSHIPS

Limited partnerships. 7 Edw. VII, c. 24, s. 4.

46. (1) Limited partnership may be formed in the manner and subject to the conditions by this Law provided.

(2) A limited partnership shall not consist of more than twenty persons and must consist of one or more persons called general partners, who shall be liable for all debts and obligations of the firm, and one or more persons to be called limited partners, who shall at the time of entering such partnership contribute thereto a sum or sums as capital or property valued at a stated amount and who shall not be liable for the debts or obligations of the firm beyond the amount so contributed.

(3) A limited partner shall not, during the continuance of the partnership, either directly or indirectly draw out or receive back any part of his contribution and if he does so draw out or receive back any such part shall be liable for the debts and obligations of the firm up to the amount so drawn out or received back.

(4) A body corporate may be a limited partner.

47. Every limited partnership carrying on business within the Region must be registered as such in accordance with the provisions of this Part or in default thereof it shall be deemed to be a general partnership and every limited partner shall be deemed to be a general partner.

Limited partnership to be registered. 7 Edw. VII c. 24, s. 5.

48. The Governor may appoint any fit and proper person to be the registrar of limited partnerships and the office of such registrar shall be the registry of limited partnerships carrying on business within the Region.

Appointment of registrar. 7 Edw. VII c. 24, s. 15.

49. The registration of a limited partnership shall be effected by sending by post or delivering to the registrar at the registry a statement signed by the partners containing the following particulars :—

Manner of registration. 7 Edw. VII c. 24, s. 8.

- (a) the firm name ;
- (b) the general nature of the business ;
- (c) the principal place of business ;
- (d) the full name of each of the partners ;
- (e) the term, if any, for which the partnership is entered into and the date of its commencement ;
- (f) a statement that the partnership is limited and the description of every limited partner as such ;
- (g) the sum contributed by each limited partner and whether paid in cash or how otherwise.

50. (1) If during the continuance of a limited partnership any change is made or occurs in—

- (a) the firm ;
- (b) the general nature of the business ;
- (c) the principal place of business ;
- (d) the partners or the name of any partner ;
- (e) the term or character of the partnership ;
- (f) the sum contributed by any limited partner ;

(g) the liability of any partner by reason of his becoming a limited partner instead of a general partner or a general instead of a limited partner,

a statement signed by the firm specifying the nature of the change shall within seven days be sent by post or delivered to the registrar at the registry.

Registration of changes in partnership. 7 Edw. VII c. 24, s. 9.

(2) If default is made in compliance with the requirements of this section each of the general partners shall be liable on summary conviction to a fine not exceeding one pound for each day during which the default continues.

Notice of change in status of general partner or assignment of share of limited partner.
7 Edw. VII, c. 24, s. 10.

51. Notice of any arrangement or transaction under which any person will cease to be a general partner in any firm and will become a limited partner in that firm or under which the share of a limited partner in a firm will be assigned to any person shall be forthwith advertised in the Regional Gazette and until notice of the arrangement or transaction is so advertised the arrangement or transaction shall for the purposes of this Part be deemed to be of no effect.

Duties of registrar.
7 Edw. VII, c. 24, ss. 13 and 14.

52. (1) On receiving any statement made in pursuance of this Part the registrar shall cause the same to be filed and he shall send by post to the firm from whom such statement shall have been received a certificate of the registration thereof.

(2) The registrar shall keep at the registry in proper books to be provided for the purpose a registrar and index of all the limited partnerships registered as aforesaid and of all statements registered in relation to such partnerships.

Inspection of statements registered.
7 Edw. VII, c. 24, s. 16.

53. (1) Any person may inspect the statements filed by the registrar in the registry aforesaid upon payment of such fees as may be prescribed by rules made under this part and any person may require a certificate of the registration of any limited partnership or a copy of an extract from any registered statement, to be certified by the registrar, and there shall be paid for such certificate of registration, certified copy or extract such fees as may be prescribed by rules made under this Part.

(2) A certificate of registration or a copy of an extract from any statement registered under this Part, if duly certified to be a true copy under the hand of the registrar (whom it shall not be necessary to prove to be the registrar) shall, in all legal proceedings, civil or criminal, and in all cases whatsoever be received in evidence.

Modification of general law in case of limited partnerships.
7 Edw. VII, c. 24, s. 6.

54. (1) A limited partner shall not take part in the management of the partnership business and shall not have power to bind the firm :

Provided that a limited partner may by himself or his agent at any time inspect the books of the firm and examine into the state and prospects of the partnership business and may advise with the partners thereon :

Provided also that if a limited partner takes part in the management of the partnership business he shall be liable for all debts and obligations of the firm incurred while he so takes part in the management as though he were a general partner.

(2) A limited partnership shall not be dissolved by the death or bankruptcy of a limited partner and the lunacy of a limited partner shall not be a ground for the dissolution of the partnership by the Court unless the lunatic's share cannot be otherwise ascertained and realised.

(3) In the event of the dissolution of a limited partnership its affairs shall be wound up by the general partners unless the Court otherwise orders.

(4) Subject to any agreement express or implied between the partners—

(a) any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the general partners ;

(b) a limited partner may, with the consent of the general partners assign his share in the partnership and upon such an assignment the assignee shall become a limited partner with all the rights of the assignor ;

(c) the other partners shall not be entitled to dissolve the partnership by reason of any limited partner suffering his share to be charged for his separate debt ;

(d) a person may be introduced as a partner without the consent of the existing limited partners ;

(e) a limited partner shall not be entitled to dissolve the partnership by notice.

55. The provisions of Part II shall apply to limited partnership except so far as they are inconsistent with the express provisions of this Part.

Application of Part II.
7 Edw. VII,
c. 24, s. 7.

56. The Minister may make rules concerning any of the following matters :—

(a) the fees to be paid to the registrar under this Part ;

(b) the duties or additional duties to be performed by the registrar for the purposes of this Part ;

(c) the performance by assistant registrars or other officers of acts by this Part required to be done by the registrar ;

(d) the forms to be used for the purposes of this Part ;

(e) generally the conduct and regulation of registration under this Part and any matters incidental thereto.

Power to make rules.
7 Edw. VII,
c. 24, s. 17.

57. If any statement required to be furnished under this Law contains any matter which is false in any material particular to the knowledge of any person signing it, such person shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty pounds or to imprisonment for six months or to both such fine and imprisonment.

False statement.

Assented to in Her Majesty's name this 23rd day of July, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 45



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO MAKE PROVISION FOR THE VESTING IN TRUSTEES OF CERTAIN RIGHTS IN OR OVER LAND, FOR ENSURING THAT THOSE RIGHTS SHALL BE EXERCISED FOR THE BENEFIT OF THE TRADITIONAL AUTHORITY AND COMMUNITY CONCERNED, AND FOR THE APPLICATION OR DISPOSAL OF ANY REVENUE RECEIVED IN CONSEQUENCE OF THE EXERCISE OF THOSE RIGHTS, AND FOR PURPOSES INCIDENTAL TO OR CONNECTED WITH THE FOREGOING.

[21st August, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment.

1. This Law may be cited as the Communal Land Rights Short title (Vesting in Trustees) Law, 1958.

Interpreta-
tion.

No. 12 of
1957.

2. In this Law, unless the context otherwise requires—
“chief” has the meaning assigned to it in section 2 of the Chiefs Law, 1957 ;

“communal rights” means any rights in or over land referred to in a trust instrument as communal rights exercisable on behalf of a community, but shall not include any rights exercisable by any person in respect of family land on behalf of the family ;

“functions” includes powers and duties ;

“local government council” means a council established under an instrument made or having effect as if made under the Local Government Law, 1957 ;

“the Minister” means the Regional Minister to whom responsibility for land matters is assigned ;

“revenue received in consequence of the exercise of communal rights” means all money or money’s worth received by the Trustees in respect of dispositions made by them in the exercise of communal rights ;

“the traditional authority” means the chief declared under section 3 to be the traditional authority for the purposes of this Law in respect of a community ;

“the Trustees” has the meaning assigned to it by section 4 ; and includes a local government council appointed as Trustee pursuant to sub-section (2) of section 7 ;

“trust instrument” means a trust instrument made under section 4 of this Law.

Power of the
Governor in
Council to
apply the
provisions of
this Law in
appropriate
cases.

3. The Governor in Council may, after causing such inquiry to be held under section 17 as may be necessary or expedient, by order—

(a) apply the provisions of this Law to any area within the Region ;

(b) declare to be the traditional authority in respect of a community, for the purposes of this Law, those chiefs whose chieftaincy titles are associated with that community.

Power of
Minister to
appoint
Trustees of
communal
rights.

4. As soon as may be practicable after the making of an order under section 3, and after causing such inquiry to be held under section 17 as may be necessary or expedient, the Minister may make a trust instrument in accordance with this Law appointing trustees (in this Law referred to as “the Trustees”) for carrying the order into effect.

Communal
rights to be
vested in
Trustees—
incorpora-
tion of
Trustees.

5. (1) There shall be vested in the Trustees by virtue of this section and the trust instrument by which they are appointed and without further assurance all rights referred to in that trust instrument as communal rights.

(2) The Trustees appointed by a trust instrument (if not already incorporated as a local government council) shall be a body corporate having perpetual succession and a common seal and power to hold land and to sue and the liability to be sued.

6. All revenue received in consequence of the exercise of communal rights shall be applied or disposed of by the Trustees in accordance with the provisions of the trust instrument by which they are appointed, and not otherwise.

Application and disposal of revenue received in consequence of the exercise of communal rights.

7. (1) Where any chiefs have been declared under section 3 (b) to be the traditional authority in respect of any community, the Minister shall appoint them as the Trustees of communal rights in respect of that community.

Provisions relating to the appointment of Trustees.

(2) Where there has not been any declaration pursuant to section 3 (b) in respect of a community, the Minister may appoint a local government council to be the Trustee of communal rights in respect of that community.

8. A Trustee may be appointed by name or by reference to an office, and the person appointed by name or holding that office for the time being shall hold office as Trustee in accordance with the provisions of the trust instrument by which he is appointed.

Trustees may be appointed by name or by reference to an office.

9. The office of a Trustee (other than a Trustee appointed by reference to an office) shall become vacant—

Tenure of office of Trustee other than a Trustee appointed by reference to an office.

(a) upon his death ;

(b) if he resigns by letter addressed and sent to the Minister through the chairman of the Trustees, and if he is the chairman by letter addressed and sent to the Minister ;

(c) if he has been convicted of any offence involving dishonesty ;

(d) if under any law in force in Nigeria he is found or declared to be of unsound mind or is adjudged to be a lunatic ;

(e) if he is removed by order of a court under section 20.

10. Provision may be made in a trust instrument for any or all of the following matters :—

Provisions of trust instrument.

(a) the name by which the Trustees are to be called and identified ;

(b) the appointment or selection and tenure of office of a chairman of the Trustees ;

(c) the vesting in the Trustees, subject to the provisions of this Law and of the trust instrument by which they are appointed, of the communal rights referred to in that trust instrument ;

(d) ensuring that all revenue received in consequence of the exercise of communal rights shall be applied or disposed of by the Trustees for the benefit of the traditional authority and community concerned ;

(e) the contractual capacity of the Trustees, including the imposition of such restrictions on their capacity to contract as the Minister may consider necessary or expedient ;

(f) the fund from which expenses incurred by the Trustees in carrying out the provisions of the trust instrument shall be paid ;

(g) the survey or registration of any land over which any communal rights are exercisable and the preparation of plans and similar documents in respect of any such land ;

(h) the identification of the members of the community in respect of which communal rights are exercisable ;

(i) rules governing—

(i) the place of meeting and proceedings of the Trustees, the manner and transaction of their business and the method of voting at meetings of the Trustees ; and

(ii) the custody and use of the common seal of the Trustees and the manner in which documents, cheques or other instruments shall be signed on behalf of the Trustees ;

(j) the fees or charges to be paid in respect of any matter for which provision is made in the trust instrument ;

(k) any other matters in relation to the foregoing for which it may be necessary or expedient to make provision to enable the purposes and provisions of this Law to be effectually carried out.

Consultation with the traditional authority.

11. Where any Chiefs have been declared under section 3 to be the traditional authority for the purposes of this Law in respect of any community, the Minister shall, before making a trust instrument dealing with rights exercisable on behalf of that community, consult those chiefs.

Application of provisions of Interpretation Ordinance relating to subsidiary legislation. Cap. 94.

12. The special provisions relating to subsidiary legislation contained in the Interpretation Ordinance shall apply to trust instruments as if such trust instruments were regulations made under a Law enacted by the Legislature of the Region.

Decisions of Trustees.

13. (1) Where not less than three Trustees are appointed under a trust instrument, any decision may be taken, and any act or thing may be done in the name of the Trustees by a majority of the Trustees.

(2) Where there is a chairman of the Trustees, the chairman shall have a casting as well as a deliberative vote.

14. (1) The Trustees appointed under any trust instrument may, with the approval of the Minister, make bye-laws relating to any or all of the following matters :—

Power of Trustees to make bye-laws with approval of the Minister.

(a) the circumstances in which any customary payment in respect of any right or interest in land or for the use of land shall be made, the rates of any such payment, and the conditions upon which any person liable to make any such payment may be exempted ;

(b) the person or authority responsible for collecting any customary payments, the method of collection of such payments and the times at which such payments shall be made ;

(c) prohibiting the collection of any customary payments by any person or authority other than such person or authority as may be prescribed ;

(d) providing for the recovery by legal process of any customary payments due and owing ;

(e) regulating, restricting or prohibiting the cultivation or use of any land ;

(f) requiring any persons or class of persons to obtain the consent of the Trustees or such other persons as may be prescribed before extending any cultivation on any land ;

(g) the keeping of a register or record containing—

(i) the persons entitled to cultivate or use any land upon making any customary payment ;

(ii) the area, extent, nature, or other description of the land which such persons are entitled to cultivate or use ;

(iii) any crops, cultivation or vegetation on such land ;

(iv) the conditions upon which any such land is to be cultivated or used ;

(v) the nature and amount of any customary payments to be made from time to time in respect of the cultivation or use of any such land ;

(h) providing that any persons or class of persons who cultivate or use any land which is not registered shall be liable to prosecution and to such penalties as may be prescribed ;

(i) prohibiting any person who is registered from disposing of the land in respect of which he is registered (or any part thereof) without the consent of the Trustees or of such other person as may be prescribed ;

(j) the persons authorized and empowered to enter upon and inspect any land which is registered, and the conditions subject to which any such land may be entered and inspected ;

(k) providing for a revision of any register kept under and in accordance with the provisions of bye-laws made under and in accordance with this sub-section at such times as may be prescribed, the matters to be considered in revising the register and the manner in which the revision shall be carried out and settled ;

(l) providing for the correction or deletion of any entry in any such register at the request of the person to whom the entry relates and the procedure to be followed in correcting or deleting the entry ;

(m) such other matters as may be necessary to ensure that all customary payments in respect of land are regularly made to the persons entitled to collect or receive those payments ;

(n) the imposition of duties on the employees of any local government council so as to enable the Trustees to carry out their functions under this Law.

(2) Bye-laws made under sub-section (1) of this section may contain different provisions in respect of different classes of persons.

(3) In sub-section (1) of this section—

“land” means land over which the communal rights specified in the trust instrument appointing the Trustees making the bye-laws are exercisable ;

“prescribed” means prescribed by bye-laws made under and in accordance with sub-section (1) of this section ;

“registered” means entered in a register or record kept under and in accordance with bye-laws made under sub-section (1) of this section.

Making and approval of bye-laws.

15. (1) Any bye-laws made under section 14 shall have effect upon being approved by the Minister and published in such manner and in such place or places as the Minister may direct.

(2) Where any such bye-laws are submitted to the Minister for approval the Minister may—

(a) approve the bye-laws as submitted ;

(b) make any amendment in the bye-laws that could be made by the Trustees and approve the bye-laws as amended ; or

(c) refuse to approve the bye-laws.

Adoptive bye-laws.

16. (1) The Minister may, by order, make adoptive bye-laws, for general adoption or for adoption in any particular areas, with respect to any or all of the matters specified in sub-section (1) of section 14, and may in such order provide that the adoption of such bye-laws may be either as a whole or in such parts as may be specified therein.

(2) Subject to the provisions of this section and of any order made under sub-section (1) of this section, the Trustees appointed by any trust instrument may adopt such bye-laws.

(3) The following provisions shall apply with respect to the adoption of such bye-laws by the Trustees appointed by a trust instrument—

(a) the adoption shall be by resolution passed at a meeting of the Trustees ;

(b) notice of the resolution adopting the bye-laws shall be published in such manner and in such place or places as the Minister may direct and shall be conclusive evidence of the resolution having been passed ;

(c) the adoption of the bye-laws shall take effect from the date of the publication of the notice as aforesaid ;

(d) bye-laws adopted in accordance with the provisions of this section shall have the same force and effect as if they had been made by the Trustees with the approval of the Minister ;

(e) the revocation of any such bye-laws shall be by resolution passed at a meeting of the Trustees ;

(f) notice of the resolution revoking the bye-laws shall be published in such manner and in such place or places as the Minister may direct and shall be conclusive evidence of the resolution having been passed ;

(g) the revocation of the bye-laws shall take effect from the date of the publication of the notice as aforesaid ;

(h) bye-laws adopted in accordance with the provisions of this section may be amended by the adoption of any amendment made thereto by the Minister.

(4) Any adoptive bye-laws adopted by the Trustees appointed by a trust instrument shall, notwithstanding the revocation of such adoptive bye-laws or any part thereof by the Minister, remain in force in any area in respect of which they have been adopted.

(5) Any amendment made by the Minister to any adoptive bye-laws which have been adopted by the Trustees appointed by a trust instrument shall not have effect in any area in which such bye-laws are in force unless and until that amendment has been adopted by the Trustees in accordance with the provisions of sub-sections (2) and (3) of this section.

17. (1) The Governor in Council, or the Minister, as the case may be, may cause inquiries to be held at such times and in such places and by such person or persons as may be considered necessary or expedient by the Governor in Council, or the Minister, as the case may be, for the purpose of carrying this Law into effect. Inquiries.

(2) The provisions of the First Schedule to the Local Government Law, 1957, shall apply in relation to an inquiry under this Law as those provisions apply in relation to an inquiry under that Law. No. 12 of 1957.

Breach of trust.

18. Any act by a Trustee in contravention of the duties imposed on him by a trust instrument, or in excess of those duties, and any neglect or omission on his part to fulfil any of those duties, and any concurrence or acquiescence by a co-Trustee in a similar act, neglect or omission, shall constitute a breach of trust.

Power of Attorney-General of the Region in cases of breach of trust resulting in loss of revenue.

19. If any breach of trust has resulted in a loss of any revenue received in consequence of the exercise of communal rights, the Trustees guilty of the breach may be proceeded against in an action as for a debt due to the government, in a court of competent jurisdiction, at the suit of the Attorney-General of the Region on behalf of the community concerned, for the recovery of any sums or the cash equivalent of any revenue (being money's worth) lost as a result of the breach.

Power of Attorney-General of the Region to apply to the High Court for order of removal of Trustees, etc.

20. (1) Where there has been a breach of trust, whether resulting in a loss of revenue received in consequence of the exercise of communal rights or not, and the Attorney-General of the Region considers it desirable to do so, he shall, on behalf of the community concerned, apply to the High Court to call upon the Trustees to remedy the breach, and the Court may make such order in the matter as the Court thinks just, including an order for the removal of the Trustees or any of them and for the payment of any sums or the cash equivalent of any revenue (being money's worth) lost as a result of the breach.

(2) A certified copy of every order of removal of a Trustee or Trustees made under sub-section (1) of this section shall be forwarded to the Minister by the Chief Registrar of the Court.

Application and disposal of sums recovered.

21. Any sums recovered under sections 19 and 20 shall be applied or disposed of in accordance with the provisions of the trust instrument relating to the application and disposal of revenue received in consequence of the exercise of communal rights.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

M. A. MACAULEY,
Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of September, 1958.

A. G. R. MOORING,
*Officer Administering the Government
of the Western Region*

(L.S.)

No. 46



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR ARTHUR GEORGE RIXSON MOORING, C.M.G.
Officer Administering the Government of the Western Region

A LAW TO APPROPRIATE THE SUM OF TEN MILLION, EIGHTY-EIGHT THOUSAND, TWO HUNDRED AND TWENTY POUNDS FROM THE CAPITAL EXPENDITURE AND DEVELOPMENT FUND FOR THE SERVICE OF THE WESTERN REGION FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY NINE.

[1st April, 1958.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Enactment

1. This Law may be cited as the 1958-59 (Capital Budget) Appropriation Law, 1958, and shall be deemed to have come into operation on the 1st day of April, 1958.

Short title
and
commence-
ment.

Appropriation

Expenditure of £10,088,220 authorised out of the Capital Expenditure and Development Fund of the Western Region.

Appropriation of £10,088,220.

Balance unissued to lapse.

Payments made on the authority of resolutions confirmed.

2. The Accountant-General may, on the warrant of the Minister responsible for finance, pay out of the Capital Expenditure and Development Fund of the Western Region during the year ending on the 31st day of March, 1959, any sums not exceeding in the whole the sum of ten million, eighty-eight thousand, two hundred and twenty pounds, being the total of the amounts set forth in the Schedule to this Law.

3. The said sums in the whole not exceeding the sum of ten million, eighty-eight thousand, two hundred and twenty pounds shall be appropriated to the purposes and in the manner expressed in the Schedule to this Law.

4. The moneys granted by this Law are intended for the services in respect of which moneys will become payable within the year ending on the 31st day of March, 1959, and any balance thereof unissued at the end of the month of March of that year shall lapse and shall not be available for making payments in any subsequent month.

5. Any payments made by the Accountant-General between the 31st day of March, 1958, and the 31st day of July, 1958, on the authority of any resolutions of the Legislative Houses of the Region in respect of the 1958-59 Capital Budget Estimates shall be deemed to have been made on the authority of this Law.

SCHEDULE

Head of Expenditure	£
701. Buildings	2,438,280
702. Roads and Bridges	970,790
703. Urban Water Supplies	1,095,230
704. Rural Water Supplies	84,000
705. Loans	2,704,000
706. Other Non-Recurrent Expenditure	1,786,590
708. Electricity Development	100,000
709. Special Medical Development	38,280
710. Education Building Grants	871,050
	<u>£10,088,220</u>

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 17th day of September, 1958.

A. G. R. MOORING,
*Officer Administering the Government
of the Western Region*

(L.S.)

No. 47



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR ARTHUR GEORGE RIXSON MOORING, C.M.G.
Officer Administering the Government of the Western Region

A LAW TO MAKE PROVISION FOR THE EXECUTION, REGISTRATION AND
EFFECT OF BILLS OF SALE AND FOR MATTERS INCIDENTAL THERETO.

[2nd October, 1958.]

Date of
Commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows:—

PART I.—PRELIMINARY

Short title,
and
application.
41 and 42
Vict., c.31,
ss.2 and 3.

1. (1) This Law may be cited as the Bills of Sale Law, 1958.

(2) Subject to the provisions of Part II this Law shall apply to every bill of sale executed on or after the commencement of this Law (whether the same be absolute or subject or not subject to any trust, or be made or given by way of security for the payment of money), whereby the holder or grantor has power either with or without notice and either immediately or at any future time to seize or take possession of any personal chattels comprised in or made subject to such bill of sale.

Power to
appoint
registrar.
Bills of Sale
Ordinance.
L. of N. 1948,
c.19, s.2.

2. The Governor may appoint a person to be registrar for the Region for the purposes of this Law (hereinafter referred to as "the registrar") and may designate a place to be the principal registry for the purposes of this Law (hereinafter referred to as "the principal registry").

PART II.—ABSOLUTE BILLS OF SALE

Interpreta-
tion.
41 and 42
Vict., c.31,
s.4.

3. (1) In this Part—

"bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt attached thereto, or receipts for purchase moneys of goods, and other assurances of personal chattels, and also powers of attorney, authorities or licenses to take possession of personal chattels as security for any debt, and also any agreement whether intended or not to be followed by the execution of any other instrument, by which a right in equity to any personal chattels or to any charge or security thereon shall be conferred, but shall not include the following documents, that is to say : assignment for the benefit of the creditors of the person making or giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers' certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented, or any instrument charging or creating any security on or declaring trusts of imported goods given or executed at any time prior to their deposit in a warehouse, factory or store or to their being reshipped for export or delivered to a purchaser not being the person giving or executing such instrument ;

53 and 54
Vict., c.53,
s.1.

"factory or workshop" means any premises on which manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article or part of an article, or the altering, repairing, ornamenting or finishing of any article or the adapting for sale of any article ;

41 and 42
Vict., c.31,
s.5.

“personal chattels” means any goods, furniture and other articles capable of complete transfer by delivery, and (when separately assigned or charged) fixtures and growing crops, but shall not include chattel interests in real estate nor fixtures (except trade machinery as hereinafter defined) when assigned together with a freehold or leasehold interest in any land or building to which they are affixed, nor growing crops when assigned together with any interest in the land on which they grow, nor shares or interests in the stock, funds, or securities of any government, or in the capital or property of incorporated or joint stock companies, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement or of the custom of the country ought not to be removed from any farm where the same are at the time of making or giving of such bill of sale ;

“prescribed” means prescribed by rules made under the provisions of this Law ;

“trade machinery” means the machinery used in or attached to any factory or workshop but excluding the following, that is to say, the fixed motive-powers and the fixed appurtenances of such motive-powers, and the fixed power machinery and fixed appurtenances thereof which transmit the action of the motive-powers to the other machinery, fixed and loose, and the pipes for steam, gas or water and the wiring and other fixed fittings for transmitting electrical current, in the factory or workshop.

(2) Personal chattels shall be deemed to be in the “apparent possession” of the person making or giving a bill of sale so long as they remain or are in or upon any house, mill, warehouse, building, works, yard, land or other premises occupied by him or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken or given to any other person.

(3) From and after the commencement of this Law, trade machinery shall for the purposes of this Law be deemed to be personal chattels and any mode of disposition of trade machinery by the owner thereof which would be a bill of sale as to any other personal chattels shall be deemed to be a bill of sale.

(4) Every attornment, instrument or agreement, not being a mining lease, whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any present, future or contingent debt or advance, and whereby any rent is reserved or made payable as a mode for providing for the payment of interest on such debt or advance or otherwise for the purpose of such security only, shall be deemed to be a bill of sale of any personal chattels which may be seized or taken under such power of distress :

Provided that nothing in this section shall extend to any mortgage of any estate or interest in any land, tenement or hereditament which the mortgagee, being in possession, shall have demised to the mortgagor as his tenant at a fair and reasonable rent.

Ib. s.3.

“apparent possession”.
Ib. s.5.Trade machinery deemed to be personal chattels.
Ib. s.3.Certain instruments giving powers of distress deemed to be bills of sale.
Ib. s.6.

Fixtures of growing crops not to be deemed separately assigned when land passes by same instrument. 41 and 42 Vict., c.31, s.7.

4. (1) No fixtures or growing crops shall be deemed to be separately assigned or charged by reason only that they are assigned by separate words or that power is given to sever them from the land or building to which they are affixed or from the land on which they grow without otherwise taking possession of or dealing with such land or building or land, if by the same instrument any freehold or leasehold interest in the land or building to which such fixtures are affixed or in the land on which such crops grow, is also conveyed or assigned to the same person or persons.

(2) The same rule of construction shall be applied to all deeds or instruments including fixtures or crops executed before the commencement of this Law and then subsisting and in force in all questions arising under any bankruptcy, liquidation or assignment for the benefit of creditors or execution of any process of any court, which shall take place or be issued after the commencement of this Law.

Avoidance of unregistered bills of sale in certain cases. 41 and 42 Vict., c.31, s.8.

5. Every bill of sale other than a bill of sale for which Part III applies shall be duly attested and registered under this Law within seven days after the making or giving thereof or if it be executed in any place out of the Region then within seven days after the time at which it would in the ordinary course of post arrive at the principal registry if posted immediately after the execution thereof and shall set forth the consideration for which such bill of sale was given: otherwise such bill of sale as against all trustees or assignees of the estate of the person whose chattels or any of them are comprised in such bill of sale under any written law relating to bankruptcy or liquidation or under any assignment for the benefit of the creditors of such person and also as against all sheriffs, officers and other persons seizing any chattels comprised in such bill of sale in the execution of the process of any court authorising the seizure of chattels of the person by whom or of whose chattels such bill has been made, and also as against every person on whose behalf such process shall have been issued, shall be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which at or after the time of the filing of the petition for bankruptcy or liquidation or of the execution of such assignment or of executing such process, as the case may be, and after the expiration of such seven days are in the possession or apparent possession of the person making such bill of sale or of any person against whom the process has been issued under or in execution of which such bill has been made or given, as the case may be.

Mode of attesting bills of sale to which this Part applies. 41 and 42 Vict., c.31, s.10.

6. The execution of a bill of sale other than a bill of sale to which Part III applies shall be attested by a solicitor duly admitted to practise in the Federal Supreme Court and the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting solicitor.

PART III.—BILLS OF SALE AS SECURITY FOR
THE PAYMENT OF MONEY

7. (1) This Part shall so far as is consistent with the tenor thereof be construed as one with Part II. Construction.
45 and 46
Vict., c.43,
s.3.
- (2) The expression "bill of sale" and other expressions in this Part have the same meaning as in Part II except as to bills of sale and other documents mentioned in section 3 which may be given otherwise than by way of security for the payment of money, to which last mentioned bills of sale and other documents this Part shall not apply.
- (3) No provisions of Part II which are inconsistent with the provisions of this Part shall have any force or effect in respect of any matter to which this Part relates.
8. A bill of sale given or made by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in the Schedule hereto. Form of bill
of sale.
Form A
Schedule.
45 and 46
Vict., c.43,
s.9.
9. Every bill of sale to which this Part applies shall have annexed thereto or written thereon a schedule containing an inventory of the personal chattels comprised in the bill of sale and such bill of sale save as hereinafter mentioned shall have effect only in respect of the personal chattels specifically described in the said schedule and shall be void, except as against the grantor, in respect of any personal chattels not so specifically described. Bill of sale
to have
schedule of
property
attached
thereto.
45 and 46
Vict., c.43,
s.4.
10. Save as hereinafter mentioned, a bill of sale to which this Part applies shall be void, except as against the grantor, in respect of any personal chattels specifically described in the schedule thereto of which the grantor was not the true owner at the time of the execution of the bill of sale. Bill of sale
not to affect
after-
acquired
property.
45 and 46
Vict., c.43,
s.5.
11. Nothing contained in the foregoing sections of this Part shall render a bill of sale void in respect of any of the following things— Exception as
to certain
things.
45 and 46
Vict., c.43
s.6.
- (a) any growing crops separately assigned or charged where such crops were actually growing at the time when the bill of sale was executed ;
- (b) any fixtures separately assigned or charged and any plant or trade machinery where such fixtures, plant or trade machinery are used in, attached to or brought upon any land, farm, factory or workshop, shop, house, warehouse or other place in substitution for any of the like fixtures, plant or trade machinery specifically described in the schedule to such bill of sale.

Power to
seize in
certain
events only.
45 and 46
Vict., c.43,
s.7.

12. Personal chattels assigned under a bill of sale to which this Part applies shall not be liable to be seized or taken possession of by the grantee for any other than the following causes—

(a) if the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment or in the performance of any covenant or agreement contained in the bill of sale and necessary for maintaining the security ;

(b) if the grantor shall become bankrupt or suffer the said goods or any of them to be distrained for rent, taxes or rates ;

(c) if the grantor shall fraudulently either remove the said goods or any of them or suffer the same to be removed from the premises ;

(d) if the grantor shall not, without reasonable excuse, upon demand in writing by the grantee produce to him his last receipts for rent, rates and taxes ;

(e) if execution shall have been levied against the goods of the grantee under any judgment at law :

Provided that the grantor may within five days from the seizure or taking possession of any chattels on account of any of the above mentioned causes apply to the High Court and such court if satisfied that by payment of money or otherwise the said cause of seizure no longer exists may restrain the grantee from removing or selling the said chattels or may make such other order as may seem just.

Chattels not
to be
removed or
sold within
five days
after seizure.
45 and 46
Vict., c.43,
s.13.

13. All personal chattels seized or of which possession is taken under or by virtue of any bill of sale to which this Part applies (whether registered before or after the commencement of this Law) shall remain on the premises where they were so seized or taken possession of and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or so taken possession of.

Avoidance
unless duly
attested and
registered.
45 and 46
Vict., c.43,
ss.8 and 11.

14. Every bill of sale to which this Part applies shall be attested by one or more credible witnesses, not being party or parties thereto, and shall be registered under this Law within seven clear days after the execution thereof or if it is executed at any place out of the Region then within seven clear days after the time at which it would in the ordinary course of post arrive at the principal registry if posted immediately after the execution thereof, and shall truly set forth the consideration for which it was given : otherwise such bill of sale shall be void in respect of the personal chattels comprised therein.

Bill of sale
under £30 to
be void.
45 and 46
Vict., c.43,
s.12.

15. Every bill of sale to which this Part applies made or given in consideration of any sum under thirty pounds shall be void.

16. A bill of sale to which this Part applies shall be no protection in respect of personal chattels included in such bill of sale which but for such bill of sale would have been liable to distress under a warrant for the recovery of taxes and rates.

Chattels not protected against taxes and rates.
45 and 46
Vict., c.43,
s.14.

17. Nothing in this Part shall apply to any debentures issued by any mortgage, loan or other incorporated company, and secured upon the capital stock or goods, chattels and effects of such company.

Debentures to which this Part not to apply.
45 and 46
Vict., c.43,
s.17.

PART IV.—REGISTRATION

18. (1) Every bill of sale to which this Law applies shall be registered in the following manner—

Mode of registering bills of sale.
41 and 42
Vict., c.31,
s.10 ; 45 and
46 Vict., c.43,
s.8.

(a) such bill with every schedule or inventory thereto annexed or therein referred to and also a true copy of such bill and of every such schedule or inventory and of every attestation of the execution of such bill of sale together with an affidavit of the time of such bill of sale being made or given and of its due execution and attestation and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in the execution of any process than a description of the residence and occupation of the person against whom such process issued) and of every attesting witness to such bill of sale shall be filed with the registrar within seven clear days after the making or giving of such bill of sale ;

(b) if the bill of sale is made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof such defeasance or condition or declaration shall be deemed to be part of the bill and shall be written on the same paper therewith before the registration and shall be truly set forth in the copy filed under this Law therewith and as part thereof, otherwise the registration shall be void.

(2) In case two or more bills of sale are given, comprising in whole or in part any of the same chattels they shall have priority in the order of the date of their registration respectively as regards such chattels.

(3) Where a subsequent bill of sale is executed within or on the expiration of seven days after the execution of a prior unregistered bill of sale and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as a security for the same debt as is secured by the prior bill of sale or for any part of such debt, it shall, to the extent to which it is a security for the same debt or part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill be absolutely void, unless it is proved to the satisfaction of the Court having cognizance of the case that the subsequent bill of sale was *bona fide* given for the purpose of correcting some material error in the prior bill of sale and not for the purpose of evading this Law.

Avoidance of certain duplicate bills of sale.
41 and 42
Vict., c.31,
s.9.

(4) A transfer or assignment of a registered bill of sale need not be registered.

Local registration. 45 and 46 Vict., c.43, s.11 ; Bills of Sale Ordinance, L. of N. 1948, c.19, s.4 ; and 15 and 16 Geo.V, c.28, s.23 (1).

19. (1) Where the affidavit which under section 18 is required to accompany a bill of sale when presented for registration, describes the residence of the person making or giving the same, or of the person against whom process is to be issued, to be in some place within the local limits of the jurisdiction of a magistrate not comprising any part of the magisterial district within which the principal registry is situate, or where the bill of sale describes the chattels enumerated therein as being within some such place, the registrar shall forthwith and within three clear days after registration in the principal registry transmit a copy of such bill of sale and of every schedule or inventory thereto annexed or referred to therein to the magistrate exercising jurisdiction in such place and if there are more such places than one then to the magistrate exercising jurisdiction in each such place.

(2) Every copy so transmitted shall be filed, kept and indexed by the magistrate in the prescribed manner and any person may search, inspect, make extracts from and obtain copies thereof in the like manner and upon the like terms as to payment or otherwise as near as may be as in the case of bills of sale registered in the principal registry.

(3) For the purpose of carrying out the requirements of this section, section 18 shall have effect as though it required the presentation to the registrar on the registration of a bill of sale in addition to the copy of the bill of sale mentioned in paragraph (a) of sub-section (2) thereof, of such number of copies of the bill and of every schedule or inventory annexed thereto or referred to therein as the registrar may deem to be necessary for such purpose.

15 and 16 Geo.V., c.28, s.23 (2).

20. (1) The registration of a bill of sale whether executed before or after the commencement of this Law must be renewed once at least every five years and if a period of five years elapses from the registration or renewed registration of a bill of sale without a renewal or further renewal (as the case may be), the registration shall become void.

(2) The renewal of a registration shall be effected by filing with the registrar an affidavit which may be in the form set forth in the Schedule hereto, stating the date of the bill of sale and of the last registration thereof and the names, residence and occupations of the parties thereto as stated therein and that the bill of sale is still a subsisting security.

(3) A renewal of registration shall not become necessary by reason only of a transfer or assignment of a bill of sale.

Renewal of registration. 41 and 42 Vict., c.31, s.11.

Form B Schedule.

21. (1) The registrar shall keep a book (in this Law referred to as "the register") for the purposes of this Law and shall upon the filing of any bill of sale or copy under this Law enter therein in the form set forth in the Schedule hereto or in any other prescribed form, the name, residence and occupation of the person by whom the bill of sale was made or given (or in case the same was made or given by any person

Form of register. Form C. Schedule. 41 and 42 Vict., c.31, s.12.

under or in execution of process, then the name, residence and occupation of the person against whom such process was issued and also the name of the person or persons to whom or in whose favour the bill was given), and the other particulars shown in the said Schedule or to be prescribed under this Law, and shall number all such bills registered in each year consecutively, according to the respective dates of their registration.

(2) Upon the registration of any affidavit of renewal the like entry shall be made with the addition of the date and number of the last previous entry relating to the same bill, and the bill of sale or copy originally filed shall be thereupon marked with the number affixed to such affidavit of renewal.

(3) The registrar shall also keep an index of the names of the grantors of registered bills of sale with reference to entries in the register of the bills of sale given by each grantor and such index shall be arranged in divisions corresponding with the letters of the alphabet so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division but the arrangement within each such division need not be strictly alphabetical.

22. Any judge of the High Court on being satisfied that the omission to register a bill of sale or an affidavit or renewal thereof within the time prescribed by this Law, or the omission or mis-statement of the name, residence or occupation of any person, was accidental or due to inadvertence may in his discretion order such omission or mis-statement to be rectified by the insertion in the register of the true name, residence or occupation or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

Rectification
of register.
41 and 42
Vict., c.31,
s.14.

23. Subject to and in accordance with any rules made under and for the purposes of this Law the registrar may order a memorandum of satisfaction to be written upon any registered copy of a bill of sale upon the prescribed evidence being given that the debt (if any) for which such bill of sale was made or given has been satisfied or discharged.

Entry of
satisfaction
41 and 42
Vict., c.31,
s.15.

24. Any person shall be entitled at all reasonable times to search the register on payment of the prescribed fee and subject to such regulations as may be prescribed and shall be entitled at all reasonable times to inspect, examine and make extracts from any and every bill of sale without being required to make a written application or to specify any particulars in reference thereto, upon payment of the prescribed fee for each bill of sale inspected :

Inspection of
register.
45 and 46
Vict., c.43,
s.16.

Provided that the said extracts shall be limited to the dates of execution, registration, renewal of registration and satisfaction, to the names, addresses and occupations of the parties, to the amount of the consideration and to any further prescribed particulars.

Copies of registered bills of sale. 41 and 42 Vict., c.31, s.16.

25. Any person shall be entitled to have an office copy or extract of any bill of sale and affidavit of execution filed therewith or copy thereof and of any affidavit filed therewith (if any), or registered affidavit of renewal, upon payment for the same at the prescribed rate and any copy of a registered bill of sale and affidavit purporting to be an office copy thereof shall in all courts and before all arbitrators or other persons be admitted as prima facie evidence thereof and of the fact and date of registration as shown thereon.

Affidavits. 41 and 42 Vict., c.31, s.17.

26. Every affidavit required by or for the purposes of this Law may be sworn before any commissioner empowered to take affidavits.

PART V.—GENERAL

Power to make rules. Cap.19, s.3.

27. The Governor in Council may make rules for the purposes of this Law and such power shall include a power to fix fees.

Repeal and saving.

28. (1) The Bills of Sale Ordinance is hereby repealed.

(2) Except as is in this Law expressly mentioned with respect to construction and with respect to renewal of registration nothing in this Law shall affect any bill of sale executed before the commencement of this Law and as regards bills of sale so executed the Ordinance hereby repealed and the Acts mentioned in that Ordinance shall continue in force.

Bills of Sale Ordinance. L. of N. 1948, Cap.19 41 and 42 Vict., c.31, s.23.

(3) Any renewal after the commencement of this Law of a bill of sale executed before the commencement of this Law and registered under the Ordinance hereby repealed and the Acts mentioned therein shall be made under this Law in the same manner as the renewal of a registration made under this Law.

Amendment to section 32 of Law No. 9 of 1955.

29. Section 32 of the Finance Corporation and Local Loans Boards Law, 1955, is hereby amended by substituting the words "Bills of Sale Law, 1958" for the words "Bills of Sale Acts, 1878 and 1882" and the words "that Law" for the words "those Acts" in sub-section (1) thereof.

SCHEDULE

FORM A

Section 8.

THIS INDENTURE made the..... day of.....
 between *A.B.* of..... of the one
 part and *C.D.* of..... of the
 other part witnesseth that in consideration of the sum of.....
 now paid to *A.B.* by *C.D.* the receipt of
 which the said *A.B.* hereby acknowledges (or whatever else the consideration
 may be), he the said *A.B.* doth hereby assign unto *C.D.* his executors, admin-
 istrators and assigns, all and singular the several chattels and things specifi-
 cally described in the schedule hereto annexed by way of security for the
 payment of the sum of..... and interest
 thereon at the rate of..... per cent per annum (or whatever else may be
 the rate). And the said *A.B.* doth further agree and declare that he will
 duly pay to the said *C.D.* the principal sum aforesaid together with the
 interest then due by equal..... payments of.....
 on the..... day of.....
 (or whatever else may be the stipulated time or times of payment). And the
 said *A.B.* doth also agree with the said *C.D.* that he will (here insert terms as to
 insurance, payment of rent, or otherwise which the parties may agree to for the
 maintenance or defeasance of the security).

Provided always that the chattels hereby assigned shall not be liable to
 seizure or to be taken possession of by the said *C.D.* for any cause other than
 those specified in section 12 of the Bills of Sale Law, 1958.

In witness, etc.

Signed and sealed by the said *A.B.* in the presence of *E.F.* (add witness' name,
 address and description) :

FORM B

Section 20.

I (*A.B.*)..... of.....
 do swear that a bill of sale bearing date the..... day of.....
 19..... (insert the date of the bill) and made between (insert the names and
 description of the parties in the original bill of sale) and which said bill of sale
 (or and a copy of which said bill of sale as the case may be) was registered on
 the..... day of..... 19..... (insert date of registration)
 is still a subsisting security.

Sworn, etc.

Section 21

FORM C

Satisfaction entered	No.	By whom given (or against whom process issued)			To whom given	Nature of Instrument	Date	Date of registration	Date of registration of affidavit of renewal
		Name	Residence	Occupation					

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 22nd day of September, 1958.

A. G. R. MOORING,
*Officer Administering the Government
of the Western Region*

(L.S.)

No. 48



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR ARTHUR GEORGE RIXSON MOORING, C.M.G.
Officer Administering the Government of the Western Region

A LAW TO REGULATE THE SALE OF INTOXICATING LIQUOR AND THE
MANUFACTURE OF 'BEER AND WINE.

[1st November, 1958.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Liquor (Licensing) Law, 1958, and shall come into force on a date to be appointed by the Governor in the Gazette. Short title and commencement.

Interpreta-
tion.

2. In this Law, unless the context otherwise requires—

“beer” includes every description of beer, porter, cider and perry and any fermented malt liquor ;

“country liquor” means fermented liquor usually made by Africans in or about Nigeria, but does not include spirits ;

“denatured spirits” means intoxicating liquor which by the addition of some substance has been rendered impossible for use as a beverage ;

“intoxicating liquor” and “liquor” mean any liquid which, if used as a beverage, may have an intoxicating effect and wines, beer and spirits, but does not include country liquor ;

“licensed premises” and “premises” in relation to sections 37, 38, 41 and 45, include any room or place adjacent to and communicating with any portion of any premises licensed for the sale of liquor ;

“the Minister” means the Regional Minister for the time being charged in accordance with the Nigeria (Constitution) Orders in Council, 1954 to 1958, with responsibility for the exercise of the functions of the Minister under this Law ;

“the Permanent Secretary” means the Permanent Secretary having supervision of matters and departments with responsibility for which the Minister is charged ;

“prescribed” means prescribed by this Law or by any regulation or bye-law made thereunder ;

“the Region” means the Western Region ;

“the responsible Federal Minister” means the Federal Minister charged with responsibility for matters relating to railways ;

“retail” means the sale of liquor in quantities not exceeding two gallons to any one person during the space of twenty-four hours ;

“sale” includes the distribution of liquor the property of members of a club amongst such members ;

“spirits” means distilled liquors and all mixtures and compounds made with such liquors, and includes any wine or beer containing more than twenty *per centum* of pure alcohol ;

“trade spirits” means such spirits as under the Customs Ordinance and the regulations made thereunder are to be regarded as “trade spirits” ;

“wholesale” means the sale of liquor in quantities of not less than two gallons to be delivered at one time to one person.

Cap. 48.

Licensing
districts.

PART II.—LICENSING DISTRICTS AND TRIBUNALS

3. (1) Subject to the provisions of this section, the Minister may, by order, divide the Region into licensing districts for the purposes of this Law, and may, from time to time, by like order alter such districts.

(2) A licensing district established under this section shall consist the area of authority of a local government council.

4. (1) For each licensing district there shall be a licensing tribunal which shall consist of three persons appointed by the Minister after consultation with the appropriate council. Licensing tribunal.

(2) The Minister shall appoint one of the members of a licensing tribunal to be chairman of the tribunal.

(3) Every person appointed under this section—

(a) shall, subject to this Law, hold office for a period of three years from the date of his appointment ;

(b) shall be eligible for re-appointment.

(4) The Minister may at any time terminate the appointment of a member of a licensing tribunal.

(5) The licensing tribunal shall sit in such place or places as may be prescribed or, if no place is prescribed, in such place or places as they may think fit.

(6) The Secretary of the appropriate council shall be clerk of the licensing tribunal.

(7) In this section "the appropriate council" means the local government council in respect of whose area of authority the licensing district is established.

5. Subject to the provisions of this Law, a licensing tribunal may in their discretion, as respects premises in their licensing district— Power of tribunal to grant licences.

(a) grant licenses of the description specified in section 6 to such persons as they deem fit and proper ;

(b) renew any licence which the tribunal has power to grant ;

(c) exercise such powers of transfer or removal of licences granted by the tribunal as are conferred on the tribunal by this Law.

PART III.—LIQUOR LICENCES

6. The following descriptions of licences for the sale of intoxicating liquor may be granted by a licensing tribunal— Description of liquor licences.

(a) a tavern licence ;

(b) a wine and beer on licence ;

(c) a wine and beer off licence ;

(d) a hotel liquor licence ;

(e) a club liquor licence ;

(f) a general wholesale liquor licence ;

(g) a general retail liquor licence.

7. (1) Subject to the provisions of this Law—

(a) a tavern licence shall authorize the licensee therein named to sell liquor by retail, during the permitted hours, to be consumed on the premises therein specified ; Authority conferred by licences.

(b) a wine and beer on licence shall authorize the licensee therein named to sell by retail wine and beer, during the permitted hours, to be consumed on the premises therein specified ;

(c) a wine and beer off licence shall authorize the licensee therein named to sell on the premises therein specified, during the permitted hours, wine and beer, in quantities not exceeding twelve bottles during the space of twenty-four hours to any one person, for consumption off the said premises ;

(d) a hotel liquor licence shall authorize the licensee therein named to sell liquor by retail on the premises therein specified—

(i) to persons sleeping on the premises ;

(ii) during the permitted hours, to persons not sleeping on the premises, to be consumed on the premises.”

(e) a club liquor licence shall authorize the sale by retail of liquor to members of the club to be consumed on the premises of the club ;

(f) a general wholesale liquor licence shall authorize the person therein named to sell liquor by wholesale on the premises therein specified during the permitted hours, for consumption off those premises ;

(g) a general retail liquor licence shall authorize the person therein named to sell liquor by retail on the premises therein specified, during the permitted hours, for consumption off those premises.

(2) A wine and beer on licence and a wine and beer off licence shall not authorize the sale of wine or beer containing more than twenty *per centum* of pure alcohol.

(3) No licence specified in this section shall authorize the sale of trade spirits.

Permitted hours and occasions on which sale prohibited—
Powers of Minister.

8. (1) The hours during which liquor may be sold under—

(a) a tavern licence ;

(b) a wine and beer on licence ;

(c) a wine and beer off licence ;

(d) a hotel liquor licence ;

(e) a general wholesale liquor licence ; and

(f) a general retail liquor licence,

shall be between 6 a.m. and 12 mid-night on any day :

Provided that liquor may be sold under a hotel liquor licence to persons sleeping on the premises to be consumed thereon, on any day and at any hour.

(2) Liquor may be sold under a club liquor licence to members of the club on any day and at any hour.

(3) The chairman or any member of the licensing tribunal may, upon application being made to him by a licence holder, by authority in writing, extend the hours during which liquor may be sold on any special occasion by all or any licence holders in the licensing district.

(4) Notwithstanding the preceding provisions of this section—

(a) whenever the Minister is satisfied that for the purpose of maintaining law and order in any licensing district or in any part of the district it is necessary to prohibit the sale of liquor therein, he may, by order, prohibit such sale for a period, not exceeding seventy-two hours at a time, to be specified in the order ;

(b) no liquor may be sold during the hours appointed for the holding of a poll, on any day upon which any election of members of the House of Representatives, or of the House of Assembly of the Region or of a local government council, is being held :

Provided that in the case of a by-election, this paragraph shall apply only to licensed premises situate within the electoral district in respect of which such by-election is being held and only, in such a case, when a poll is taken.

9. (1) No club liquor licence shall be granted or renewed by a Club licensing tribunal unless the applicant produces a certificate issued by the Minister that the club complies with the conditions required by this section and is a proper club to be granted a licence.

(2) The conditions which shall be complied with by a club for the purposes of this section shall be—

(a) the club shall be a *bona fide* body, association, or company associated together for social, literary, political, sporting, athletic or any other lawful purpose ;

(b) the club shall be established for the purpose of providing accommodation or entertainment for the members thereof and their guests upon premises of which the club are *bona fide* occupiers ;

(c) only members or their guests shall be allowed entry or accommodation.

(3) A certificate issued by the Minister under sub-section (1) of this section shall be conclusive evidence that the club to which it relates complies with the provisions of sub-section (2), and is a proper club to be licensed.

(4) (a) Where it appears to the Minister that a club has ceased to comply with the conditions required by sub-section (2) of this section or has ceased to be a proper club to be licensed, he may, after giving notice to the holder of the licence in respect of the club and giving such holder an opportunity to make representation with regard to the proposed revocation, revoke a certificate issued in respect of the club ;

(b) upon the revocation of a certificate issued by the Minister any licence granted to the club in question in force at the date of the revocation shall be forfeited, but the Minister may grant temporary authority to the holder of the licence, subject to such conditions as he may specify, to sell, otherwise than by retail, any intoxicating liquor being the residue of the stock held by the club at the date of the revocation of the certificate.

(5) A club liquor licence shall be issued to the proprietor, secretary, or manager of the club, and the person for the time being holding such of those offices to which it is issued shall be entitled to the rights and privileges granted by the licence and shall be subject to the duties and obligations imposed upon the holder thereof, and upon any change in the holder of the office of proprietor, secretary or manager, as the case may be, no transfer of the licence shall be necessary.

Temporary
liquor
licences.

10. (1) Subject to the provisions of this section, the chairman of the licensing tribunal may grant a temporary liquor licence to the holder of a licence to sell liquor by retail.

(2) A temporary liquor licence—

(a) shall not be granted for the sale of liquor at any place other than a place of recreation, amusement or assembly ;

(b) shall not be granted for a period exceeding three days ;

(c) shall specify the number of days during which and the hours between which the sale of liquor is authorized by the licence ;

(d) does not authorize the sale of trade spirits.

(3) The clerk of the licensing tribunal shall notify the superior police officer having charge of the Nigeria Police Force for the licensing district, or where there is no such force, the senior officer of the local government police force for the licensing district, of the issue of every temporary liquor licence and of the particulars thereof.

Railway
restaurant
car liquor
licence.

11. (1) The responsible Federal Minister may grant railway restaurant car liquor licences.

(2) A railway restaurant car liquor licence shall authorize the person therein named to sell liquor (other than trade spirits) by retail in a restaurant car to passengers travelling on a train to be consumed on the train.

(3) Liquor may be sold under a licence granted under this section on any day and at any time.

Conditions
may be
imposed.

12. A licence issued under the provisions of this Part shall be subject to such conditions and provisions, not inconsistent with the provisions of this Law, which the authority granting the same may impose.

Conditions
against
discrimina-
tion to be
implied.

13. Every licence issued under this Part, other than a club liquor licence, shall be subject to the condition that the holder of the licence shall not refuse to sell liquor to any person who may otherwise lawfully be supplied, on account of the race, colour or creed of such person.

Duration of
licences.

14. A licence granted under the provisions of this Part other than a temporary liquor licence, shall, unless it is previously forfeited under the provisions of this Law, be in force until the 31st day of December in the year in which it was granted and shall then expire :

Provided that when proper application for the renewal of a licence has been made that licence shall continue in force until such time as the decision of the licensing tribunal is notified.

15. (1) Licences (other than a railway restaurant car licence) shall be in such form as may be prescribed by the Minister. Form of licence.

(2) A renewal of a licence may be made by an endorsement on the licence.

(3) (a) The form of a railway restaurant car liquor licence shall be such as may be specified by the responsible Federal Minister.

(b) Where power is conferred on the responsible Federal Minister by any enactment in force in any other Region or part of the Federation to grant a railway restaurant car liquor licence giving the same authority to sell liquor in that Region or part of the Federation as is given by sub-section (2) of section 11 of this Law, the responsible Federal Minister may specify a form appropriate for a licence under this Law and that enactment, and a licence granted in such form shall be sufficient for the purposes of this Law.

PART IV.—PROCEDURE

Sittings

16. (1) There shall be quarterly sittings of a licensing tribunal in each quarter in every year. Quarterly and special sittings.

(2) Special sittings, in addition to the quarterly sittings, may be held by a licensing tribunal for all purposes authorized by this Law.

New Licences and Renewals

17. (1) Applications for new licences or for the renewal of licences which may be granted by a licensing tribunal shall be made in the prescribed form and shall be delivered to the clerk of the licensing tribunal in such manner as may be prescribed together with the prescribed fee for making the application. Applica-
tions.

(2) An application shall be delivered not later than fourteen days before the commencement of the quarter in which it is to be considered by the licensing tribunal.

(3) An application delivered later than the date provided in sub-section (2) of this section may, if the licensing tribunal think fit, be considered by them upon being satisfied that the late delivery was caused through inadvertence and upon payment of such fee as may be prescribed.

18. (1) The clerk of the licensing tribunal shall—

(a) publish a copy of each application received ;

(b) not less than ten days before a sitting of the licensing tribunal—

(i) publish a notice of the day and hour of the commencement of the sitting and the applications to be considered thereat ;

(ii) send a copy of the notice to the applicant.

(2) Publication for the purposes of this section shall be by affixing a copy at some conspicuous place outside the council offices or place of sitting of the licensing tribunal, Procedure on receipt of applications.

Objections.

19. (1) Any person residing in the licensing district may object, in accordance with the provisions of this section, to the granting or renewal of a licence by the licensing tribunal.

(2) An objection may be made by delivering notice in writing, stating the grant or renewal to which the objector is opposed and the reasons, not less than two days before the date appointed for the commencement of the sitting of the licensing tribunal.

Procedure at bearing.

20. (1) A licensing tribunal shall determine all applications and objections made to them on such evidence as appears to them to be sufficient.

(2) (a) The licensing tribunal may of their own motion take notice of any matter or thing which in the opinion of the members thereof would be an objection to the grant or renewal of a licence.

(b) When the licensing tribunal acts of their own motion under the powers conferred by paragraph (a) of this sub-section the applicant shall be given an opportunity of answering the objection either in person or in writing, as the tribunal may direct.

(3) The licensing tribunal, if not unanimous, shall decide by vote.

(4) All persons appearing at an inquiry, whether for an applicant or an objector, may be required to give evidence on oath which the chairman of the licensing tribunal is authorized to administer.

(5) The licensing tribunal may adjourn its sittings from time to time.

(6) The decision of the licensing tribunal shall be given by the chairman who shall sign all documents given or issued by the tribunal.

(7) A person may appear and be represented before a licensing tribunal by a legal practitioner.

Grounds on which licence may be refused.

21. A grant of a new licence that may be granted by a licensing tribunal or the renewal of any such licence shall only be refused on the following grounds :—

(a) that the applicant is a person of drunken or dissolute habits or otherwise of bad repute ;

(b) that his licence has within the twelve months preceding the date of application been cancelled ;

(c) that the applicant has been convicted of an offence under this Law within a like period ;

(d) that the premises are insanitary ;

(e) that the reasonable requirements of the neighbourhood do not justify the granting of the licence ;

(f) that the premises are in the immediate vicinity of a place of public worship, hospital or public school ; or

(g) that the good order of the neighbourhood in which the premises are situate will be disturbed if a licence is granted.

22. (1) If the licensing tribunal decides to grant an application they shall authorize the clerk to issue a licence to the applicant. Issue of licences.

(2) No licence or renewed licence shall be issued by the clerk unless the prescribed fee has been paid.

23. (1) When renewal of a licence has been refused by the licensing tribunal or when a licence is revoked in accordance with a direction of the Minister under sub-section (3) of section 31, the tribunal may in their discretion authorize the issue of a temporary licence to the applicant for such period as the tribunal may think proper to enable the applicant to dispose of liquor then in his possession. Issue of temporary licence when renewal refused.

(2) A proportionate part of the prescribed fee for the annual licence shall be paid for every such licence.

24. In case the applicant shall die, or shall become insolvent after applying for the grant or renewal of a licence and before the licence or renewed licence has been issued, the licensing tribunal may authorize the issue of the licence or renewed licence to the executor, administrator, receiver or trustee, as the case may be, of the estate of such applicant. Death or insolvency of applicant.

Transfers and Removals

25. A licensing tribunal may, on application in writing by the intended transferor and transferee and upon payment of the prescribed fee, transfer at any time the licence of any licensee (other than a railway restaurant car licence, a club liquor licence or a temporary liquor licence) to that transferee, if approved by them, by an endorsement on the licence in the form prescribed. Transfer of licences.

26. (1) No removal of a licence granted by a licensing tribunal under Part III from one licensing district to another shall be lawful. Removal.

(2) The holder of a licence granted by a licensing tribunal who desires to remove his licensed premises to any other premises in the same licensing district may give notice in the form prescribed of his intended application in the same manner as notice is required to be given of an application for a new licence.

(3) The provisions of section 18 shall apply in relation to an application under this section as they apply to an application for a new licence.

(4) The same objections may, so far as applicable, be made to the removal of a licence as to the grant of a licence.

(5) If on hearing the application and the objection, if any, the licensing tribunal considers that the licence should be transferred, they may, on payment of the prescribed fee authorize the removal of the licence and endorse the licence accordingly.

27. Any person to whom a licence may be transferred and any person who may be authorized to remove his licence to other premises shall on the expiration of the licence apply for a new licence as if he were not a licence holder. Fresh application to be made on the expiration of a licence transferred.

Temporary
authority to
continue
business.

28. (1) The chairman of the licensing tribunal may, if he thinks fit, as respects any licensed premises in his licensing district, on an application made by any person to whom it is proposed to transfer a licence granted by the tribunal in respect of the premises, grant him authority in writing to sell any intoxicating liquor on the premises which may be sold under that licence.

(2) An authority under this section shall remain in force until the next sitting of the licensing tribunal at which application may be made for a transfer of the licence.

Duties and
liabilities of
a transferee.

29. Any person to whom a licence may have been transferred by a licensing tribunal or who may be carrying on a business in pursuance of the last preceding section shall possess all the rights and be subject and liable to the duties, obligations and penalties of the original holder of the licence.

Railway Restaurant Car Liquor Licences

Provisions
relating to
railway
restaurant
car liquor
licences.

30. (1) Application for a railway restaurant car liquor licence shall be made to the responsible Federal Minister before the 1st day of December in any year.

(2) The responsible Federal Minister may authorize the transfer or removal of a railway restaurant car liquor licence as he may think fit.

(3) The provisions of sections 24, 25, 27, 28 and 29 shall apply in relation to railway restaurant car liquor licences as they apply in relation to licences granted by a licensing tribunal, but as if references to the licensing tribunal were references to the responsible Federal Minister.

(4) The prescribed fee shall be paid upon the grant, renewal, or transfer of a railway restaurant car liquor licence.

PART V.—APPEALS

Appeals to
lie to
Minister.

31. (1) Any applicant who thinks himself aggrieved by the refusal of a licensing tribunal to renew or to grant a licence which may be granted by them and any objector who thinks himself aggrieved by any decision of a licensing tribunal to grant or renew a licence to which he objected may appeal to the Minister.

(2) Notice in writing shall be given by the appellant of his intention to appeal and the grounds thereof to the Permanent Secretary within twenty-one days of the decision of the licensing tribunal.

(3) The Minister may uphold the decision of the licensing tribunal or—

(a) in the case of an appeal against refusal to grant or renew a licence may direct that a licence be granted by the tribunal subject to such conditions, if any, as he may specify that are not inconsistent with this Law ;

(b) in the case of an appeal by an objector, direct the tribunal to revoke the licence objected to.

(4) No appeal shall lie from the decision of the Minister.

(5) Where a licensing tribunal fails to comply with a direction of the Minister, given in exercise of the powers conferred on him by sub-section (3) of this section, within one month of notification thereof, the Minister may himself exercise, on behalf of the tribunal, any powers of the tribunal that are necessary to give effect to such directions.

32. Where the licensing tribunal refuses the renewal of a licence and an appeal against the refusal is duly made and the licence expires before the appeal is determined, the Minister may authorize the person the refusal of whose licence is appealed against to carry on his business in the same manner as if the licence had not been refused, during the pendency of the appeal.

Continuance of licence pending appeal.

PART VI.—MANUFACTURERS LICENCES

33. No person shall manufacture beer or wine except under a licence granted by the Minister and subject to the prescribed conditions.

Minister may grant manufacturing licences.

PART VII.—OFFENCES

34. (1) A person shall not sell intoxicating liquor unless he holds a licence issued under this Law authorizing the sale nor at any place except that at which the licence authorizes the sale.

Selling liquor without a licence.

(2) If any person acts in contravention of this section he shall be guilty of an offence and shall be liable on conviction—

(a) in the case of the first offence, to a fine of fifty pounds ;

(b) in the case of any subsequent offence, to a fine of one hundred pounds.

35. Any person who manufactures beer or wine in contravention of section 33 shall be guilty of an offence and shall be liable on conviction—

Manufacturing beer, etc., without a licence.

(a) in the case of the first offence to a fine of five hundred pounds ;

(b) in the case of a subsequent offence to a fine of five hundred pounds or to imprisonment for two years or to both such penalties.

36. The holder of a licence who commits any breach of a condition of his licence for which no other penalty is provided shall be guilty of an offence and liable on conviction to a fine of fifty pounds.

Breach of condition by a licence holder.

37. The holder of a retail licence who—

(a) permits drunkenness or any riotous or quarrelsome conduct to take place upon his premises ;

Offences by retail licence holder.

(b) sells liquor to any person already in a state of intoxication or by any means encourages or incites any such person to drink intoxicating liquor ;

(c) sells liquor to a child under sixteen years of age for consumption on the licensed premises ;

(d) sells or supplies liquor to any soldier or police officer on duty or knowingly harbours or suffers to remain on his premises any such soldier or police officer unless for the purpose of keeping or restoring order or in execution of his duty ;

(e) permits the premises to be used as a brothel or the habitual resort or place of meeting of prostitutes, or allows any such person to remain on the licensed premises longer than is necessary for the consumption of any liquor purchased by her ;

(f) fails to admit or obstructs, any police officer or other authorised person wishing to enter the licensed premises in the execution of his duty or fails to produce his licence when requested to do so by a police officer or other authorized person ;

(g) keeps his premises open for the sale of liquor during any time when he is not authorized by his licence to sell liquor or allows any liquor to be consumed on such premises during any such time ; or

(h) being the holder of a tavern licence, a wine and beer licence or a general retail liquor licence, permits gaming or any unlawful game to be played on the licensed premises, shall be guilty of an offence and liable on conviction to a fine of fifty pounds.

Goods not to be sold on certain licensed premises.

38. Any person who sells on premises licensed under a tavern licence or a wine and beer on licence any article whatever, other than intoxicating liquor, non-intoxicating beverages, food intended for consumption on the premises, tobacco, cigars and cigarettes, shall be guilty of an offence and liable on conviction to a fine of twenty-five pounds.

Offences by persons other than licence holders.

39. Any person who—

(a) not being the occupier or a servant or member of the family of the occupier, consumes any intoxicating liquor on premises licensed for the sale of liquor by retail during the hours when the sale of liquor is prohibited ; or

(b) obtains or attempts to obtain intoxicating liquor during the hours when the sale of liquor is prohibited by falsely representing himself to be a person sleeping on hotel premises ; or

(c) being found on licensed premises during the hours during which the sale of liquor is prohibited, refuses to give his name and address when requested so to do by a police officer, or gives a false name or address,

shall be guilty of an offence and liable on conviction to a fine of five pounds for a first offence and of ten pounds for any subsequent offence.

Signboards.

40. (1) Every holder of a licence (other than a club licence) granted by a licensing tribunal authorizing the sale of liquor by retail, shall suspend or affix, and maintain over the entrance to the licensed premises a board of not less dimensions than two feet by eight inches, on which shall be printed in legible characters the name of the licensee and the class of the licence of which he is the holder.

Penalty : a fine of twenty pounds.

(2) No person who is not licensed shall have any words on his premises purporting that he is licensed, and no licensed person shall have any word or letter on his premises purporting that he is licensed in any other way than that in which he is duly licensed.

Penalty : a fine of one hundred pounds.

41. (1) Any licensed person or his agent or servant may refuse to admit to or may turn out of his licensed premises, by force if necessary, any person who is drunken, violent, quarrelsome or disorderly, and any person whose presence on his premises would subject him to a penalty under this Law. Power to expel drunkards, etc., from licensed premises.

(2) Any such person who, on being requested by such licensed person or his agent or servant or by a police officer to quit such premises refuses or fails to do so, shall be liable to a fine of five pounds.

(3) All police officers are required, on demand of such licensed person, agent or servant to expel or assist in expelling such person from such premises and may use such force as may be required for the purpose.

42. (1) (a) Every conviction under this Law of a licence holder shall be endorsed on his licence by the convicting court, and the licence holder shall produce his licence to the court for such purpose. Conviction to be endorsed on licence.

(b) Every applicant for the renewal of a licence shall, if required by the officer to whom application is made, or by the licensing tribunal, produce the licence for inspection.

(c) In the case of a renewal of the licence, all convictions within five years preceding such renewal endorsed on the licence renewed shall be transferred to the renewed licence, and it shall be the duty of the licence holder to produce his licence for such purpose to the officer issuing the renewed licence.

(2) Any person who—

(a) shall neglect to produce his licence as required by the preceding sub-section ; or

(b) without proper authority obliterates or alters any such endorsement as aforesaid,

shall be guilty of an offence and liable on conviction to a fine of ten pounds.

43. If a person convicted of an offence under this Law, other than an offence under section 39, has been previously convicted of a similar offence, the court may in lieu of or in addition to any fine sentence the convicted person to imprisonment for two years. Imprisonment may be imposed on second or subsequent conviction.

44. A court may order the forfeiture of intoxicating liquor manufactured, sold, or otherwise dealt with in contravention of this Law. Forfeiture of liquor.

Powers of
magistrate
and police
officers.

45. Any magistrate or person authorized in writing by a magistrate and every police officer may—

(a) enter on any licensed premises at any time for the purpose of detecting or preventing any breach of the provisions of this Law, or of any licence granted under this Law ;

(b) at any time demand the production of any licence or permit granted under this Law ;

(c) having reasonable grounds for suspecting that intoxicating liquor is being unlawfully sold or otherwise dealt with, enter and inspect any premises ;

(d) seize and detain any intoxicating liquor which he has reason to believe has been manufactured or sold contrary to the provisions of this Law, or is on unlicensed premises for the purpose of sale, and any receptacle containing the same.

Incriminated
informer not
to incur
penalty.

46. If any person shall give information which shall lead to the conviction of any other person for an offence against this Law, he shall not incur any penalty notwithstanding that he may himself be incriminated in such offence :

Provided that the offender is convicted of an offence of not less gravity than that in respect of which the informer is incriminated.

Licence
liable to
forfeiture
on
conviction.

47. Whenever a licence holder shall be convicted of an offence under this Law, his licence shall be liable to forfeiture by the authority by which it was granted.

PART VIII.—MISCELLANEOUS

Powers of
local govern-
ment police.

48. In the area for which a local government police force is established a member of that force shall have all the powers and be subject to all the duties conferred or imposed on a police officer by this Law or any regulations made thereunder.

Functions
conferred on
federal
officers.

49. The provisions of this Law, other than this section, conferring any power or imposing any duty upon the responsible Federal Minister or police officers, shall not have effect until the Governor-General shall, by notice in the Gazette of the Federation, have given his consent to the conferment or imposition of that power or duty.

Power to
make regula-
tions.

50. Subject to the provisions of this Law, the Minister may make regulations for all or any of the following purposes—

(a) prescribing the fees to be paid in respect of club liquor licences, railway restaurant car liquor licences and licences to manufacture wine or beer ;

(b) prescribing the conditions of a licence to manufacture wine or beer ;

(c) prescribing the procedure before a licensing tribunal ;

(d) prescribing the powers of police officers in connection with the inspection of premises licensed for the sale of liquor ;

(e) prescribing the returns to be made by licensing tribunals ;

(f) prescribing the forms of licences that may be issued by a licensing tribunal or the chairman thereof ;

(g) regulating and prescribing the cleanliness, drainage and sanitary conveniences of any premises licensed under this Law for the sale of liquor by retail ;

(h) requiring the keeping of such books and records and the making of such returns, relating to the sale of liquor, by the holders of all or any specified type of licence granted under this Law as may be prescribed ;

(i) generally for the purpose of giving effect to the objects and purposes of this Law.

51. (1) A local government council in respect of whose area a licensing district is established may make bye-laws—

Power to
make
bye-laws.

(a) prescribing the fees to be paid in respect of licences (other than club liquor licences) and transfers or removals, which may be granted by the licensing tribunal in respect of premises in the council's area of authority, and the times and manner of payment of such fees ;

(b) prohibiting, restricting, regulating or licensing the manufacture, supply, possession or consumption of country liquor.

(2) The approving authority for bye-laws made under this section shall be the Minister.

52. Nothing in Parts I to VII inclusive of this Law shall apply to—

Exemptions.

(a) the manufacture or sale of country liquor ;

(b) the sale of denatured spirits imported into Nigeria or distilled in Nigeria under a licence ;

(c) the sale by any qualified medical practitioner or licensed druggist for purely medical purposes of any *bona fide* medicine containing intoxicating liquor ;

(d) the sale of intoxicating liquor by an executor or administrator when such liquor forms part of the estate of the deceased person ;

(e) the sale by private arrangement of intoxicating liquor being the residue of a reasonable stock held for private consumption by a person about to leave Nigeria ;

(f) the sale of liquor the property of the member of an officer's or non-commissioned officer's mess in the Nigerian Military Forces, Royal West African Frontier Force to the members of such mess ;

(g) the sale of liquor to members of the crews of Her Majesty's ships under conditions approved by the Commander in Chief South Atlantic and South America :

(h) the sale of intoxicating liquor to members of Her Majesty's Army, Navy and Air Force by the Navy, Army and Air Force Institutes or any other *bona fide* organisation engaged in supplying food or drink solely to members of such forces and approved by the Minister ;

(i) the sale of spirits intended solely for the purpose of testing palm oil to any person in possession of a permit issued by the Minister to sell such spirits for such purpose ;

(j) the sale by wholesale by the holder of a licence to manufacture beer or wine issued under any Federal law relating to duties of excise, of beer or wine manufactured by him to the holder of a licence to sell beer or wine.

Repeals.
Cup. 114.
Schedule.
No. 12 of
1957.

53. (1) The provisions of the Liquor Ordinance are hereby repealed to the extent set out in the Schedule.

(2) Paragraph (36) of section 67 of the Local Government Law, 1957, is hereby repealed.

Transitional.

54. (1) Until such time as a licensing tribunal is appointed for a licensing district any rules or bye-laws made under section 22 of the Liquor Ordinance which have effect within that licensing district shall continue in force.

(2) Licences granted under the provisions of the Liquor Ordinance or rules made thereunder and in effect immediately before the commencement of this Law shall—

(a) subject to the provisions of paragraph (b) of this sub-section continue in force for the period for which they were granted ;

(b) may be removed, transferred or forfeited by the licensing tribunal within whose district the licensed premises are situated or, in the case of a railway restaurant car liquor licence, by the responsible Federal Minister as if they had been granted under this Law.

(3) (a) Until such time as a licensing tribunal is appointed for a licensing district bye-laws made, or having effect as if made, under paragraph (36) of section 67 of the Local Government Law, 1957, shall continue in force.

(b) Upon the establishment of a licensing tribunal any such bye-law in force in the area of the licensing district or having effect as if made by a local government council empowered to make bye-laws under section 51 shall continue in force and have effect as if made under that section, and any such bye-laws made by any other local government council shall be revoked.

SCHEDULE

PROVISIONS OF THE LIQUOR ORDINANCE THAT ARE REPEALED

The whole Ordinance, except sections 1, 2, 3, 7, 8, 10, 11, 15, 16, 60, 61, 62, 63, 64, 65, 68 (a) and (b) (in so far as those paragraphs relate to licences under section 8 and 68 (i) and (j)).

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 3rd day of October, 1958.

A. G. R. MOORING,
*Officer Administering the Government
of the Western Region*

(L.S.)

No. 49



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR ARTHUR GEORGE RIXSON MOORING, C.M.G.
Officer Administering the Government of the Western Region

A LAW FURTHER TO AMEND THE LOCAL GOVERNMENT LAW, 1957.

[12th April, 1957.] Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

Short title
and com-
mencement.

1. This Law may be cited as the Local Government (Amendment) (No. 3) Law, 1958, and shall be deemed to have come into operation on the 12th day of April, 1957.

Amendment
of section 30
of principal
Law, No. 12
of 1957.

2. In section 30 of the Local Government Law, 1957 (hereinafter referred to as the principal Law) there shall be inserted the following sub-section :—

“(3) Whenever notice is properly given that a resolution is to be proposed that the chairman of a council be removed :—

(a) the secretary of the council shall within fourteen days of the receipt of the notice call a meeting of the council for the purpose of disposing of that business ;

(b) the resolution shall be taken at the commencement of business of the meeting and before any other business is transacted ;

(c) the secretary of the council shall preside at the meeting until the proceedings on the motion to remove the chairman are completed.”

Amendment
of section
111 of
principal
Law.

3. Sub-section (2) of section 111 of the principal Law is hereby amended by inserting, next after sub-paragraph (i) of paragraph (a) of the sub-section, the following sub-paragraph :—

“(i) (a) the grant, subject to the approval of the Minister, of an allowance to any ex-chief or other ex-holder of a traditional title ;”

Insertion of
new section
(section
282B) in
principal
Law, No. 8 of
1958.

4. There shall be inserted in the principal Law, next after section 282A (inserted therein by section 24 of the Local Government (Amendment) Law, 1958), the following section :—

“Out-
standing
contracts,
etc., of native
authorities.

282B. Upon an order by the Minister made in that behalf whereof notice in writing shall be given to all interested parties, the rights, interests, obligations and liabilities of any native authority formerly constituted within an area that has become the area of authority of a council or part thereof, under any contract or instrument whatsoever subsisting immediately before the dissolution of that native authority shall by virtue of the provisions of this section be deemed to be assigned to the council specified in the order ; and any such contract or instrument in respect of which such an order is made shall be as valid and effectual against or in favour of the council specified in the order, and shall be enforceable as fully and effectually as if, instead of the native authority concerned, the council so specified had been named in the contract or instrument or had been a party thereto, as the case may be.”

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Interpretation.

Powers of officers of a local government council to enforce provisions of certain enactments. Schedule.

2. In this Law, "enactment" means Ordinance or Law.

3. (1) Any officer of a local government council who is authorised for the purpose by a resolution of that council shall, while acting under the lawful orders of that council, have all the powers and privileges which could be exercised or would be possessed by a police officer, whether in or out of uniform, or by any other person authorised by law, for the purpose of enforcing the provisions of any enactment specified in the Schedule to this Law, and of detaining or arresting any person who has, or is reasonably suspected of having, committed an offence against any such enactment.

(2) Any officer in whom any powers or privileges are vested under and by virtue of sub-section (1) of this section shall cease to have those powers and privileges upon the passing of a resolution by the council revoking the authority conferred on him under and by virtue of that sub-section.

(3) Every resolution under sub-section (1) or sub-section (2) of this section shall be put in writing and published in the Gazette.

(4) Nothing in sub-section (1) of this section shall be construed to confer any right or impose any duty in relation to any matter within the exclusive legislative competence of the Federal Legislature.

Power to vary Schedule.

4. The Governor in Council may, by order, from time to time vary the Schedule to this Law—

(a) by adding any enactment thereto ; or

(b) by deleting any enactment therefrom.

Repeal Cap. 180.

5. The Protectorate Laws (Enforcement) Ordinance is hereby repealed.

Amendment of Ordinance No. 14 of 1953.

6. The Western Region Local Government Councils (Miscellaneous Provisions) Ordinance, 1953, is hereby amended in the following respects—

(a) by substituting the word "Definition" for the word "Definitions" in section 2 ;

(b) by deleting from section 2 the definition of "a force" and substituting a full-stop for the semi-colon at the end of the definition of "council" ;

(c) by repealing sections 4 and 5 and the First Schedule to that Ordinance.

SCHEDULE

(Sections 3 (1) and 4)

Cap. 42.

The Criminal Code Ordinance.

Cap. 54.

The Direct Taxation Ordinance (now repealed) in so far as it may be necessary to collect in accordance with and subject to the provisions of that Ordinance any tax which is leviable for any year ending on or before the 31st March, 1957, by virtue

of the proviso to section 73 of the Income Tax Law, 1957 (Law No. 16 of 1957) and which has not been collected.

- Cap. 114. The Liquor Ordinance.
Cap. 232. The Wild Animals Preservation Ordinance.
Law No. 12 of 1957. The Local Government Law, 1957.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 18th day of October, 1958.

A. G. R. MOORING,
*Officer Administering the Government
of the Western Region*

(L.S.)

No. 51



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIR ARTHUR GEORGE RIXSON MOORING, C.M.G.
Officer Administering the Government of the Western Region

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF CERTAIN PUBLIC FUNDS AND TO REGULATE DISBURSEMENTS THEREFROM, TO PRESCRIBE THE CONDITIONS UPON WHICH PUBLIC MONEYS MAY BE MADE AVAILABLE FOR EXPENDITURE IN ADVANCE OF APPROPRIATION BY THE LEGISLATURE, AND FOR PURPOSES INCIDENTAL THERETO OR CONNECTED THEREWITH.

[1st August, 1958.] Date of commencement.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :— Enactment.

1. This Law may be cited as the Finance (Establishment and Control of Funds) Law, 1958 and shall come into operation on the 1st day of August, 1958. Short title and commencement.

Interpretation.

2. In this Law—

“budget meeting” means the meeting of the Legislature at which annual estimates of revenue and expenditure for a financial year are considered and the proposals for expenditure in that financial year are approved by an appropriation Law ;

First Schedule.

“the Capital Expenditure and Development Fund” means the Fund referred to by that name in the First Schedule and deemed by sub-section (3) of section 3 to be established in accordance with the provisions of sub-section (1) of that section ;

“the Consolidated Revenue Fund” means the Consolidated Revenue Fund established by virtue of the provisions of the Nigeria (Constitution) Orders in Council, 1954 to 1958 ;

First Schedule.

“the Contingencies Fund” means the Fund referred to by that name in the First Schedule and deemed by sub-section (3) of section 3 to be established in accordance with the provisions of sub-section (1) of that section ;

“the General Revenue Account” means the account kept in respect of the unexpended balance of moneys that have been received as general revenue from time to time ;

“the Legislature” means the Legislature of the Western Region ;

“the Minister” means the Regional Minister responsible for finance ;

“supplementary votes resolution” means a resolution the purpose of which is to authorise provisionally any public expenditure which is supplementary to the expenditure already authorised by the annual appropriation Law.

Establishment of Funds generally.

3. (1) Whenever moneys are appropriated by the Legislature for the establishment of any Fund, the Minister may establish such a Fund to which moneys so appropriated shall be credited and from which moneys may be expended for the purposes for which the Fund is established.

(2) Unless the Minister otherwise directs, the receipts, earnings and accruals of any Fund established or deemed to be established in accordance with the provisions of this section and the balance of any such Fund at the close of each financial year shall be retained for the purposes of the Fund and shall not be paid into the Consolidated Revenue Fund.

First Schedule.

(3) The Funds set out in the First Schedule shall be deemed to be established in accordance with the provisions of sub-section (1) of this section and the provisions of sub-section (2) of this section shall apply to the balances remaining in the respective Funds on the 31st day of July, 1958 and to the receipts, earnings and accruals of those Funds after that date including any future sums appropriated by the Legislature for payment into those Funds.

4. There shall be paid into the Consolidated Revenue Fund from the General Revenue Balance Account on the 1st day of August, 1958 a sum equal to the difference between the amount standing to the credit of the General Revenue Balance Account on the 31st day of July, 1958 and the amount appropriated to establish the Funds set out in the Second Schedule.

Consolidated Revenue Fund.

Second Schedule.

5. The sums set out in the Second Schedule (to the total amount of six hundred thousand pounds) are hereby appropriated to establish the respective Funds specified in that Schedule.

Establishment of special Funds set out in Second Schedule.

6. (1) The Minister may make rules regulating payments into and disbursements from any Fund (other than the Capital Expenditure and Development Fund and the Contingencies Fund) established or deemed to be established in accordance with the provisions of this Law and all such payments and disbursements shall be in accordance with those rules.

Power of Minister to make rules regulating payments into and disbursements from Funds.

(2) All rules made under sub-section (1) of this section shall be laid before both Houses of the Legislature as soon as may be after they are made.

7. (1) There shall be paid into the Capital Expenditure and Development Fund all sums being—

Capital Expenditure and Development Fund.

(a) the product of loans raised by the Government of the Region for expenditure on capital or other development projects ;

(b) grants of money for purposes of development made to the Region from time to time by Her Majesty's Government in the United Kingdom ;

(c) grants of money made to the Region for development purposes by any person, Government or institution ;

(d) profits from government lotteries allocated to medical development under or by virtue of the provisions of the Government Lotteries Law, 1955 ;

No. 10 of 1955.

(e) appropriations by the Legislature from the revenues of the Region for expenditure on capital or other development projects ;

(f) moneys accruing in any manner whatever to the Fund.

(2) The Minister shall cause to be prepared in each financial year, estimates of the receipts and expenditure in respect of the Capital Expenditure and Development Fund for the next following financial year and such estimates shall be laid before both Houses of the Legislature.

(3) The proposals for all expenditure contained in such estimates shall be submitted to the vote of both Houses of the Legislature by means of an appropriation Bill, which shall contain estimates under appropriate heads for the several services therein specified.

(4) Whenever—

(a) any expenditure from the Capital Expenditure and Development Fund is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sums provided for that service by the appropriation Law relating to that year ; or

(b) any expenditure from that Fund is incurred or is likely to be incurred in any financial year upon any service not provided for by the appropriation Law,

a supplementary appropriation Bill relating to that year, which shall contain that expenditure under appropriate heads, shall be introduced in the Legislature.

(5) Subject to the provisions of sections 8 and 9, no moneys shall be withdrawn from the Capital Expenditure and Development Fund except upon the authority of a warrant under the hand of the Minister and no such warrant shall be issued for the purpose of meeting any expenditure from that Fund unless that expenditure has been authorised by an appropriation Law or a supplementary appropriation Law.

Issues in
advance of
appropriation.

8. Where the Law authorising the appropriation for a financial year (whether from the Consolidated Revenue Fund or from the Capital Expenditure and Development Fund) is not enacted by the 1st day of April in that year, the Minister may in advance of such appropriation issue a warrant under his hand authorising the Accountant-General to make available such moneys as may be required to meet any expenditure that the Minister considers to be necessary in the public interest over any period not exceeding four months between the end of the preceding financial year and the coming into force of the Law providing for the first appropriation for the current financial year.

Contingencies Fund.

9. (1) If at any time it appears to the Minister to be necessary in the public interest to do so, he may by warrant authorise the Accountant-General to issue from the Contingencies Fund such sums as may be necessary for expenditure upon any service in excess of the sum provided for that service by the appropriation Law or upon any service not provided for by an appropriation Law.

(2) Any amount issued from the Contingencies Fund in accordance with the provisions of sub-section (1) of this section shall be regarded as an advance from that Fund and every such advance shall accordingly be repaid to the Fund as soon as the expenditure in respect of which the advance was made has been duly authorised in accordance with sub-section (3) of this section.

(3) So soon as may be after the issue of a warrant under sub-section (1) of this section the Minister shall introduce in the Legislature a supplementary votes resolution supported by supplementary estimates which shall include the items in respect of which advances have been made from the Contingencies Fund.

(4) Following the passing of a supplementary votes resolution the Minister may issue a supplementary general warrant to the Accountant-General and on receipt of the warrant the Accountant-General shall credit the Fund with all sums which relate to items specified in the warrant as advances to be repaid to the Fund.

(5) The total expenditure authorised by all supplementary votes resolutions passed in the course of a financial year shall be made the subject of a supplementary appropriation Bill to be submitted to the Legislature in time for consideration at its next budget meeting.

(6) The account of the Contingencies Fund shall be audited by the Director of Audit to whom annual statements giving details of receipts and issues shall be forwarded by the Accountant-General not later than three months after the close of each financial year, which account shall be reported on and certified by the Director of Audit and together with the audit report shall be laid before the Legislature.

(Sections 2 and 3 (3))

FIRST SCHEDULE

FUNDS DEEMED TO BE ESTABLISHED UNDER SECTION 3 (1)

- Capital Expenditure and Development Fund.
- Contingencies Fund.
- Government Lotteries Fund.
- Government Staff Housing Fund.
- Profit from Government Lotteries Fund.
- Revenue Equalisation Fund.
- Scholarships Fund.
- Western Region Local Authority Motor Vehicles Insurance Fund.

(Sections 4 and 5)

SECOND SCHEDULE

FUNDS ESTABLISHED UNDER SECTION 5

Miscellaneous Advances Fund	£ 50,000
Motor Vehicles and Bicycles Advances Fund	500,000
Treasury Clearance Fund	50,000
	£ 600,000

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,

Acting Clerk to the Regional Legislature

Assented to in Her Majesty's name this 14th day of November, 1958.

J. D. RANKINE,
Governor, Western Region

(L.S.)

No. 52



1958

Western Region of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JOHN DALZELL RANKINE, K.C.M.G., K.C.V.O.
Governor, Western Region

A LAW TO AMEND THE INCOME TAX LAW, 1957.

[1st April, 1957.]

Date of
commence-
ment.

BE IT ENACTED by the Legislature of the Western Region of Nigeria as follows :—

1. This Law may be cited as the Income Tax (Amendment) Law, 1958, and shall be deemed to have come into operation on the 1st day of April, 1957.

Short title
and
commence-
ment.

Amendment
of section 11
of the income
Tax Law,
1957. No.
16 of 1957.

2. Section 11 of the Income Tax Law, 1957, is hereby amended in the following respects :—

(a) by inserting next after sub-section (1) of the section the following new sub-section—

“(1A) Where a person commenced to carry on a trade, business, profession, employment or office during the period of twelve months immediately preceding the 1st day of April, 1957, his assessable income from that source for the year of assessment commencing on the 1st day of April, 1957, shall be computed on the full amount of income of the period of twelve months from the commencement of that trade, business, profession, employment or office” ;

(b) by deleting from sub-section (4) of the section the words “sub-sections (1) and (2) of this section” and inserting instead the words “sub-sections (1), (1A) and (2) of this section”.

This printed impression has been carefully compared by me with the Bill that has passed the Western House of Assembly and the Western House of Chiefs, and is found by me to be a true and correctly printed copy of the said Bill.

J. M. AKINOLA,
Acting Clerk to the Regional Legislature

W.R.L.N. 1 of 1958

The Waterworks Ordinance
(Cap. 227)

THE AUCHI-JATTU-SOUTH IBIE (WATER CHARGES)
REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

1. (1) These Regulations may be cited as the Auchi-Jattu-South Ibie (Water Charges) Regulations, 1957 and shall be deemed to have come into force on the 1st day of April, 1957. Short title and commencement.
- (2) These regulations shall apply to any tenement supplied with water by means of a private service from the Auchi waterworks.
2. The following rates of payment shall apply to tenements supplied by means of a private service— Charges for water supplied.
 - (a) to any tenement where the quantity of water is measured by a meter, at the rate of six shillings and sixpence per 1,000 gallons ;
 - (b) to any tenement in which a meter is not installed, at the rate of twelve shillings *per mensem* :

Provided that the annual rates of payment set forth in the Schedule shall apply to the tenements named therein. Schedule.
3. The following tenements shall be exempt from any charge for water imposed by these regulations— Exemption.
 - (a) cemeteries ;
 - (b) places of worship ;
 - (c) public recreation grounds ;
 - (d) the town slaughter house.
4. Payment of the charges levied under these regulations shall be made to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority. Payment.

SCHEDULE

	Annual Rate
	£ s d
Auchi General Hospital	300 0 0
Auchi Government Prison	60 0 0

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 2 of 1958

The Waterworks Ordinance
(Cap. 227)

THE OGBOMOSHO TOWN (WATER CHARGES)
REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

Short title and commencement.

1. (1) These Regulations may be cited as the Ogbomosho Town (Water Charges) Regulations, 1957, and shall be deemed to have come into force on the 1st day of April, 1957.

(2) These regulations shall apply to any tenement supplied with water by means of a private service from the Ogbomosho waterworks.

Charges for water supplied.

2. (1) The following rates of payment shall apply to tenements supplied by means of a private service—

(a) to any tenement within the town where the quantity of water is measured by a meter, at the rate of three shillings per 1,000 gallons ;

(b) to any tenement in which a meter is not installed—

(i) seven shillings and nine-pence *per mensem* for the first tap and

(ii) three shillings and nine-pence *per mensem* for every subsequent tap.

(2) The rates imposed by these regulations shall be in addition to the general water rate.

Exemption.

3. The following tenements shall be exempt from any charge for water imposed by these regulations—

(a) cemeteries ;

(b) places of worship ;

(c) public recreation grounds ;

(d) the town slaughter house.

Payment.

4. Payment of the charges levied under these regulations shall be made by the occupier to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority.

Revocation of Regulations 16 of 1942.

5. The Waterworks (Ogbomosho) Regulations, 1942, are hereby revoked.

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 3 of 1958

The Waterworks Ordinance
(Cap. 227)

THE ILARO TOWN (WATER CHARGES) REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

1. (i) These Regulations may be cited as the Ilaro Town (Water Charges) Regulations, 1957, and shall be deemed to have come into force on the 1st day of April, 1957. Short title and commencement.

(ii) These regulations shall apply to any tenement supplied with water by means of a private service from the Ilaro waterworks.

2. (i) The following rates of payment shall apply to tenements supplied by means of a private service— Charges for water supplied.

(a) to any tenement within the town where the quantity of water is measured by a meter, at the rate of four shillings per 1,000 gallons ;

(b) to any tenement in which a meter is not installed—

(i) six shillings *per mensem* for the first tap, and

(ii) one shilling *per mensem* for every subsequent tap :

Provided that in respect of water supplied to buildings within the Crown Land Zone, the amount payable shall be based on the total external area of the building or buildings (inclusive of verandah space) and shall be paid at the rate set forth in the Schedule hereto ; provided that where one or more storage tanks of a total storage of 100 gallons are connected to the main supply, a surcharge of 33½ per cent shall be added to the amount payable. For the purpose of the calculations referred to in this section, domestic servants quarters shall be included within the area of their employer's buildings but other out-buildings such as stores, sheds, garages, etc., shall not be included unless intended or used for human habitation. Sche.Jule.

3. The following tenements shall be exempt from any charge for water imposed by these regulations— Exemption.

(a) cemeteries ;

(b) places of worship ;

(c) the town slaughter house.

4. Payment of the charges levied under these regulations shall be made by the occupier to the offices of the prescribed authority within twenty-one days of the receipt of a demand note issued by the authority. Payment.

5. The Waterworks (Ilaro Town Charges) Regulations, 1941 are hereby revoked. Revocation of Regulations 105 of 1941.

SCHEDULE

<i>Area in square feet</i>						<i>Amount payable per annum</i>
						<i>£ s d</i>
1 to 1,000	...	...	...	...	...	4 0 0
1001 to 2,000	...	...	...	...	...	4 10 0
2001 to 3,000	...	...	...	...	...	5 0 0
3001 to 4,000	...	...	...	...	...	5 10 0
4001 to 5,000	...	...	...	...	...	6 0 0
5001 to 6,000	...	...	...	...	...	6 10 0

For figures above 6,000 square feet 10s per 1,000 square feet or part thereof should be added.

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 4 of 1958

The Waterworks Ordinance
(Cap. 227)

THE ILESHA TOWN (WATER CHARGES)
REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

1. (1) These Regulations may be cited as the Ilesha Town (Water Charges) Regulations, 1957 and shall be deemed to have come into force on the 1st day of April, 1957. Short title, commencement and application.

(2) These regulations shall apply to any tenement supplied with water by means of a private service from the Ilesha waterworks.

2. The following rates of payment shall apply to tenements supplied by means of a private service— Charges for water supplied.

(a) to any tenement where the water is measured by a meter, at the rate of two shillings and sixpence per 1,000 gallons ;

(b) to any tenement in which a meter is not installed—

(i) five shillings *per mensem* for the first tap, and

(ii) sixpence *per mensem* for every subsequent tap :

Provided that the annual rates of payment set forth in the Schedule shall apply to the tenements named therein. Schedule.

3. The following tenements shall be exempt from any charge for water imposed by these regulations— Exemption.

(a) cemeteries ;

(b) places of worship ;

(c) public recreation grounds ;

(d) public slaughter houses.

4. Payment of the charges levied under these regulations shall be made to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority. Payment.

SCHEDULE

	<i>Amount of Rate</i>			
	£	s	d	
Wesley Guild Hospital	200	0	0	per annum
Ilesha Women's Training College	180	0	0	per annum
Ilesha Grammar School	60	0	0	per annum
Ilesha Divisional Teacher Training College	60	0	0	per annum
Obokun High School	60	0	0	per annum
Anglican Girls' School	40	0	0	per annum

SCHEDULE—*contd.*

				<i>Amount of Rate</i>			
				£	s	d	
Methodist Girls' School	...	...	...	40	0	0	per annum
Apostolic Elementary Training College	...	...	...	60	0	0	per annum
Methodist High School	...	...	...	6	0	0	per annum
Every Primary School	...	...	...	6	0	0	per annum
Obokungbusi Hall	...	...	...	6	0	0	per annum
Every Corn Mill drawing water from a public standpipe	...	...	...	1	10	0	per annum

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 5 of 1958

The Waterworks Ordinance
(Cap. 227)

THE IWO DISTRICT (WATER CHARGES)
REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

1. (i) These Regulations may be cited as the Iwo District (Water Charges) Regulations, 1957, and shall be deemed to have come into force on the 1st day of April, 1957. Short title commencement and application.

(ii) These regulations shall apply to any tenement in the towns of Iwo, Ileigbo, Oluponna or Kutu supplied with water by means of a private service from the Iwo waterworks.

2. The following rates of payment shall apply to tenements supplied by means of a private service— Charges for water supplied.

(a) to any tenement where the quantity of water is measured by a meter, at the rate set forth in the Schedule to these regulations ; Schedule.

(b) to any tenement in which a meter is not installed at the rate of $\frac{1}{2}d$ per annum per square foot of floor area of the tenement.

3. The following tenements shall be exempt from any charge for water imposed by these regulations— Exemption.

(a) cemeteries ;

(b) places of worship ;

(c) public recreation grounds ;

(d) the town slaughter house.

4. Payment of the charges levied under these regulations shall be made by the occupier at the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority. Payment.

SCHEDULE

	Cost per 1,000 gallons
Government Institutions 	0 3 6
Missionary Institutions 	0 2 6

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOLAKU,
Secretary to Premier and Executive Council

W.R.L.N. 6 of 1958

The Waterworks Ordinance
(Cap. 227)

THE IBADAN TOWN (WATERWORKS CHARGES)
(AMENDMENT) REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

- | | |
|------------------------------|--|
| Short title and application. | 1. These Regulations may be cited as the Ibadan Town (Waterworks Charges) (Amendment) Regulations, 1957 and shall apply to Ibadan Town, the boundaries of which are marked and delineated in blue on Plan PWD IB. No. 3818 (which is deposited at the Office of the Town Engineer, Ibadan) and to the areas of land occupied by the premises of the University College, Ibadan, and by the Nigerian College of Arts, Science and Technology, including the living quarters appertaining thereto. |
| Revocation. | 2. Regulation 2 (a) (b) (c) (d) (e) (f) of the Ibadan Town (Waterworks Charges) Regulations, 1955 is hereby revoked and the following substituted therefor :— |
| Charges for water supplied. | <p>(a) Tenements supplied by means of a private service :—</p> <p>(i) Unmetered 1d per annum per square foot of floor area of the tenement.</p> <p>(ii) Metered... .. 5s 3d per thousand gallons or part thereof with a minimum charge assessed under (i).</p> <p>(b) Government and District Council Departments :—</p> <p>(i) Unmetered 1d per annum per square foot of floor area of the tenement.</p> <p>(ii) Metered... .. 5s 3d per thousand gallons or part thereof.</p> <p>(c) Nigerian Railway 5s 3d per thousand gallons or part thereof.</p> <p>(d) Missions, swimming baths and premises occupied by any social club or club constituted for the purpose of any game or sport. 5s 3d per thousand gallons or part thereof.</p> <p>(e) Schools and premises occupied by schools. 3s 9d per thousand gallons or part thereof.</p> <p>(f) University College, University Teaching Hospital and Nigerian College of Arts, Science and Technology. 5s 3d per thousand gallons or part thereof.</p> |
| Commencement. | 3. These regulations shall be deemed to have come into force on the 1st of April, 1957. |

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 7 of 1958

The Waterworks Ordinance
(Cap. 227)

THE IJEBU-ODE TOWN (WATER CHARGES
REGULATIONS, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made:—

1. (1) These Regulations may be cited as the Ijebu-Ode Town (Water Charges) Regulations, 1957, and shall be deemed to have come into force on the 1st day of April, 1957.

Short title and commencement.

(2) These regulations shall apply to any tenement supplied with water by means of a private service in the town of Ijebu-Ode, the boundaries of which are marked on the Ijebu Native Authority Works Department Plan No. 96 which is deposited and available for inspection at the office of the Secretary of the Ijebu-Ode District Council.

2. (1) The following rates of payment shall apply to tenements supplied by means of a private service—

Charges for water supplied.

(a) to any tenement within the town where the quantity of water supplied is measured by a meter, at the rate of three shillings per 1,000 gallons ;

(b) to any tenement in which a meter is not installed—

(i) seven shillings and six pence *per mensem* for the first tap, and

(ii) one shilling *per mensem* for every subsequent tap.

3. The following tenements shall be exempt from any charge for water imposed by these regulations—

Exemption.

(a) tenements on which no building whether permanent or temporary is erected ;

(b) cemeteries ;

(c) places of worship ;

(d) public recreation grounds ;

(e) the town slaughter house.

4. Payment of the charges levied under these regulations shall be made by the occupier to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority.

Payment.

5. The Ijebu-Ode (Waterworks Charges) Regulations, 1941, 1942, 1944 and 1947 are hereby revoked.

Revocation of Regulations 104 of 1941, 89 of 1942, 8 of 1944 and 33 of 1947.

MADE at Ibadan this 16th day of December, 1957.

S. O. BIOBAKU,
Secretary to Premier and Executive Council

W.R.L.N. 8 of 1958

Pensions Law, 1954
(No. 2 of 1955)

THE PENSIONS (DECLARATION OF PENSIONABLE OFFICES)
(AMENDMENT) ORDER, 1957

DATE OF COMMENCEMENT : 2ND JANUARY, 1958

In exercise of the powers conferred upon the Governor by sub-section (1) of section 2 of the Pensions Law, 1954, the following Order is hereby made :—

Citation.

1. This Order may be cited as the Pensions (Declaration of Pensionable Offices) (Amendment) Order, 1957.

Amendment
of W.R.L.N.
309 of 1957.

2. The Pensions (Declaration of Pensionable Offices) Order, 1957, is hereby amended—

(a) by *deleting* the figures "1-4-57" in the column in the Schedule headed Effective Date where they appear in relation to the office of Secretary to the Premier and *substituting* the figures "6-3-57" ;

(b) by *deleting* the figures "1-4-57" where they appear in the said column of the Schedule in relation to the office of Secretary to the Executive Council, and *substituting* the figures "6-3-57" ;

(c) by *inserting* after the word "Magistrate" in the portion of the Schedule relating to the Judicial Department the following in the second and third columns of the Schedule—

"Registrar, High Court	...	...	...	1-4-56
Registrar, Magistrates Court	...	...	...	1-4-56"

MADE at Ibadan this 21st day of December, 1957.

By His Excellency's Command.

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 9 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE COLLECTION OF RATES (DEFAULT)
(No. 2) ORDER, 1957

DATE OF COMMENCEMENT : 30TH DECEMBER, 1957

In exercise of the powers conferred upon the Governor in Council by section 89 (1) (a) of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Collection of Rates (Default) (No. 2) Order, 1957. Short title.
2. The Ndosimili District Council is hereby declared to be in default in the performance of the function of collecting and enforcing the payment of rates conferred and imposed upon it by the Local Government Law, 1957, hereinafter referred to as "the Law". Council declared to be in default.
3. (1) The Ndosimili District Council is hereby directed to perform the functions referred to in paragraph 2 by taking such action as will ensure that it will collect before the 31st day of January, 1958, not less than three-quarters of the total estimated revenue to be derived from rates during the financial year, 1957-58 ; and such action shall include the prosecution under section 251 of the Law, of not less than six persons in each ward of the council who have refused to pay the rates payable by them under the Law on or before the date on which it is payable or the prosecution of all such persons if the number in any ward is less than six. Direction to enforce performance of functions.
- (2) The expression "estimated revenue" in sub-paragraph (1) of this paragraph means the estimated revenue from rates, shown in the estimates of the Ndosimili District Council for 1957-58 as approved under section 120 of the Law.

MADE by the Governor in Council at Ibadan this 30th day of December, 1957.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 10 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE COMPULSORY ACQUISITION OF LAND (ANIOCHA RURAL
DISTRICT COUNCIL) AUTHORISATION ORDER, 1958**

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

In exercise of the power conferred upon the Minister of Local Government by section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Aniocha Rural District Council) Authorisation Order, 1958.
2. The Aniocha Rural District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the schedule of this order.

SCHEDULE

The lands at Otulu comprising approximately 3.362 acres—

bounded on the West—Pillar No. W.W. 92 to Pillar No. W.W. 95

bounded on the South—Pillar No. W.W. 92 to Pillar No. W.W. 66

bounded on the East—Pillar No. W.W. 66 to Pillar No. W.W. 96

bounded on the North—Pillar No. W.W. 95 to Pillar No. W.W. 96.

MADE at Ibadan this 11th day of December, 1957.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 11 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1957
IBARAPA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ibarapa District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ibarapa District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of October, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
10 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th December, 1957.

W.R.L.N. 12 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS
ORDER, 1957 : ETSAKO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Etsako District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Etsako District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 10th day of October, 1957, that the Registration of Marriages Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
4 of 1957.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th December, 1957.

W.R.L.N. 13 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF PIGS ADOPTIVE BYE-LAWS
ORDER, 1957 : IBARAPA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ibarapa District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ibarapa District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of October, 1957, that the Control of Pigs Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
12 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th December, 1957.

W.R.L.N. 14 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF PIGS ADOPTIVE BYE-LAWS
ORDER, 1957 : EGBADO-KETU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egbado-Ketu District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egbado-Ketu District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 26th day of September, 1957, that the Control of Pigs Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
12 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th December, 1957.

W.R.L.N. 15 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957: EGUN-AWORI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egun-Awori District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egun-Awori District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of November, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
13 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th December, 1957.

W.R.L.N. 16 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE EGBA-IKEREKU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 30TH DECEMBER, 1957

Amendment
of W.R.L.N.
110 of 1955. In exercise of the powers conferred upon the Governor in Council by sub-section (1) of section 7 of the Local Government Law, 1957, the Instrument establishing the Egba-Ikereku District Council is hereby amended as follows :—

(1) by *deleting* paragraph 5 of the said Instrument and *substituting* therefor—

“5. The Council shall consist of eighteen members as follows :—
The President ;
Two Traditional Members ; and
Fifteen Elected Members.”

(2) by *inserting* after paragraph 7 of the Instrument the following paragraph—

“7A. The two traditional members shall be the persons for the time being holding the following titles—
The Onishaga of Ishaga Orile ;
The Elewo of Ilewo Orile”.

MADE by the Governor in Council at Ibadan this 30th day of December, 1957.

S. O. BIOBARU,
Secretary to the Premier and Executive Council

W.R.L.N. 17 of 1958

The Chiefs Law, 1957

(No. 20 of 1957)

ORDER MADE UNDER SECTION 19

DATE OF COMMENCEMENT : 23RD DECEMBER, 1957

In exercise of the powers conferred by sub-section (1) of section 19 of the Chiefs Law, 1957, the Governor in Council hereby applies the provisions of sub-section (2) of the said section to the Ikosi District Council area, Epe Division, Colony Province.

MADE at Ibadan this 23rd day of December, 1957.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 18 of 1958

*PROCLAMATION under the PEACE PRESERVATION
ORDINANCE (Cap. 166)*



By His Excellency, Sir JOHN DALZELL RANKINE,
Knight Commander of the Most Distinguished
Order of Saint Michael and Saint George, Knight
Commander of the Royal Victorian Order,
Governor, Western Region.

GOVERNOR

WHEREAS power has been conferred upon the Governor by section 3 of the Peace Preservation Ordinance (Chapter 166), whenever it shall appear necessary for the preservation of public peace in any area of the Protectorate, to declare, by Proclamation, such area to be a proclaimed district for the purposes of the Ordinance :

AND WHEREAS circumstances have arisen which render it necessary for the preservation of the public peace to declare the area of the Okitipupa Division in the Ondo Province to be a proclaimed district :

NOW, THEREFORE, I, JOHN DALZELL RANKINE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor, Western Region of Nigeria, in exercise of the power vested in me by section 3 of the Peace Preservation Ordinance, do hereby proclaim and declare as follows :

1. This Proclamation may be cited as the Proclaimed District (Okitipupa Division) Proclamation, 1958.
2. The area of the Okitipupa Division in the Ondo Province is hereby declared a proclaimed district for the purposes of the Peace Preservation Ordinance.
3. All arms and ammunition in the possession of any person other than persons in the service of the Government shall be delivered up to the Divisional Adviser, Ebute Irele, within two days of the date hereof.

GIVEN at Government House, Ibadan, this 13th day of January, one thousand nine hundred and fifty-eight.

GOD SAVE THE QUEEN

W.R.L.N. 19 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government elections :—

<i>Returning Officer</i>	<i>Area of Responsibility</i>
Mr E. M. A. Olagunju	Odo-Otin District Council Area.

2. The appointment of Mr J. I. Ozolua, notified in Western Region Legal Notice 234 of 1956, is hereby revoked.

J. F. HAYLEY,
*Electoral Commissioner,
Western Region*

Ibadan, 6th January, 1958.

W.R.L.N. 20 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 1ST JANUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Oshun South East...	Secretary, Egbedore District Council.	Egbedore District Council Area.

2. The appointment of Mr S. A. Ibitoye as Electoral Officer, Egbedore District Council Area, notified in Western Region Legal Notice 49 of 1956, is hereby revoked.

J. F. HAYLEY,
*Electoral Commissioner
Western Region*

Ibadan, 7th January, 1958.

W.R.L.N. 21 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 1ST DECEMBER, 1957

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Oshun Central ...	Treasurer, Oshogbo District Council.	Whole Constituency.

2. The appointment of Secretary, Oshun Divisional Council, notified in Western Region Legal Notice 253 of 1956, is hereby revoked.

J. F. HAYLEY,
*Electoral Commissioner,
Western Region*

Ibadan, 10th January, 1958.

W.R.L.N. 22 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 1ST JANUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Oshun South East ...	Secretary, Egbedore District Council.	Egbedore District Council Area.

2. The appointment of Mr S. A. Ibitoye as Registration Officer, Egbedore District Council Area, notified in Western Region Legal Notice 253 of 1956, is hereby revoked.

J. F. HAYLEY
*Electoral Commissioner,
Western Region*

Ibadan, 7th January, 1958.

W.R.L.N. 23 of 1958*The Public Order Law, 1957*
(No. 24 of 1957)**THE PROHIBITION OF PUBLIC PROCESSIONS (ILAJE DISTRICT COUNCIL AREA) ORDER, 1958**

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Ilaje District Council Area) Order, 1958.

2. The following public processions are hereby prohibited in the area of (Ilaje District Council) during the period commencing on the 15th day of January, 1958, and ending on the 28th day of January, 1958.

All Public Processions.

MADE by me this 15th day of January, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 24 of 1958*The Public Order Law, 1957*
(No. 24 of 1957)**THE PROHIBITION OF PUBLIC PROCESSIONS (IDAPOMETA DISTRICT COUNCIL AREA) ORDER, 1958**

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Idapometa District Council Area) Order, 1958.

2. The following public processions are hereby prohibited in the area of (Idapometa District Council) during the period commencing on the 15th day of January, 1958, and ending on the 28th day of January, 1958.

All Public Processions.

MADE by me this 15th day of January, 1958.

J. S. BELL,
Superior Police Officer

B 24

W.R.L.N. 25 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS (IDAPOMARUN
DISTRICT COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Idapomarun District Council Area) Order, 1958.

2. The following public processions are hereby prohibited in the area of (Idapomarun District Council) during the period commencing on the 15th day of January, 1958, and ending on the 28th day of January, 1958.

All Public Processions.

MADE by me this 15th day of January, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 26 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS (ESE-ODO
DISTRICT COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Ese-Odo District Council Area) Order, 1958.

2. The following public processions are hereby prohibited in the area of (Ese-Odo District Council) during the period commencing on the 15th day of January, 1958, and ending on the 28th day of January, 1958.

All Public Processions.

MADE by me this 15th day of January, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 27 of 1958*The Public Order Law, 1957*
(No. 24 of 1957)**THE PROHIBITION OF PUBLIC PROCESSIONS (ORISUNMETA DISTRICT COUNCIL AREA) ORDER, 1958**

DATE OF COMMENCEMENT : 15TH JANUARY, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Orisunmeta District Council Area) Order, 1958.

2. The following public processions are hereby prohibited in the area of (Orisunmeta District Council) during the period commencing on the 15th day of January, 1958, and ending on the 28th day of January, 1958.

All Public Processions.

MADE by me this 15th day of January, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 28 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)**THE COMPULSORY ACQUISITION OF LAND (EGBA-IFO DISTRICT COUNCIL) AUTHORISATION ORDER, 1958**

DATE OF COMMENCEMENT : 4TH JANUARY, 1958

In exercise of the power conferred upon the Minister of Local Government by section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Egba-Ifo District Council) Authorisation Order, 1958.

2. The Egba-Ifo District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the Schedule of this Order.

SCHEDULE

The land near Ifo Railway Station on the main Abeokuta-Lagos motor road comprising 10.518 acres :—

bounded on the West, Pillar WM 7685 to Pillar No. WM 7688
bounded on the South, Pillar WM 7688 to Pillar No. WM 7687
bounded on the East, Pillar WM 7687 to Pillar No. WM 7686
bounded on the North, Pillar WM 7686 to Pillar No. WM 7685.

MADE at Ibadan this 4th day of January, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 29 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1958 : EKITI WESTERN DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 23RD JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ekiti Western District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ekiti Western District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 2nd day of November, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
13 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 9th January, 1958.

W.R.L.N. 30 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1958 : ODO-OTIN DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 23RD JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Odo-Otin District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Odo-Otin District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of October, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
13 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 9th January, 1958.

W.R.L.N. 31 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF SHEEP AND GOATS ADOPTIVE
BYE-LAWS ORDER, 1958 : EGBEDORE DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 23RD JANUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egbedore District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egbedore District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 21st day of December, 1957, that the Control of Sheep and Goats Adoptive By-laws, 1956, be adopted.

W.R.L.N.
14 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 9th January, 1958.

W.R.L.N. 32 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 1ST FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Electoral Officers have been made :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Egba South ...	Secretary, Otta District Council ...	Whole Constituency.
Egba Central ...	Secretary, Abeokuta Urban District Council ...	Whole Constituency.
Egba West ...	Secretary/Treasurer, Egba-Ifo District Council ...	Whole Constituency.
Egba East ...	Secretary/Treasurer, Egba-Owode District Council ...	Whole Constituency.
Egba North ...	Mr E. B. Craig ...	Whole Constituency.
Egbado North ...	Secretary, Egbado-Ketu District Council ...	Whole Constituency.
Egbado West ...	Secretary/Treasurer, Ipokia District Council ...	Whole Constituency.
Egbado East ...	Secretary/Treasurer, Ilaro District Council ...	Whole Constituency.
Egbado South ...	Secretary/Treasurer, Igbessa District Council ...	Whole Constituency.
Asaba West ...	Secretary, Ika District Council ...	Whole Constituency.
Asaba North ...	Secretary/Treasurer, Asaba Urban District Council ...	Whole Constituency.
Asaba South ...	Secretary/Treasurer, Aniocha District Council ...	Whole Constituency.
Benin West ...	Secretary/Treasurer, Iyekuselu District Council ...	Iyekuselu District Council Area.
...	Secretary/Treasurer, Iyekovia District Council ...	Iyekovia District Council Area.
Benin Central ...	Secretary, Benin City Council ...	Whole Constituency.
Benin East ...	Secretary/Treasurer, Uhumwonde District Council ...	Uhumwonde District Council Area.
...	Secretary/Treasurer, Iyekeorhionwan District Council ...	Iyekeorhionwan District Council Area.
...	Secretary/Treasurer, Akugbe District Council ...	Akugbe District Council Area.
Ishan East ...	Secretary/Treasurer, Uromi-Uzea District Council ...	Uromi-Uzea District Council Area.
...	Secretary/Treasurer, North-East Ishan District Council ...	North-East Ishan District Council Area.
...	Secretary/Treasurer, South-East Ishan District Council ...	South-East Ishan District Council Area.
Ishan West ...	Secretary/Treasurer, Irrua-Ewu District Council ...	Irrua-Ewu District Council Area.
...	Secretary/Treasurer, Ivie-Uda-Esaba District Council ...	Ivie-Uda-Esaba District Council Area.
...	Secretary/Treasurer, West Ishan District Council ...	West Ishan District Council Area.
...	Secretary/Treasurer, Ewohimi-Ewatto-Ewossa District Council ...	Ewohimi-Ewatto-Ewossa District Council Area.
Afenmai North ...	Secretary, Akoko-Edo District Council ...	Whole Constituency.
Afenmai East ...	Secretary, Etsako District Council ...	Whole Constituency.
Afenmai West ...	Secretary, Ivbiosakon District Council ...	Whole Constituency.
Badagry West ...	Secretary, Egun-Awori District Council ...	Whole Constituency.
Badagry East ...	Secretary/Treasurer, Awori District Council ...	Awori District Council Area.
...	Secretary/Treasurer, Ajeromi District Council ...	Ajeromi District Council Area.
Epc West ...	Secretary, Ejinrin District Council ...	Ejinrin District Council Area.
...	Secretary, Ibeju District Council ...	Ibeju District Council Area.
...	Secretary, Ikosi District Council ...	Ikosi District Council Area.

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Epe East ...	Secretary, Lekki District Council ...	Lekki District Council Area.
	Secretary, Epe District Council ...	Epe District Council Area.
	Secretary, Eredo District Council ...	Eredo District Council Area.
Ikeja South ...	Secretary, Mushin District Council...	Whole Constituency.
Ikeja North ...	Secretary, Ikorodu Divisional Council ...	Ikorodu Divisional Council Area.
	Secretary, Agege District Council ...	Agege District Council Area.
	Secretary, Ikeja District Council ...	Ikeja District Council Area.
Aboh East ...	Secretary, Ndosimili District Council ...	Whole Constituency.
Aboh West...	Mr M. K. Ogwu ...	Whole Constituency.
Warri East ...	Mr T. A. Fagbola ...	Whole Constituency.
Warri West ...	Mr E. O. Gbinigie ...	Whole Constituency.
Western Ijaw North	Mr F. Bomor ...	Whole Constituency.
Western Ijaw South	Mr J. Eweruje ...	Whole Constituency.
Urhobo West ...	Secretary, Western Urhobo District Council ...	Western Urhobo District Council Area.
	Secretary, Sapele Urban District Council ...	Sapele Urban District Council Area.
Urhobo Central ...	Secretary, Central Urhobo District Council ...	Whole Constituency.
Urhobo East ...	Secretary, Isoko District Council ...	Whole Constituency.
Ibadan Central ...	Mr S. O. Akinleye ...	Whole Constituency.
Ibadan South-West	Secretary, Ibadan (Provisional) District Council.	Whole Constituency.
Ibadan North-West	Mr N. A. Ajibola ...	Whole Constituency.
Ibadan North-East	Mr J. T. Akinola ...	Whole Constituency.
Ibadan East ...	Mr S. A. Fatola ...	Whole Constituency.
Ibadan South-East	Mr E. A. Amosun ...	Whole Constituency.
Ibadan South ...	Mr J. A. Adewusi ...	Whole Constituency.
Ibadan West ...	Mr I. O. Ajayi ...	Whole Constituency.
Oshun North ...	Mr B. A. Adeuja ...	Whole Constituency.
Oshun North-West	Mr N. D. Oyerinde, O.B.E. ...	Whole Constituency.
Oshun East ...	Secretary, Oshogbo District Council ...	Whole Constituency.
Oshun Central ...	Treasurer, Oshogbo District Council ...	Whole Constituency.
Oshun South ...	Secretary, Iwo District Council ...	Whole Constituency.
Oshun South-East...	Secretary, Aiyedade District Council ...	Aiyedade District Council Area.
	Secretary, Egbedore District Council ...	Egbedore District Council Area.
Oshun North-East...	Secretary/Treasurer, Ifelodun District Council.	Ifelodun District Council Area.
	Secretary/Treasurer, Odo-Otin District Council.	Odo-Otin District Council Area.
	Secretary/Treasurer, Ikirun District Council ...	Ikirun District Council Area.
Oshun West ...	Secretary, Ede District Council ...	Ede District Council Area.
	Mr S. O. Ogundare ...	Ejigbo District Council Area.
Ijebu North ...	Secretary, Ijebu-Igbo District Council ...	Ijebu-Igbo District Council Area.
	Secretary, Ilugun-Alaro District Council ...	Ilugun-Alaro District Council Area.
Ijebu West...	Secretary, Ijebu Northern District Council ...	Ijebu Northern District Council Area.
	Secretary, Ijebu Western District Council...	Ijebu Western District Council Area.
	Secretary, Ijebu Southern District Council...	Ijebu Southern District Council Area.
Ijebu Central ...	Secretary, Ijebu-Ode District Council ...	Whole Constituency.
Ijebu East ...	Secretary, Ijebu Waterside District Council ...	Ijebu Waterside District Council Area.
	Secretary, Ijebu Eastern District Council ...	Ijebu Eastern District Council Area.
	Mr S. T. A. Okunsanya ...	Whole Constituency.
	Mr R. O. Adebambo ...	Whole Constituency.
Iremo North ...	Secretary/Treasurer, Ikoke District Council ...	Whole Constituency.
Iremo South ...	Secretary/Treasurer, Ekiti Western District Council.	Whole Constituency.
Ekiti North ...	Secretary, Ekiti Divisional Council...	Whole Constituency.
Ekiti West ...	Secretary/Treasurer, Ekiti Southern District Council.	Whole Constituency.
Ekiti Central ...		
Ekiti South ...		

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Ondo North ...	Secretary, Akure Divisional Council ...	Whole Constituency.
Ondo East ...	Secretary, Idanre District Council ...	Whole Constituency.
Ondo Central ...	Secretary, Ondo Divisional Council ...	Whole Constituency.
Ondo North-West ...	Secretary, Ile-Oluji District Council ...	Whole Constituency.
Okitipupa North ...	Education Secretary, Okitipupa Divisional Council.	Whole Constituency.
Okitipupa South ...	Secretary, Okitipupa Divisional Council ...	Whole Constituency.
Owo North ...	Secretary, Akoko Divisional Council ...	Whole Constituency.
Owo Central ...	Secretary/Treasurer, Oka District Council ...	Whole Constituency.
Owo West ...	Secretary, Owo Divisional Council ...	Whole Constituency.
Oyo North ...	Secretary, Irepo District Council ...	Whole Constituency.
Oyo West ...	Secretary, Okeiho-Iganna District Council ...	Whole Constituency.
Oyo Central ...	Secretary, Iseyin District Council ...	Whole Constituency.
Oyo East ...	Secretary, Oyo Divisional Council ...	Whole Constituency.
Oyo South ...	Secretary, Oyo Southern District Council ...	Whole Constituency.
Ife North ...	Secretary/Treasurer, Ila District Council ...	Whole Constituency.
Ife Central ...	Secretary, Ife Divisional Council ...	Whole Constituency.
Ife South-West ...	Mr J. O. Otun ...	Whole Constituency.
Ilesha Central ...	Secretary, Ilesha Urban District Council ...	Whole Constituency.
Ilesha South-West ...	Secretary, Ilesha Divisional Council ...	Whole Constituency.

2. All previous appointments of Electoral Officers are hereby revoked.

J. F. HAYLEY,
Electoral Commissioner,
Western Region

Ibadan, 20th January, 1958.

W.R.L.N. 33 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 1ST FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Secretary, Egba Ikereku District Council	Egba Ikereku District Council Area.
Secretary, Imala District Council	Imala District Council Area.
Secretary, Egba-Odeda District Council	Egba-Odeda District Council Area.
Secretary, Egba-Obafemi District Council	Egba-Obafemi District Council Area.
Secretary/Treasurer, Egbado-Ifonyin District Council	Egbado-Ifonyin District Council Area.
Treasurer, Mushin District Council	Mushin District Council Area.
Treasurer, Ikorodu Divisional Council	Ikorodu Divisional Council Area.
Secretary, Warri Divisional Council	Warri Divisional Council Area (except Warri Urban District Council Area).
Secretary, Ndosimili District Council	Ndosimili District Council Area.
Secretary, Ukwuani District Council	Ukwuani District Council Area.
Secretary, Western Ijaw Divisional Council	Western Ijaw Divisional Council Area.
Secretary, Sapele Urban District Council	Sapele Urban District Council Area.
Treasurer, Ejigbo District Council	Ejigbo District Council Area.
Secretary, Egbedore District Council	Egbedore District Council Area.
Secretary, Ijebu Remo Divisional Council	Ijebu Remo Divisional Council Area.
Secretary, Ekiti Northern District Council	Ekiti Northern District Council Area.
Secretary, Otun District Council	Otun District Council Area.
Secretary, Ijero District Council	Ijero District Council Area.
Secretary, Ado District Council	Ado District Council Area.
Secretary, Iddo-Osi District Council	Iddo-Osi District Council Area.
Secretary, Ifedore District Council	Ifedore District Council Area.
Secretary, Ondo Central District Council	Ondo Central District Council Area.
Secretary, Ondo Southern District Council	Ondo Southern District Council Area.
Secretary, Ondo Western District Council	Ondo Western District Council Area.
Secretary, Ikale-Idapomarun District Council	Ikale-Idapomarun District Council Area.
Secretary, Ikale-Idapometa District Council	Ikale-Idapometa District Council Area.
Secretary, Ikare District Council	Ikare District Council Area.
Secretary, Oka District Council	Oka District Council Area.
Secretary, Owo District Council	Owo District Council Area.
Secretary, Ekamarun District Council	Ekamarun District Council Area.
Secretary, Irekari District Council	Irekari District Council Area.
Secretary, Shaki District Council	Shaki District Council Area.
Secretary/Treasurer, Ife District Council	Ife District Council Area.
Mr E. O. Awolola	Ife Divisional Council Area (Except Ife District Council Area).
Mr M. A. Adedeji	Ila District Council Area.
Secretary, Ikale-Orisunmeta District Council	Ikale-Orisunmeta District Council Area.
Secretary/Treasurer, Odo-Otin District Council	Odo-Otin District Council Area.
Mr V. A. Adegoroye	Etsako District Council Area.
Mr T. A. Ajilore	Ilesha Central Constituency.
Mr G. A. O. Abiola	Ilesha South-West Constituency.

2. All previous appointments of Assistant Electoral Officers are hereby revoked.

J. F. HAYLEY,
Electoral Commissioner,
Western Region

Ibadan, January 1958.

W.R.L.N. 34 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT : 30TH JANUARY, 1958

Notice is hereby given under Rule 40A of the Forestry (Southern Provinces Native Authorities) Rules, 1943, as made by the former Oyo Native Authority that the Working Plans in the first column in the schedule hereto have been decided upon for the areas in the second column of the schedule and are available for inspection at the places set out in the third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection at</i>
Ago-Are No. 1	Ago-Are Native Authority ... Forest Reserve (Oyo Division)...	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Oyo/Ibadan at Ibadan.
Ago-Are No. 2	Ago-Are Native Authority ... Forest Reserve No. 2 (Oyo Division).	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Oyo/Ibadan at Ibadan.
Iseyin Plantations	Iseyin Plantations (Oyo Division)	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Oyo/Ibadan at Ibadan.
Oyo Plantations	(a) Old Oyo Plantation ... (b) New Oyo Plantation ...	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Oyo/Ibadan at Ibadan.

Note.—Detailed descriptions of the areas set out in the second column of the schedule are given in the Working Plans.

GIVEN at Oyo this 11th day of November, 1957.

J. ADE. ILORI,
Acting Secretary,
Oyo Divisional Council

E. O. OMOLODUN,
Chairman,
Oyo Divisional Council

APPROVED this 23rd day of November, 1957.

P. A. ALLISON,
Chief Conservator of Forests,
Western Region

W.R.L.N. 35 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT : 30TH JANUARY, 1958

Notice is hereby given under Rule 40A of the Forestry (Southern Provinces Native Authorities) Rules, 1943, as made by the former Oyo Native Authority that the Working Plans in the first column in the schedule hereto have been decided upon for the areas in the second column of the schedule and are available for inspection at the places set out in the third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection at</i>
Shaki Plantation.	Shaki Plantation (Oyo Division)	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Ibadan.
Oke-Iho Plantation	Oke-Iho Plantation (Oyo Division).	(a) Office of the Chief Conservator of Forests, Ibadan. (b) Office of the Provincial Forest Officer, Ibadan.

Note.—Detailed descriptions of the areas set out in the second column of the schedule are given in the Working Plans.

GIVEN at Oyo this 4th day of December, 1957.

J. ADE. ILORI,
Secretary,
Oyo Divisional Council

E. O. OMOLODUN,
Chairman,
Oyo Divisional Council

APPROVED this 9th day of January, 1958.

P. A. ALLISON,
Chief Conservator of Forests,
Western Region

W.R.L.N. 36 of 1958

The Forestry Ordinance (Cap. 75)

AKURE-OFOSU EXTENSION FOREST RESERVE

DATE OF COMMENCEMENT : 12TH DECEMBER, 1957

ERRATUM

In Western Region Legal Notice 390 of 1957 published in the Supplement to the *Western Region of Nigeria Gazette* No. 60 of 19th December, 1957, page B 474, line 23, last word—"Ofosu" should read "Ohosu".

W.R.L.N. 37 of 1958

*The Statutory Powers and Duties of Administrative Officers
(Transfer) Law, 1956
(No. 4 of 1957)*

THE TRANSFER OF ADMINISTRATIVE OFFICERS POWERS
(DIRECT TAXATION ORDINANCE) ORDER, 1958

DATE OF COMMENCEMENT : 13TH JANUARY, 1958

In exercise of the powers conferred upon the Governor in Council by section 2 of the Statutory Powers and Duties of Administrative Officers (Transfer) Law, 1956, the following Order is hereby made :—

1. This Order may be cited as the Transfer of Administrative Officers' Powers (Direct Taxation Ordinance) Order, 1958.
2. The powers of Provincial Advisers under the Direct Taxation Ordinance are hereby transferred to Local Government Advisers appointed under section 90 of the Local Government Law, 1957.
3. The Transfer of Administrative Officers' Powers (Direct Taxation Ordinance) Order, 1957 is hereby revoked.

MADE in Council this 13th day of January, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 38 of 1958

*The Nigeria Town and Country Planning Ordinance
(Cap. 155)*

APPOINTMENT OF MEMBER OF
IFE TOWN PLANNING AUTHORITY

DATE OF COMMENCEMENT : 30TH JANUARY, 1958

Appointment of Member of Ife Town Planning Authority.

In exercise of the powers conferred on the Governor by section 5 of the Nigeria Town and Country Planning Ordinance, the following appointment as member of Ife Town Planning Authority is hereby made :—

MR J. R. OYE.
MR GABRIEL OLA.

By His Excellency's Command,

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 39 of 1958

The Education Law, 1954
(No. 6 of 1955)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 30TH JANUARY, 1958

In exercise of the powers conferred upon me by section 3 of the Education Law, 1954, I do hereby delegate to the public officer in the third column of the Schedule the powers conferred upon me set out in the second column of the Schedule.

SCHEDULE

<i>Section</i>	<i>Powers conferred</i>	<i>Officer</i>
Sub-section (1) of section 8 of the Education Law, 1954.	Making of an order declaring the managers or governors, as the case may be, of any public, primary or secondary modern school or any public higher institution which have failed to discharge any duty imposed upon them by or under this Law, to be in default in respect of that duty, and giving such directions for the purpose of enforcing the execution thereof as appear to him to be expedient.	Permanent Secretary, Ministry of Education.

MADE at Ibadan this 10th day of January, 1958.

AYO OKUSAGA,
Minister of Education

W.R.L.N. 40 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE RATING APPEAL (AMENDMENT) REGULATIONS, 1958

DATE OF COMMENCEMENT : 20TH JANUARY, 1958

In exercise of the powers conferred upon the Minister to whom responsibility for local government is assigned the following Regulations are hereby made :—

Citation. 1. These Regulations may be cited as the Rating Appeal (Amendment) Regulations, 1958.

Amendment
of
Regulation
17 (1) of the
Rating
Appeal
Regulations,
1957.

2. Regulation 17 (1) of the Rating Appeal Regulations, 1957 is hereby amended by the deletion of the full stop at the end thereof and by the addition of the following expression "or remit any fee payable by a successful appellant".

MADE at Ibadan this 20th day of January, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 41 of 1958

The Aid to Pioneer Industries Ordinance, 1952
(No. 10 of 1952)

AID TO PIONEER INDUSTRIES (No. 1) ORDER, 1958

DATE OF COMMENCEMENT : 9TH JANUARY, 1958

WHEREAS representations have been received pursuant to sub-section (i) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products :

AND WHEREAS all necessary steps have been taken, pursuant to sub-sections (1), (2) and (3) of section 3 of the said Ordinance, prior to the making of this Order ;

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General by sub-section (3) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, the following Order is hereby made :—

1. This Order may be cited as the Aid to Pioneer Industries (No. 1) Order, 1958. Citation.

2. It is hereby declared that— Declaration.

(a) the industry set out in the Schedule hereto shall be a pioneer industry ; and

(b) the products set out in the Schedule hereto of such industry shall be pioneer products of such industry.

SCHEDULE

<i>Industry</i>	<i>Products</i>
Manufacture of goods made wholly or partly of metal, other than precious metals.	Glazed or unglazed metal doors and windows including louvres, metal curtain walling, extruded metal sections, corrugated metal sheets, metal tubes, metal scaffolding manufactured out of tubes made in Nigeria, furniture made wholly or mainly of metal, hurricane lamps, kitchen-ware and other household utensils made wholly or mainly of metal, and nuts, bolts, rivets, washers, screws and nails.

MAURICE JENKINS,
Acting Deputy Secretary to the Council of Ministers

Lagos, 3rd January, 1958.

I. 0214/S. 45.

W.R.L.N. 42 of 1958

The Education Law, 1954

(No. 6 of 1955)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 27TH JANUARY, 1958

In exercise of the powers conferred upon me by section 3 of the Education Law, 1954, I do hereby delegate to the public officers in the third column of the Schedule the powers conferred upon me set out in the second column of the Schedule.

SCHEDULE

<i>Regulation</i>	<i>Powers conferred</i>	<i>Officers</i>
Regulation 22A of the Teachers (General Provisions) Regulations, 1956.	To give approval for any teacher to act as the teacher in charge of a school where there is difficulty in obtaining the services of a teacher who is qualified under regulations 20, 21 and 22 of the Teachers (General Provisions) Regulations, 1956.	Senior Education Officers.

MADE at Ibadan this 27th day of January, 1958.

AYO OKUSAGA,
Minister of Education

W.R.L.N. 43 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1958 : OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 6TH FEBRUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 3rd day of December, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted. W.R.L.N. 15 of 1956

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th January, 1958.

W.R.L.N. 44 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF PIGS ADOPTIVE BYE-LAWS
ORDER, 1958 : OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 6TH FEBRUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 3rd day of December, 1957, that the Control of Pigs Adoptive Bye-laws, 1956, be adopted. W.R.L.N. 12 of 1956

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th January, 1958.

W.R.L.N. 45 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1958 : ODO-OTIN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 6TH FEBRUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Odo-Otin District Council by section 82 (2) and 271 of the Local Government Law, 1957, the Odo-Otin District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of October, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
11 of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 15th January, 1958.

W.R.L.N. 46 of 1958

*ORDER made under THE FORESTRY ORDINANCE**(Cap. 75)*OYO DIVISIONAL COUNCIL FOREST RESERVE
(ODO-OGUN FUEL PLANTATION) ORDER, 1958

DATE OF COMMENCEMENT : 13TH FEBRUARY, 1958

WHEREAS the necessary steps have been taken in accordance with the provisions of section 23 of the Forestry Ordinance :

NOW THEREFORE in exercise of the powers conferred by section 22 of the said Ordinance, it is hereby ordered by the Oyo Divisional Council with the approval of the Minister of Agriculture and Natural Resources to whom power of approval has been delegated, as follows :—

1. This Order may be cited as the Oyo Divisional Council Forest Reserve (Odo-Ogun Fuel Plantation) Order, 1958.

2. All that piece of land the situation and limits of which are set forth in the Schedule hereto shall constitute a Local Government Council Forest Reserve within the meaning of the Ordinance, which reserve shall be known as the Oyo Divisional Council Forest Reserve (Odo-Ogun Fuel Plantation).

SCHEDULE

All that piece of land containing nought decimal two nought square mile or thereabouts situated on the left bank of the River Ogun on either side of the 1954 motor road from Oyo to Iseyin in the Oyo Division of the Oyo Province and bounded as follows :—

Starting from a point, the approximate co-ordinates of which are 3° 43' E and 7° 54' N., situated where the left hand side of the 1954 motor road from Oyo to Iseyin crosses the left bank of the Ogun River (Nigeria Survey 1 : 500,000, Sheet 9 of 1953) and marked by Beacon No. O.N.A. 1, by the left bank of the Ogun River upstream in a general north-easterly direction for a distance of approximately 1,070 feet to Beacon No. O.N.A. 2 situated on the left bank of the Ogun River ; thence by a straight line cut on a bearing of 38 degrees for a distance of 582 feet to Beacon No. O.N.A. 3 ; thence by a straight line cut on a bearing of 123 degrees 30 minutes for a distance of 1,419 feet to Beacon No. O.N.A. 4 ; thence by a straight line cut on a bearing of 116 degrees for a distance of 426 feet to Beacon No. O.N.A. 5 ; thence by a straight line cut on a bearing of 213 degrees for a distance of 911 feet to Beacon No. O.N.A. 6 situated on the right hand side of the 1954 motor road from Oyo to Iseyin ; thence by the right hand side of the 1954 motor road from Oyo to Iseyin in a general westerly direction for a distance of 1,262 feet to Beacon No. O.N.A. 7 situated on the right hand side of the 1954 motor road from Oyo to Iseyin ; thence by a straight line cut on a bearing of 34 degrees for a distance of 203 feet to Beacon No. O.N.A. 8 ; thence by a straight line cut on a bearing of 304 degrees 30 minutes for a distance of 66 feet to Beacon No. O.N.A. 9 ; thence by a straight line cut on a bearing of 20 degrees 30 minutes for a distance of 82 feet to Beacon No. O.N.A. 10 ; thence by a straight line cut on a bearing of 308 degrees for a distance

SCHEDULE—contd.

of 286 feet to Beacon No. O.N.A. 11 ; thence by a straight line cut on a bearing of 222 degrees 30 minutes for a distance of 342 feet, and crossing the 1954 motor road from Oyo to Iseyin, to Beacon No. O.N.A. 12 situated on the left hand side of the 1954 motor road from Oyo to Iseyin ; thence by the left hand side of the 1954 motor road from Oyo to Iseyin in a south-easterly direction for a distance of 132 feet to Beacon No. O.N.A. 13 situated on the left hand side of the 1954 motor road from Oyo to Iseyin ; thence by a series of straight cut lines the bearings and lengths of which are as follows :—

<i>From Beacon No.</i>	<i>Bearing</i>	<i>Length</i>	<i>To Beacon No.</i>
O.N.A. 13	217 degrees 30 minutes	180 feet	O.N.A. 14
O.N.A. 14	131 degrees 30 minutes	231 feet	O.N.A. 15
O.N.A. 15	218 degrees 30 minutes	762 feet	O.N.A. 16
O.N.A. 16	129 degrees 30 minutes	131 feet	O.N.A. 17
O.N.A. 17	217 degrees 30 minutes	1,282 feet	O.N.A. 18
O.N.A. 18	305 degrees 30 minutes	2,013 feet	O.N.A. 20
(through O.N.A. 19)			

situated on the left bank of the River Ogun ; thence by the left bank of the River Ogun upstream in a general north-easterly direction for a distance of approximately 2,930 feet to the starting point.

All beacons are numbered concrete pillars.

All bearings are referred to True North and are adjusted from Magnetic bearings observed during the month of October 1954.

All distances and bearings are approximate only, distances being those actually measured along the ground and not reduced to the horizontal.

Made this 11th day of November, 1957.

E. O. OMOLODUN,
Chairman

J. ADE. ILORI,
Secretary

Witness to Signature :—

M. A. FATOKI,
Clerk of Council

Signified in accordance with the Oyo Divisional Council Standing Rules dated the 27th day of October, 1955.

APPROVED this 26th day of August, 1957.

G. AKIN. DEKO,
*Minister of Agriculture and
Natural Resources*

W.R.L.N. 47 of 1958

The Forestry Ordinance (Cap. 75)

NEW OYO PLANTATION (OYO) FOREST RESERVE

DATE OF COMMENCEMENT : 13TH FEBRUARY, 1958

Under the provisions of section 10 (2) of the Forestry Ordinance (Cap. 75), notice is hereby given that those lands, the limits and situations of which are set forth in the First Schedule, published below, subject to the rights affecting the same as set forth in the Second Schedule, also published below, will be constituted a forest reserve within the meaning of the above Ordinance. In accordance with section 10 (1) of the above Ordinance, judgment has already been given by the Reserve Settlement Officer on 16th December, 1957.

FIRST SCHEDULE

All that piece of land containing approximately twenty seven point nine acres, situated on the South-Eastern part of the Oyo Division of Oyo Province, the boundaries of which are described in the Western Region Legal Notice 217 in the *Western Region of Nigeria Gazette* No. 41 of 29th August, 1957.

SECOND SCHEDULE

Rights : None.

Made in Ibadan this 6th day of February, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 48 of 1958

The Waterworks Ordinance (Cap. 227)

THE IFE TOWN (WATERWORKS CHARGES) REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

Short title, commencement and application.

1. (i) These regulations may be cited as the Ife Town (Waterworks Charges) Regulations, 1958, and shall be deemed to have come into force on the 1st day of April, 1957.

(ii) These regulations shall apply to all tenements supplied with water by means of a private service from the Ife waterworks.

Charges for water supplied.

2. The following rates of payment shall apply to tenements supplied by means of a private service—

(a) to any tenement where the quantity of water is measured by a meter, at the rate of one shilling and six pence per 1,000 gallons ;

(b) to any tenement in which a meter is not installed :

(i) thirty shillings per annum for the first tap, and

(ii) ten shillings per annum for every subsequent tap.

Exemption.

3. The following tenements shall be exempt from any charge for water imposed by these regulations—

(a) cemeteries ;

(b) places of worship ;

(c) public recreation grounds ;

(d) the town slaughter house.

Payment.

4. Payment of the charges levied under these regulations shall be made by the occupier to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority.

Revocation of Regulations 22 of 1943.

5. The Waterworks (Ife Town) Regulations, 1943, are hereby revoked.

MADE at Ibadan this 3rd day of February, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 49 of 1958

*The Waterworks Ordinance (Cap. 227)*THE WATERWORKS (OSHOGBO GENERAL WATER RATE)
ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

1. This Order may be cited as the Waterworks (Oshogbo General Water Rate) Order, 1958, and shall apply to the town of Oshogbo. **Short title.**
2. Subject to paragraph 3 of this order an annual general water rate of twenty shillings is hereby levied on all male persons of or over sixteen years of age resident in the town of Oshogbo. **Levy of general water rate.**
3. The following classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :— **Exemptions.**
- (a) students in full time attendance at any school, college or training centre ;
- (b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;
- (c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempt in respect of any one tenement.

4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957. **Rate to be payable in advance.**

MADE by the Oshogbo District Council this 25th day of October, 1957, the common seal of the Council having been affixed in the presence of :—

S. A. OYANIYUN,
Chairman,
Oshogbo District Council

E. A. ADEJUMO,
Secretary,
Oshogbo District Council

Signified in accordance with the Oshogbo District Council Standing Orders, dated 7th September, 1954.

APPROVED by the Minister of Local Government this 4th day of February, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 50 of 1958

*BYE-LAWS made under THE LOCAL GOVERNMENT
LAW, 1957 (No. 12 of 1957)*

THE IJEBU WESTERN DISTRICT COUNCIL
(CONTROL OF TRAFFIC) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 6TH FEBRUARY, 1958

In exercise of the powers conferred upon the Ijebu Western District Council by section 81 of the Western Region Local Government Law, 1957 and Western Region Legal Notice 16 of 1955, the following Bye-laws have been made by the Ijebu Western District Council, with the approval of the Minister of Local Government to whom powers of approval have been delegated.

Short title. 1. These Bye-laws may be cited as the Ijebu Western District Council (Control of Traffic) Bye-laws, 1957.

Definitions.

2. In these Bye-laws—

“Council” means the Ijebu Western District Council ;

“bus stop” means a standing place set out in the Schedule to these bye-laws as a bus stop ;

“hackney carriage” means any motor vehicle standing or plying for hire and does not include a stage carriage ;

“stage carriage” means any motor vehicle standing or paying for hire on a highway intended for the carriage of passengers such passengers paying separate or distinct or at the rate of separate or distinct fares for their respective places.

3. (1) It shall be unlawful for any person to cause or permit any commercial vehicle to park or station on any part of the street or road within Odogbolu and Aiyeye towns.

(2) It shall be unlawful for any person while in charge of a hackney carriage, stage carriage or commercial vehicle to stand or ply for hire at any place except a stand or place appointed and approved by the Council.

(3) It shall be unlawful for any person while in charge of a hackney carriage, stage carriage or commercial vehicle to take up or set down passengers except at the bus stops prescribed by the Council.

(4) It shall be unlawful for any owner, driver or conductor or any person acting on behalf of the owner, driver or conductor of a hackney or stage carriage standing or plying for hire to speak, make any noise or sound any instrument in order to attract the attention of the public or of a possible passenger or to act in any way so as to make himself objectionable or a nuisance to any person or so as to cause any annoyance or inconvenience to any person.

Penalty.

4. Any person who contravenes any of the provisions of bye-law 3 shall be guilty of an offence and shall be liable to a fine of £10.

SCHEDULE

BUS STOPS

- | | | |
|--|--------|------------|
| 1. At a point near Odo night market, Odogbolu | ... | 5 minutes. |
| 2. At a point at Itun Oridan on Odogbolu-Aiyeye Road | | 5 minutes. |
| 3. At a point at Agada, Odogbolu | ... .. | 5 minutes. |
| 4. At a point at the old market site, Aiyeye | ... .. | 5 minutes. |
| 5. At a point at Odolowu, Aiyeye on Aiyeye-Ikenne Road | ... .. | 5 minutes. |

MADE by the Ijebu Western District Council this 14th day of December, 1957, the common seal of the Ijebu Western District Council having been hereto affixed in the presence of :

M. A. TAIWO,
Secretary

J. O. ODUMOSU,
Chairman

Signified in accordance with the Ijebu Western District Council Standing Orders, 1956, made on the 10th day of March, 1956.

APPROVED at Ibadan this 6th day of February, 1958.

A. O. OGEDENGBE,
Minister of Works and Transport

W.R.L.N. 51 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1958 : OKEHO/IGANNA DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 13TH FEBRUARY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of December, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th January, 1958.

W.R.L.N. 52 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 1ST FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Ikeja South ...	Secretary, Mushin District Council.	Whole Constituency.

2. The appointment of Mr J. O. Faneye as Registration Officer, Ikeja South, notified in Western Region Legal Notice 253 of 1956 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 1st February, 1958.

W.R.L.N. 53 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 1ST FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government Elections :—

<i>Returning Officer</i>	<i>Area of Responsibility</i>
Secretary/Treasurer	Ajeromi District Council Area.

2. The appointment of Mr T. O. Avoseh, notified in Western Region Legal Notice 216 of 1956 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 6th February, 1958.

W.R.L.N. 54 of 1958

The Road Traffic Ordinance, 1948

THE IJEBU-ODE DISTRICT COUNCIL : (CONTROL OF TRAFFIC)
(AMENDMENT) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 28TH JANUARY, 1958

In exercise of the powers conferred upon the Ijebu-Ode District Council by section 11 of the Road Traffic Ordinance, 1948, and Western Region Legal Notice 11 of 1955, these Bye-laws are made with the approval of the Minister of Works and Transport :—

1. These Bye-laws may be cited as the Ijebu-Ode District Council (Control of Traffic) (Amendment) Bye-laws, 1957.

2. The Ijebu-Ode District Council (Control of Traffic) Bye-laws, 1955, are hereby amended by adding the following paragraphs to the Schedule to the Bye-laws :—

"5. At a point at Abeokuta Road opposite G.B. Ollivant's Staff Club House, Ijebu-Ode, not more than 5 minutes.

"6. At a point at Olisa Street, near the junction of Imoru Road, Ijebu-Ode, not more than 5 minutes.

"7. At a point at Erunwon Road, near the junction of Talbot/Erunwon Road, Ijebu-Ode, not more than 5 minutes".

MADE by the Ijebu-Ode District Council this 27th day of April, 1957, the common seal of the Council having been affixed in the presence of :—

T. A. BELLA,
Chairman,
Ijebu-Ode District Council

C. A. ADERIBIGBE,
Secretary,
Ijebu-Ode District Council

Signified in accordance with the Ijebu-Ode District Council Standing Orders, dated 25th June, 1955.

APPROVED at Ibadan this 28th day of January, 1958.

A. O. OGEDENGBE,
Minister of Works and Transport

W.R.L.N. 55 of 1958

The Road Traffic Ordinance, 1947
 (No. 43 of 1947)

THE ROAD TRAFFIC (LICENSING AUTHORITIES)
 NOTICE, 1958

DATE OF COMMENCEMENT : 15TH FEBRUARY, 1958

In exercise of the powers conferred by paragraph (a) of sub-section (1) of section 3 of the Road Traffic Ordinance, 1947, and section 28 of the Interpretation Ordinance (Cap. 94), the Governor, after consultation with the Executive Council, has issued the following Notice :—

- | | |
|--|---|
| 1. This Notice may be cited as the Road Traffic (Licensing Authorities) Notice, 1958, and shall have effect as from the 15th day of February, 1958. | Title and commencement. |
| 2. The appointments of the Ibadan (Provisional) District Council and of the Oyo Divisional Council to be licensing authorities for the purposes of the Road Traffic Ordinance, 1947 are hereby revoked. | Revocation of appointments. |
| 3. The Licensing Officer, Licensing Section, Ministry of Finance, Western Region, Ibadan, is hereby appointed a licensing authority for the purposes of the Road Traffic Ordinance, 1947, and the distinctive letters "WA" are accordingly assigned to such licensing authority. | Appointment of new licensing authority. |

ISSUED at Ibadan this 3rd day of February, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
 Executive Council*

W.R.L.N. 56 of 1958

ORDER made under THE BUILDING LINES LAW, 1957
(Cap. 24)

DATE OF COMMENCEMENT : 31ST JANUARY, 1958

In exercise of the powers conferred upon the Minister by sections 4 and 6 of the Western Region Building Lines Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Building Lines (Amendment No. 1) Order, 1958.

Amends
Schedule
Order in
Council 29
of 1940.

2. The Schedule to the Building Lines Order in Council is hereby amended by the insertion of the particulars set out in the Schedule hereto immediately after the particulars set out under the heading "Colony Province".

SCHEDULE

Route No.	Road	Mileage		Obstruction Free Area		Remarks
		From	To	Left	Right	
	Isheri-Ikeja new link road.	Mile 2+2,800 on Trunk Road A.5.	Mile 0+2,030 on Ikeja-Isheri Road Route 393.	50 feet	50 feet	

MADE by the Minister of Works and Transport at Ibadan this 31st day of January, 1958.

D. M. ELLIOTT,
Permanent Secretary,
Ministry of Works and Transport

W.R.L.N. 57 of 1958

The Survey Ordinance (No. 29 of 1952)

DELEGATION OF POWER

DATE OF COMMENCEMENT : 1ST FEBRUARY, 1958

In exercise of the powers conferred upon the Regional Director of Surveys by section 36 of the Survey Ordinance, I hereby delegate to the officers of the Regional Survey Department of the Western Region set out hereunder in the first column the powers set out hereunder in the second column :—

1	2	
G. ARNETT... ..	... ..	} All the powers of the Regional Director conferred by section 23 of the Survey Ordinance, 1952, to counter-sign maps, plans and diagrams of land.
R. O. COKER ... ..	... ..

W.R.L.N. 11 of 1957 is hereby cancelled.

W. GASCOYNE,
*Acting Director of Surveys,
Western Region*

Ibadan, January 1958.

W.R.L.N. 58 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

DATE OF COMMENCEMENT : 13TH FEBRUARY, 1958

In exercise of the power conferred upon him by sub-section (4) of section 10 of the Public Order Law, 1957, the Governor has in his discretion specified the rank of Corporal for the purposes of that sub-section ; and, accordingly, in the area for which the force is established, a member of a local government police force being not below the rank of Corporal shall have the powers conferred upon a police officer by sub-section (3) of section 7 and sub-section (3) of section 10 of the Public Order Law, 1957.

DATED at Ibadan this 6th day of February, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 59 of 1958

The Local Government Law, 1957

(No. 12 of 1957)

THE ISHAN JOINT WATER BOARD INSTRUMENT, 1958

DATE OF COMMENCEMENT : 20TH FEBRUARY, 1958

In exercise of the powers conferred upon them by section 56 of the Local Government Law, 1957, the following Instrument is made by the Irrua-Ewu District Council, the Ivie-Uda-Esaba District Council, the Uromi-Uzea District Council, the North-East Ishan District Council and the West Ishan District Council :—

1. The Instrument may be cited as the Ishan Joint Water Board Instrument, 1958. Short title.
2. In this Instrument—
 - “contributing councils” means the councils by which this Instrument is made ;
 - “the joint board” means the board established by paragraph 3 of this Instrument.
3. The contributing councils hereby appoint a joint board for the purpose of the joint operation of the Ishan water undertaking, in so far as their respective functions have been delegated under and by virtue of paragraph 8 of this Instrument. Establishment of joint board.
4. (1) The joint board shall consist of five members to be appointed by the Irrua-Ewu District Council, five members to be appointed by the Ivie-Uda-Esaba District Council, six members to be appointed by the Uromi-Uzea District Council, one member to be appointed by the North-East Ishan District Council, one member to be appointed by the West Ishan District Council and the following *ex-officio* members— Membership of joint board and method of appointment.
 - (a) the Water Authority or his representative ; and
 - (b) the Director of Public Works or his representative.
- (2) Each member of the joint board to be appointed by a contributing council shall be selected for appointment by the contributing council by ballot.
- (3) A contributing council may appoint any person of full age to be a member of the joint board, whether or not that person is a member of any contributing council.
5. (1) Each member of the joint board, other than an *ex officio* member, shall hold office for three years when he shall retire without prejudice to his reappointment under the provisions of this Instrument. Tenure of office.
- (2) The seat of a member of the joint board, other than an *ex-officio* member, shall become vacant—
 - (a) at the expiration of his term as provided by the preceding paragraph ;
 - or
 - (b) upon his death ; or
 - (c) if he resigns by notice in writing addressed to the chairman ; or

- (d) upon the dissolution of the contributing council he represents ; or
- (e) if he is absent from four consecutive meetings of the joint board ; or
- (f) where he is a member of the contributing council he represents, if he ceases to be a member of that contributing council.

Appointment of chairman. 6. (1) When the joint board first meets and thereafter whenever the office of the chairman becomes vacant, the members of the joint board shall elect a chairman (not being one of the *ex-officio* members) from amongst their number.

- (2) The office of chairman shall become vacant—
- (a) at the commencement of the first meeting of the joint board occurring more than twelve months after his election ; or
 - (b) if he ceases to be a member of the joint board ; or
 - (c) if he dies ; or
 - (d) if he resigns by writing under his hand addressed to the secretary of the joint board.

Transfer of staff and property. 7. There shall be transferred to and vest in the joint board, with effect from the commencement of this Instrument—

- (a) all such employees of the contributing councils who are engaged directly in the operation of the water undertaking ;
- (b) all rights and liabilities of the contributing councils in connection with the water undertaking ;
- (c) all property held by the contributing councils for the purpose of the water undertaking.

Delegation of functions. 8. There shall be delegated to the joint board with effect from the commencement of this Instrument, all the functions and powers of the contributing councils relating to the operation of the water undertaking, and such functions shall, subject to the provisions of the Waterworks Ordinance, include specifically the following—

Cap. 227.

- (a) control of the finances of the water undertaking ; and
- (b) control of arrangements for extensions to be made to the water supply and the power to put such arrangements into effect, subject to the advice of the Water Authority.

Signed, sealed and delivered on behalf of Irrua-Ewu District Council.

CHIEF I. OJIEFO II,
President

M. O. IJIE,
Chairman

Signed, sealed and delivered on behalf of Ivie-Uda-Esaba District Council.

CHIEF ABUMERE,
President

P. DAME OBOH,
Chairman

Signed, sealed and delivered on behalf of Uromi-Uzea District Council.

CHIEF UWAGBALE,
President

E. ERIAKHA,
Chairman

Signed, sealed and delivered on behalf of North-East Ishan District Council.

CHIEF S. U. ELABOR,
President

V. E. A. IMOFIDON,
Chairman

Signed, sealed and delivered on behalf of West Ishan District Council.

J. O. OMIGIE,
Chairman

In the presence of :—

F. E. OKOUGHA,
Secretary/Treasurer,
Irrua-Ewu District Council

B. M OBOH,
Secretary/Treasurer,
Ivie-Uda-Esaba District Council

T. O OKOJIE,
Secretary/Treasurer.
Uromi-Uzea District Council

J. O. IHUEUOBE,
Secretary/Treasurer,
North-East Ishan District Council

C. O. IHENSEKHEN,
Secretary/Treasurer,
West Ishan District Council

APPROVED this 7th day of February, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 60 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE COLLECTION OF RATES (DEFAULT) ORDER, 1958

DATE OF COMMENCEMENT : 3RD FEBRUARY, 1958

In exercise of the powers conferred upon the Governor in Council by section 89 (1) (a) of the Local Government Law, 1957, the following Order is hereby made :—

Short title. 1. This Order may be cited as the Collection of Rates (Default) Order, 1958.

Councils declared to be in default. 2. The councils listed in the Schedule to this order are hereby declared to be in default in the performance of the function of collecting and enforcing the payment of rates conferred and imposed upon them by the Local Government Law, 1957, hereinafter referred to as "the Law".

Directions to enforce performance of functions. 3. (1) The councils listed in the Schedule to this order are hereby directed to perform the functions referred to in paragraph 2 by taking such action as will ensure that they will collect before the 28th day of February, 1958, not less than three-quarters of the total estimated revenue to be derived from rates during the financial year 1957-58 ; and such action shall include the prosecution under section 251 of the Law, of not less than six persons in each ward of the council who have refused to pay the rates payable by them under the Law on or before the date on which it is payable or the prosecution of all such persons if the number in any ward is less than six.

(2) The expression "estimated revenue" in sub-paragraph (1) of this paragraph means the estimated revenue from rates, shown in the estimates as approved under section 120 of the Law of the council concerned.

SCHEDULE

The Odo-Otin District Council
The North-East Ishan District Council
The South-East Ishan District Council
The West Ishan District Council
The Ewohimi-Ewatto-Ewossa District Council
The Irrua-Ewu District Council
The Ivie-Uda-Esaba District Council
The Iyekovia District Council
The Benin City Council
The Ibadan (Provisional) District Council
The Akure Divisional Council
The Akoko Divisional Council
The Ado District Council
The Ekiti Southern District Council

SCHEDULE—*contd.*

The Ekiti Northern District Council
The Otun District Council
The Ikale Orisunmeta District Council
The Ikale Idapometa District Council
The Ese-Odo District Council
The Ilaje District Council.

MADE by the Governor in Council at Ibadan this 3rd day of February, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 61 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

REVOCATION OF DECLARATION OF INFECTIOUS DISEASE

DATE OF COMMENCEMENT : 20TH FEBRUARY, 1958

In exercise of the powers conferred upon me by section 2 of the Public Health Law, 1957, I, JAMES OLADEJO ADIGUN, Minister of Health and Social Welfare, hereby revoke the Public Notice No. 825 of 15th August, 1957 (declaring influenza to be a notifiable infectious disease within the meaning of the said Law).

DATED this 26th day of November, 1957.

J. O. ADIGUN,
Ministers of Health and Social Welfare

W.R.L.N. 62 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 20TH FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, Western Region Legal Notice 181 of 1957 hereby amended as follows :—

Delete "Secretary" Ilesha Urban District Council and *insert* "Secretary/
Treasurer" Ilesha Urban District Council as Electoral Officer, Ilesha Central,
notified in Western Region Legal Notice 32 of 1958.

S. J. HENRY,
Electoral Commissioner,
Western Region

MADE at Ibadan this 12th day of February, 1958.

W.R.L.N. 63 of 1958

*ORDER made under THE NIGER LANDS TRANSFER
ORDINANCE (Cap. 149)*

DATE OF COMMENCEMENT : 20TH FEBRUARY, 1958

In exercise of the powers conferred upon the Governor by section 10 of the Niger Lands Transfer Ordinance which powers have been delegated to me under Western Region Legal Notice 72 of 1956, the following Order is hereby made :—

1. This Order may be cited as the Niger Lands (Divesting) No. 1 Order, 1958.
2. It is hereby declared that all the right, title or interest in that parcel of land referred to in Instrument Number 4 in the First Schedule to the Niger Lands Transfer Ordinance is abandoned with effect from the date of publication of this order in the *Western Region of Nigeria Gazette*.

MADE this 31st day of January, 1958.

J. O. OSUNTORUN,
Minister of Lands and Labour

W.R.L.N. 64 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT APPOINTING A JOINT EDUCATION BOARD
FOR THE IVIE-UDA-ESABA, IRRUA-EWU,
UROMI-UZEA, WEST ISHAN, NORTH-EAST ISHAN,
SOUTH-EAST ISHAN AND EWOHIMI-EWATTO-EWOSSA
DISTRICT COUNCIL AREAS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers conferred upon them by section 56 of the Local Government Law, 1957, the following Instrument is made by the Ivie-Uda-Esaba District Council, the Irrua-Ewu District Council, the Uromi-Uzea District Council, the West Ishan District Council, the North-East Ishan District Council, the South-East Ishan District Council, the Ewohimi-Ewatto-Ewossa District Council and the Ishan Provisional Authority :—

1. This Instrument may be cited as the Ishan Joint Education Board Instrument, 1958. Short title.
2. In this Instrument—
 - “contributing councils” means the councils by which this Instrument is made ; Definitions.
 - “the joint board” means the board established by paragraph 3 of this Instrument.
3. The contributing councils hereby appoint a joint board for the purpose of discharging all such functions relating to education as are conferred upon them by their Instruments of appointment ; Duties of the joint Board.
4. (1) The joint board shall consist of eighteen members of whom four shall be appointed by the Uromi-Uzea District Council, three shall be appointed by the West Ishan District Council, three shall be appointed by the Ivie-Uda Esaba District Council, three shall be appointed by the Irrua-Ewu District Council, two shall be appointed by the North-East Ishan District Council, two shall be appointed by the Ewohimi-Ewatto-Ewossa District Council, and one shall be appointed by the South-East Ishan District Council. Membership.
 - (2) Each member of the joint board to be appointed by a contributing council shall be selected for appointment by the contributing council from among its own members by ballot.
5. (1) Each member of the joint board shall, subject to the provisions of sub-paragraph 2 of this paragraph, hold office for three years when he shall retire without prejudice to his re-appointment under the provisions of this Instrument. Tenure of Office of Members.
 - (2) The seat of a member of the joint board shall become vacant—
 - (a) at the expiration of his term of office as provided for in sub-paragraph (1) of this paragraph ; or
 - (b) upon his death ; or

- (c) if he resigns by notice in writing addressed to the chairman ; or
- (d) upon the dissolution of the contributing council he represents ; or
- (e) if he ceases to be a member of the contributing council which he represents ; or
- (f) if he is absent from four consecutive meetings of the joint board.

Appointment of Chairman.

6. (1) When the joint board first meets and thereafter whenever the office of the chairman becomes vacant, the members of the joint board shall elect a chairman from amongst their number.

(2) The office of chairman shall become vacant—

- (a) at the commencement of the first meeting of the joint board occurring more than twelve months after his election ; or
- (b) if he ceases to be a member of the joint board ; or
- (c) if he dies ; or
- (d) if he resigns by writing under his hand addressed to the Secretary of the joint board.

Transfer of staff and property.

7. There shall be transferred to and vest in the joint board, with effect from the commencement of this Instrument—

- (a) all administrative staff of the contributing councils who are directly engaged in the discharge of education functions and all teaching staff employed by the contributing councils ;
- (b) all rights, assets and liabilities of the contributing councils in connection with education ;
- (c) all property held by the contributing councils for the purpose of education.

Delegation of functions.

8. There shall be delegated to the joint board with effect from the commencement of this Instrument such of the functions and powers of the contributing councils relating to education as are specified in their Instruments of appointment, and such functions shall specifically include the control of all financial arrangements relating to education.

Signed, sealed and delivered on behalf of the Ivie-Uda-Esaba District Council.

CHIEF A. ABUMERE I,
President

P. DAME OBOH,
Chairman

Signed, sealed and delivered on behalf of the Irrua-Ewu District Council.

CHIEF I. OGIEFO II,
President

M. O. IJJE,
Chairman

Signed, sealed and delivered on behalf of the Uromi-Uzea District Council.

CHIEF UAGBALE ONOGIE OF UROMI,
President

E. ERIAKHA,
Chairman

Signed, sealed and delivered on behalf of the West Ishan District Council.

J. O. OMIGIE,
Chairman

Signed, sealed and delivered on behalf of the North-East Ishan District Council.

CHIEF S. U. ELABOR,
President

V. E. A. IMAFIDON,
Chairman

Signed, sealed and delivered on behalf of the South-East Ishan District Council.

CHIEF OGIALEKHE, ONOGIE OF EMU,
President

CHIEF EHIDIAME,
Chairman

Signed, sealed and delivered on behalf of the Ewohimi-Ewatto-Ewossa District Council.

CHIEF S. U. ENOSEGBE II,
President

J. O. ODIGIE,
Chairman

Signed, and delivered on behalf of the Ishan Provisional Authority.

A. I. OKOJIE,
Chairman

APPROVED this 14th day of February, 1958.

D. S. ADEGBENRO,
Minister of Local Government

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE EKITI WESTERN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH FEBRUARY, 1958

In exercise of the powers conferred by section 7 (1) of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Ekiti Western District Council as follows :—

In the Second Schedule to the said Instrument :

(a) Under EFFON, delete "The Alapa of Apa-Ipole" and substitute "The Olu of Ipole Iloro".

(b) Under ARAMOKO, delete "The Oisahan of Erinjiyan" and substitute "The Olohan of Erinjiyan".

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 10th February, 1958.

W.R.L.N. 66 of 1958

The Interpretation Ordinance
(Cap. 94)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers conferred by section 33A of the Interpretation Ordinance, the following Notification is hereby made :—

- | | |
|--|---|
| <p>1. This Notice may be cited as the Delegation of Governor's Powers (Amendment) Notice, 1958, and shall be read and construed as one with the Delegation of Governor's Powers Notice, 1955 (hereinafter referred to as the principal Notice) and all amendments thereto.</p> | <p>Title and construction.
W.R.L.N. 72 of 1956.</p> |
| <p>2. Paragraph 3 of the principal Notice is hereby amended in the following respects :—</p> <p>(a) by <i>deleting</i> the definition of "Minister of Development", <i>inserted</i> therein by the Delegation of Governor's Powers (Amendment) Notice, 1956 ;</p> <p>(b) by <i>deleting</i> the definition of "Minister of Health", <i>inserted</i> therein by the Delegation of Governor's Powers (Amendment) Notice, 1957, and <i>inserting</i> instead the following definition—</p> <p style="padding-left: 40px;">"Minister of Health and Social Welfare" means the Regional Minister to whom responsibility for the matters included in the portfolio of Health and Social Welfare is for the time being assigned in accordance with section 119 of the Nigeria (Constitution) Order in Council, 1954" ;</p> | <p>Amendment of paragraph 3 of principal Notice.
W.R.L.N. 31 of 1957.

W.R.L.N. 45 of 1957.</p> |
| <p>3. The principal Notice, as amended by the Delegation of Governor's Powers (Amendment) Notice, 1956, and the Delegation of Governor's Powers (Amendment) Notice, 1957, is further amended by <i>deleting</i> the words "Minister of Development" and the words "Minister of Health" wherever those words appear therein and <i>inserting</i> instead, in every case, the words "Minister of Health and Social Welfare."</p> | <p>Substitution of "Minister of Health and Social Welfare" for "Minister of Development".
W.R.L.N. 31 of 1957.
W.R.L.N. 45 of 1957.</p> |
| <p>4. Delegation 7A, <i>inserted</i> in the principal Notice by the Delegation of Governor's Powers (Amendment) Notice, 1957, is hereby amended by <i>deleting</i> the word "section" and <i>inserting</i> instead the word "Part".</p> | <p>Amendment of Delegation 7A.</p> |

ISSUED at Ibadan this 10th day of February, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 67 of 1958

ORDER made under THE FORESTRY ORDINANCE
(Cap. 75)

OYO DIVISIONAL COUNCIL (ISEYIN WEST PLANTATION)
FOREST RESERVE ORDER, 1957

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

WHEREAS the necessary steps have been taken in accordance with the provisions of section 23 of the Forestry Ordinance :

NOW THEREFORE in exercise of the powers conferred by section 22 of the Ordinance, it is hereby ordered by the Oyo Divisional Council with the approval of the Minister of Agriculture and Natural Resources to whom power of approval has been delegated, as follows :—

1. This Order may be cited as the Oyo Divisional Council (Iseyin West Plantation), Forest Reserve Order, 1957.

2. All that piece of land the situation and limits of which are set forth in the Schedule hereto shall constitute a Local Government Council Forest Reserve within the meaning of the Ordinance, which reserve shall be known as the Oyo Divisional Council (Iseyin West Plantation) Forest Reserve.

SCHEDULE

All that piece of land containing nought decimal nought seven square miles or thereabouts situated one and a half miles west of Iseyin town in the Oyo Division of Oyo Province and bounded as follows :—

Starting from a point, the approximate co-ordinates of which are 3° 34' E and 7° 58' N. situated on the left hand side of the 1954 motor road from Iseyin to Lanlate at a distance of 1,269 feet North-east of Milestone No. 2 and marked by Beacon No. O.N.A. 1, by a straight line cut on a bearing of 169 degrees for a distance of 759 feet to Beacon No. O.N.A. 2 ; thence by a straight line cut on a bearing of 224 degrees for a distance of 2,696 feet through Beacon No. O.N.A. 3 to Beacon No. O.N.A. 4 ; thence by a straight line cut on a bearing of 304 degrees for a distance of 686 feet to Beacon No. O.N.A. 5 situated on the left hand side of the 1954 motor road from Iseyin to Lanlate ; thence by the left hand side of the motor road from Iseyin to Lanlate in a general North-easterly direction for a distance of 3,271 feet through Beacon No. O.N.A. 6 to the starting point.

All beacons are concrete pillars.

All bearings are referred to True North and are adjusted from Magnetic bearings observed during the month of March 1954.

All distances and bearings are approximate only, distances being those actually measured along the ground and not reduced to the horizontal.

MADE this 27th day of September, 1957.

J. ADE. ILORI,
Acting Secretary,
Oyo Divisional Council

E. O. OMOLODUN,
Chairman,
Oyo Divisional Council

Signified in accordance with the Oyo Divisional Council Standing Rules dated the 27th day of October, 1955.

APPROVED this 16th day of January, 1958.

G. AKIN. DEKO,
Minister of Agriculture and
Natural Resources

W.R.L.N. 68 of 1958

ORDER made under THE FORESTRY ORDINANCE
(Cap. 75)

OYO DIVISIONAL COUNCIL FOREST RESERVE
(ISEYIN EAST PLANTATION) ORDER, 1957

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

WHEREAS the necessary steps have been taken in accordance with the provisions of section 23 of the Forestry Ordinance :

NOW THEREFORE in exercise of the powers conferred upon Local Government Councils by section 22 of the said Ordinance, it is hereby ordered by the Divisional Council for Oyo Division of Oyo Province, with the approval of the Minister of Agriculture and Natural Resources, to whom has been delegated the power of approval, as follows :—

1. This Order may be cited as the Oyo Divisional Council Forest Reserve (Iseyin East Plantation) Order, 1957.
2. All that piece of land the situation and limits of which are set forth in the Schedule hereto, shall constitute a Local Government Council Forest Reserve within the meaning of the Ordinance, which reserve shall be known as the Oyo Divisional Council Forest Reserve (Iseyin East Plantation).

SCHEDULE

All that piece of land containing nought decimal three two square miles or thereabouts situated one and a half miles south-east of Iseyin town in the Oyo Division of Oyo Province and bounded as follows :—

Starting from a point the approximate co-ordinates of which are 3 degrees 37' E and 7 degrees 57' N. (Nigeria Survey 1 : 500,000 Sheet 9 of 1953), situated on the right hand side of the 1954 motor road from Oyo to Iseyin on a bearing of 360 degrees and a distance of 44 feet from milestone 25 and marked by Beacon No. O.N.A. 1, by the right hand side of the 1954 motor road from Oyo to Iseyin in a general North-westerly direction for 3,450 feet through Beacons No. O.N.A. 2, O.N.A. 3, O.N.A. 4 and O.N.A. 5 to Beacon No. O.N.A. 6 ; thence by a straight line cut on a bearing of 59 degrees 30 minutes for a distance of 1,437 feet to Beacon No. O.N.A. 7 ; thence by a straight line cut on a bearing of 60 degrees 30 minutes for a distance of 1,411 feet to Beacon No. O.N.A. 8 ; thence by a straight line cut on a bearing of 153 degrees for a distance of 671 feet to Beacon No. O.N.A. 9 ; thence by a straight line cut on a bearing of 150 degrees 30 minutes for a distance of 2,701 feet through Beacons No. O.N.A. 10, O.N.A. 11 and O.N.A. 12 to Beacon No. O.N.A. 13 ; thence by a straight line cut on a bearing of 240 degrees 30 minutes for a distance of 2,567 feet through Beacon No. O.N.A. 14 to the starting point.

All beacons are concrete pillars.

All bearings are referred to True North and are adjusted from Magnetic bearings observed during the month of September 1954.

All distances and bearings are approximate only, distances being those actually measured along the ground and not reduced to the horizontal.

B 72

MADE this 4th day of December, 1957.

Signed in accordance with the Oyo Divisional Council Standing Rules dated the 27th day of October, 1955.

J. ADE. ILORI,
Acting Secretary,
Oyo Divisional Council

E. O. OMOLODUN,
Chairman,
Oyo Divisional Council

APPROVED this 16th day of January, 1958.

G. AKIN. DEKO,
Minister of Agriculture and
Natural Resources

W.R.L.N. 69 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Western Ijaw South	Mr Offa Gagadia	Benni Local Council Area.
	Mr Young Agidee	Burutu Local Council Area.
	Mr Jacob Umukoro	Forcados Local Council Area.
	Mr E. A. Taiger	Iduwini Local Council Area.
	Mr G. A. Bigbo	Obotebe Local Council Area.
	Mr G. Thomas	Ogula Local Council Area.
	Mr N. Tapre	Operemor Local Council Area.
	Mr R. B. W. Akpe	Tuomo Local Council Area.
	Mr M. J. Ewurufe	Whole Constituency.
	Western Ijaw North	Secretary/Treasurer Akugbene-Mein Local Council.	Akugbene-Mein Local Council Area.
Secretary/Treasurer, Kabowei Local Council		Kabowei Local Council Area.
Mr F. P. Brisibe		Kumbowei Local Council Area.
Mr J. K. Jenakumo		Ngbilebiri-Mein Local Council Area.
Secretary/Treasurer, Ogbolubiri-Mein Local Council.		Ogbolubiri-Mein Local Council Area.
Secretary/Treasurer, Ogobiri-Mein Local Council.		Ogobiri-Mein Local Council Area.
Mr E. B. Ekiyor		Seimbiri Local Council Area.
Secretary/Treasurer, Tarakiri Local Council		Tarakiri Local Council Area.
Mr M. F. Bomor	Whole Constituency.	

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 17th February, 1958.

W.R.L.N. 70 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Western Ijaw South	Mr Offa Gagadia	Benni Local Council Area.
	Mr Young Agidee	Burutu Local Council Area.
	Mr Jacob Umukoro	Forcados Local Council Area.
	Mr E. A. Taiger	Iduwini Local Council Area.
	Mr G. A. Bigbo	Obotebe Local Council Area.
	Mr G. Thomas	Ogula Local Council Area.
	Mr N. Tapre	Operemor Local Council Area.
Western Ijaw North	Mr R. B. W. Akpe	Tuomo Local Council Area.
	Secretary/Treasurer, Akugbene-Mein Local Council.	Akugbene-Mein Local Council Area.
	Secretary/Treasurer, Kabowei Local Council	Kabowei Local Council Area.
	Mr F. P. Brisibe	Kumbowei Local Council Area.
	Mr J. K. Jenakumo	Ngbilebiri-Mein Local Council Area.
	Secretary/Treasurer, Ogbolubiri-Mein Local Council.	Ogbolubiri-Mein Local Council Area.
Warri East	Secretary/Treasurer, Ogobiri-Mein Local Council.	Ogobiri-Mein Local Council Area.
	Mr E. B. Ekiyor	Seimbiri Local Council Area.
	Secretary/Treasurer, Tarakiri Local Council	Tarakiri Local Council Area.
	Secretary, Warri Urban District Council ...	Warri Urban District Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 17th February, 1958.

W.R.L.N. 71 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officer</i>	<i>Area of Responsibility</i>
Warri East	Secretary, Warri Urban District Council	Warri Urban District Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 17th February, 1958.

W.R.L.N. 72 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 1ST MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Aboh West ...	Secretary, Ukwuani District Council ...	Whole Constituency.

2. The appointment of Mr M. K. Ogwu as Electoral Officer, Aboh West, notified in the Western Region Legal Notice 32 of 1958 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 18th February, 1958.

W.R.L.N. 73 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 1ST MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Aboh West ...	Secretary, Ukwuani District Council ...	Whole Constituency.

2. The appointment of Mr M. K. Ogwu as Registration Officer, Aboh West, notified in Western Region Legal Notice 253 of 1956 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 18th February, 1958.

W.R.L.N. 74 of 1958

BYE-LAWS made under THE PUBLIC HEALTH LAW, 1957
(No. 25 of 1957)

THE EGBA IFO DISTRICT COUNCIL : SLAUGHTER BYE-LAWS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers conferred upon the Egba Ifo District Council by section 36 of the Public Health Law, 1957, the following Bye-laws have been made by the Egba Ifo District Council with the approval of the Minister of Health and Social Welfare.

1. These Bye-laws may be cited as the Egba Ifo District Council Slaughter Bye-laws and shall apply to all persons subject to the jurisdiction of the Egba Ifo District Council whilst within the area of its jurisdiction.

2. In these bye-laws :—

“Council” means the Egba Ifo District Council.

“Health Officer” means a medical officer of health, a sanitary inspector or other person acting under the authority, whether general or special of the Medical Officer of Health, and whether such sanitary inspector or other person is serving in the service of the Regional Government or of the Council.

“Public Slaughterhouse” means a slaughterhouse established by the Council for the slaughter of animals intended for sale for the food of man and includes a public slaughter slab.

“Slaughter” means the killing of animals intended for sale for the food of man.

3. No animals shall be slaughtered except in a public slaughterhouse.

4. The Slaughtering of animals shall be by the method or methods prescribed by the Health Officer.

5. (1) No person shall slaughter except he shall first obtain a permit to slaughter the animal or animals mentioned therein from a person duly authorised in that behalf by the Council.

(2) Such permit shall be issued upon the following conditions :—

(a) That the animal or animals have been inspected by a person duly authorised in that behalf by the Council upon the advice of the Medical Officer of Health and passed by such person as fit for slaughter.

(b) That the fees prescribed in the Schedule to these rules have been paid in respect of the animal or animals to be specified in the permit.

6. (1) No person shall remove the meat of any animal slaughtered in a public slaughterhouse until such meat has been inspected by a person duly authorised in that behalf by the Council upon the advice of the Medical Officer of Health and passed by such person as fit for human food.

(2) Any meat which a person so authorised considers unfit for human consumption shall be destroyed in such manner as the Council, upon the advice of the Health Officer, shall direct.

(3) The method of dissecting and laying out the carcass for inspection shall be as advised by the Health Officer.

(4) After the carcass has been quartered, no further cutting, boning or trimming shall take place in the slaughterhouse.

7. For the purpose of these rules a public slaughterhouse shall only be opened from 5 a.m. to 9 a.m.

8. (1) No butcher shall have more than four assistants helping him in a public slaughterhouse for any one bovine or pig or more than one assistant for any sheep or goat.

(2) No unauthorised person shall be allowed in a public slaughterhouse. Authorisation shall be given by the Council on the advice of the Health Officer and may be withdrawn at any time.

(3) Each butcher shall see that the utensils used by him and his assistants are kept clean and in good condition and also that the clothing and persons of himself and his staff are clean.

(4) No meat shall be removed from a public slaughterhouse except in a clean receptacle.

9. Notwithstanding the provisions of rules 4 and 7, in cases of emergency the Council may, on the advice of the Health Officer, permit slaughter at such place and at such time as may be determined by him.

10. Any person who slaughters at a public slaughterhouse shall immediately afterwards clean away and dispose of, in such manner as may be directed by the Health Officer, all blood, offals and rubbish of any description and shall thoroughly wash and clean the slaughterhouse.

11. If the Health Officer considers that any authorised person is undesirable person to work at a slaughterhouse by reason of his failure to co-operate in the general measures for the sanitary maintenance of the slaughterhouse, he shall make representation to the Council to exclude such person for as long as he thinks fit.

12. Any person who fails to comply with any of the provision of bye-laws 3, 4, 5, 6, 7, shall be guilty of an offence and shall be liable to a fine not exceeding 40s or to imprisonment not exceeding two weeks for the first and each subsequent offence.

SCHEDULE

								<i>s</i>	<i>d</i>
Cattle	...	...	...	...	...	...	...	10	0 per head
Goat, sheep, swine	...	...	...	...	...	...	...	3	6 per head

MADE by the Egba Ifo District Council this 10th day of April, 1957, the common seal of the Council having been hereunto affixed in the presence of—

E. A. SOGAOLU,
Secretary/Treasurer,
Egba Ifo District Council

C. P. COLE,
Chairman,
Egba Ifo District Council

Signified in accordance with the Egba Ifo District Council Standing Orders dated 4th day of August, 1956.

J. O. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 75 of 1958

*BYE-LAWS made under THE PUBLIC HEALTH
LAW, 1957 (No. 25 of 1957)*

THE IFE DISTRICT COUNCIL : SLAUGHTER BYE-LAWS

DATE OF COMMENCEMENT : 27TH FEBRUARY, 1958

In exercise of the powers conferred upon the Ife District Council by section 36 of the Public Health Law, 1957, the following bye-laws have been made by the Ife District Council with the approval of the Minister of Health and Social Welfare to whom powers of approval have been delegated.

1. These Bye-laws may be cited as the Ife District Council (Slaughter) Bye-laws, 1957, and shall apply to all persons subject to the jurisdiction of the Ife District Council whilst within the area of its jurisdiction. Short title and application.

2. In these Bye-laws—

“Animal” means cattle, sheep, goat or swine ; Definition.

“Butcher’s Stall” means a place set aside and approved by the Ife District Council for the sale of animals slaughtered ;

“Counter Scale” means a weighing instrument with weights in stones, pounds and ounces approved by the Council ;

“Health Officer” means a Medical Officer of Health, a Sanitary Inspector or other person acting under the authority, whether general or special, of the Medical Officer of Health, and whether such Sanitary Inspector or other persons is serving in the Medical or Sanitary Departments of the Government or is in the service of a local government council ;

“Council” means the Ife District Council ;

“Public Slaughterhouse” means a slaughterhouse established by the Council for the slaughter of animals intended for sale for the food of man and includes a public slaughter slab ;

“Slaughter” with its grammatical variations and cognate expressions, means the killing of animals intended for sale for the food of man.

3. The slaughtering of animals shall be by the method or methods prescribed by the Health Officer.

4. No animal shall be slaughtered for sale except in a public slaughterhouse.

5. (1) No person shall slaughter except he shall first obtain a permit to slaughter the animal or animals mentioned therein from a person duly authorised in that behalf by the Council.

(2) Such permit shall be issued upon the following conditions :—

(a) that the animal or animals have been inspected by a person duly authorised in that behalf by the Council upon the advice of the Health Officer and passed by such person as fit for slaughter.

(b) That the fees prescribed in the schedule to these Bye-laws have been paid in respect of the animal or animals to be specified in the permit.

6. (1) No person shall remove the meat of any animal slaughtered in a public slaughterhouse until such meat has been inspected by a person duly authorised in that behalf by the Council upon the advice of the Health Officer and passed by such person as fit for human food.

(2) Any meat which a person so authorised considers unfit for human consumption shall be destroyed in such manner as the Council upon the advice of the Health Officer shall direct.

(3) The method of dissecting and laying out the carcase for inspection shall be as advised by the Health Officer.

(4) After the carcase has been quartered, no further cutting, boning or trimming shall take place in the slaughterhouse.

7. For the purpose of these bye-laws a public slaughterhouse shall only be opened from 5 a.m. to 9 a.m.

8. (1) No butcher shall have more than four assistants helping him in public slaughterhouse for any one bovine or pig or more than one assistant for any sheep or goat.

(2) No unauthorised person shall be allowed in a public slaughterhouse. Authorisation shall be given by the Council on the advice of the Health Officer and may be withdrawn at any time.

(3) Each butcher shall see that the utensils used by him and his assistants are kept clean and in good condition and also that clothing and persons of himself and his staff are clean.

(4) No meat shall be removed from a public slaughterhouse except in a clean receptacle.

9. Notwithstanding the provisions of bye-laws 4 and 7, in cases of emergency the Council may, on the advice of the Health Officer, permit slaughter at such place and at such time as may be determined by it.

10. Any person who slaughters at a public slaughterhouse shall immediately afterwards clean away and dispose of, in such manner as may be directed by the Health Officer, all blood, offal and rubbish of any description and shall thoroughly wash clean the slaughterhouse.

11. If the Health Officer considers that any authorised person is an undesirable person to work at a slaughterhouse by reason of his failure to co-operate in the general measures for the sanitary maintenance of the slaughterhouse, he shall make representations to the Council to exclude such person for as long as he thinks fit.

12. (1) Subject to paragraph 2, sales of meat shall be made from butcher's stalls only and shall be transacted between the hours of 6.30 a.m. and 6.30 p.m. daily.

(2) Hawking is allowed provided the container shall be rendered fly and dust proof.

13. Every butcher while selling shall possess and use an accurate counter scale and shall sell meat at a fixed price per pound.

14. Any person who fails to comply with any of the provisions of bye-laws 3, 4, 5, 6, 7, 8, 10, 12 or 13 shall be guilty of an offence and shall be liable to a fine not exceeding two pounds or in default of imprisonment not exceeding two weeks for the first and subsequent offence.

15. The Ife District Native Authority (Slaughter) Bye-laws, 1939, are hereby revoked.

SCHEDULE

	<i>s</i>	<i>d</i>
Cattle	7	6
Sheep, Goat, Swine	2	6

MADE by the Ife District Council this 14th day of October, 1957, the common seal of the Council having been hereunto affixed in the presence of—

V. OLA. AWOGBADE,
Acting Secretary/Treasurer,
Ife District Council

R. A. FANI-KAYODE,
Chairman,
Ife District Council

APPROVED at Ibadan this 11th day of February, 1958.

J. O. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 76 of 1958

The Education Law, 1954
(No. 6 of 1955)

THE EDUCATION (GRANT-IN-AID) (AMENDMENT)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 24TH FEBRUARY, 1958

In exercise of the powers conferred upon the Governor in Council by section 85 of the Education Law, 1954, the following Regulations are hereby made :—

1. These Regulations may be cited as the Education (Grant-in-aid) (Amendment) Regulations, 1958. Short title.

2. There shall be inserted in the Education (Grant-in-Aid) Regulation, 1957 (hereinafter referred to as the principal regulations) the following regulation— Insertion of regulation 13A in W.R.L.N. 85 of 1957.

“Persons responsible for application of grants.

13A (1). The amounts payable in respect of grants-in-aid of a primary school or other institution under this part shall be paid to the managers or governors of the school or institution or any person or persons nominated by them to receive such amounts.

(2). The managers or governors of the school or institution shall be responsible for the proper application of the grant.”

3. For paragraph (1) of regulation 14 of the principal regulations there shall be substituted the following paragraph— Amendment of Regulation 14 of principal regulations.

“(1) (a). The grant-in-aid of a primary school or a higher institution under this part shall be applied for the following purposes—

(i) in payment of the salaries and allowances of the staff approved in respect of the school or institution, computed in accordance with the prescribed scales of salary ;

(ii) to such other purposes as the Minister may from time to time approve.

(b) Every person responsible for the proper application of a grant-in-aid under this part who—

(i) neglects or fails to apply any amount payable in respect of the grant to the purposes specified in sub-paragraph (a) of paragraph (1) of this regulation ;

(ii) neglects or fails to ensure that the person or persons nominated to receive a grant applies the grant to the purposes specified in sub-paragraph (a) of paragraph (ii) of the regulation ;

shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of fifty pounds or to both such imprisonment and fine.”

Further
Amendment
of
Regulation
14 of the
principal
regulations.

4. In paragraph (2) of the said regulation 14 for the words "comply with the directions given under paragraph (1) of this regulation" there shall be substituted the words "apply a grant to the purposes specified in subparagraph (a) of paragraph (1) of this regulation."

MADE by the Governor in Council at Ibadan this 24th day of February, 1958.

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 77 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
IKARE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 6TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikare District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikare District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 28th day of December, 1957, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957 be adopted.

W.R.L.N.
357 of 1957.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th February, 1958.

W.R.L.N. 78 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

The Public Health Law, 1957
(No. 25 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1957

DATE OF COMMENCEMENT : 6TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Irepo District Council by sections 82 (2) and 271 of the Local Government Law, 1957 and section 36 of the Public Health Law, 1957, the Irepo District Council in accordance with section 82 (3) (a) of the Local Government Law has resolved at its meeting held on 15th day of January, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

W.R.L.N. 79 of 1958

BYE-LAWS made under THE LOCAL GOVERNMENT LAW, 1957 (No. 12 of 1957)

THE AKURE DISTRICT COUNCIL
(NIGHT GUARDS) BYE-LAWS, 1958

DATE OF COMMENCEMENT : 6TH MARCH, 1958

In exercise of the powers conferred upon the Akure District Council under and by virtue of sections 67 and 271 of the Local Government Law, 1957, the following Bye-laws are hereby made :—

- Short title and application. 1. These Bye-laws may be cited as the Akure District Council (Night Guards) Bye-laws, 1957, and shall apply to all persons subject to the jurisdiction of the Akure District Council.
- Definitions. 2. In these Bye-laws—
“council” means the Akure District Council ;
“night guard” means any person appointed by the Akure District Council to be a night guard for the purposes of these Bye-laws ;
“period of prohibition” means the period from 10 p.m. to 5.30 a.m. next following.
- Duty of night guard. 3. It shall be the duty of every night guard employed by the Council to enforce the provisions of these Bye-laws.
- Prohibition. 4. Any person who—
(a) blows a whistle during the period of prohibition ; or
(b) leaves his house during the period of prohibition without carrying a lighted lamp or electric torch showing a light ; or
(c) is out of his house without a lighted lamp or electric torch showing a light, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment not exceeding one month.

MADE by the Akure District Council, this 9th day of December, 1957, the common seal of the Akure District Council having been hereto affixed in the presence of :

J. FALOYE,
Chairman,
Akure District Council

R. O. ADUBU,
Secretary,
Akure District Council

APPROVED by me this 11th day of February, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 80 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Returning Officers have been made for the purpose of Local Government elections:—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Owo North ...	Mr A. O. Olukoju	Omuro Local Council Area.
	Secretary/Treasurer, Ilumejo Local Council	Ilumejo Local Council Area.
	Secretary/Treasurer, Arigidi Local Council	Arigidi Local Council Area.
	Mr E. O. Folarin	Ikeram Local Council Area.
	Secretary/Treasurer, Ajowa Local Council...	Ajowa Local Council Area.
Owo Central ...	Secretary/Treasurer, Ilelabo Local Council	Ilelabo Local Council Area.
	Mr F. Aladeusi	Irun Local Council Area.
	Mr V. A. Balogun	Isowopo Local Council Area.
	Secretary/Treasurer, Ukpe-Ekpeme Local Council.	Ukpe-Ekpeme Local Council Area.
	Secretary/Treasurer, Ishua Local Council ...	Ishua Local Council Area.
	Secretary/Treasurer, Ogbagi Local Council	Ogbagi Local Council Area.
	Secretary/Treasurer Ikamerin Local Council	Ikamerin Local Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 81 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made for the purpose of Local Government elections :—

<i>Returning Officer</i>	<i>Area of responsibility</i>
Secretary, Egba Divisional Council	Egba Divisional Council Area

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 82 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government elections :—

<i>Returning Officer</i>	<i>Area of Responsibility</i>
Secretary, Egba Divisional Council	Egba Divisional Council Area

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 83 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Owo North ...	Mr A. O. Olukoju	Omuo Local Council Area.
	Secretary/Treasurer, Ilumejo Local Council	Ilumejo Local Council Area.
	Secretary/Treasurer, Arigidi Local Council	Arigidi Local Council Area.
	Mr E. O. Folarin	Ikeram Local Council Area.
	Secretary/Treasurer, Ajowa Local Council...	Ajowa Local Council Area.
Owo Central ...	Secretary/Treasurer, Ielabo Local Council	Ielabo Local Council Area.
	Mr F. Aladeusi	Irun Local Council Area.
	Mr V. A. Balogun	Isowopo Local Council Area.
	Secretary/Treasurer, Ukpe-Ekpeme Local Council.	Ukpe-Ekpeme Local Council Area.
	Secretary/Treasurer, Ishua Local Council ...	Ishua Local Council Area.
	Secretary/Treasurer, Ogbagi Local Council	Ogbagi Local Council Area.
	Secretary/Treasurer, Ikamerin Local Council	Ikamerin Local Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 84 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made :—

<i>Constituency</i>	<i>Electoral Officer.</i>	<i>Area of Responsibility</i>
Remo South ...	Mr E. O. Ogunfowora ...	Whole Constituency.

2. The appointment of Mr R. O. Adebambo as Electoral Officer, Remo South, notified in Western Region Legal Notice 32 of 1958 is hereby revoked. ...

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 85 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Remo South ...	Mr E. O. Ogunfowora ...	Whole Constituency.

2. The appointment of Mr R. O. Adebambo as Registration Officer, Remo South, notified in Western Region Legal Notice 253 of 1956 is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 86 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Okitipupa South	Secretary/Treasurer, Ese-Odo District Council.	Ese-Odo District Council Area.
Okitipupa South	Secretary/Treasurer, Ilaje District Council	Ilaje District Council Area.
Owo Central ...	Secretary, Akoko Divisional Council ...	Akoko Divisional Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March, 1958.

W.R.L.N. 87 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officer</i>	<i>Area of Responsibility</i>
Owo Central ...	Secretary, Akoko Divisional Council	Akoko Divisional Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 5th March 1958.

W.R.L.N. 88 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER 1958 : EREDO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 13TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Eredo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Eredo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 21st day of December, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 13
of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 19th February, 1958.

W.R.L.N. 89 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER 1958 : OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 13TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 3rd day of December, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 13
of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 19th January, 1958.

W.R.L.N. 90 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1958 : EGUN-AWORI DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 13TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egun-Awori District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egun-Awori District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 28th day of December, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 13
of 1956.

D. A. MURPHY,
Permanent Secretary,
Ministry of Local Government

Ibadan, 19th February, 1958.

W.R.L.N. 91 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE REGISTRATION OF BIRTH AND DEATH ADOPTIVE
BYE-LAWS ORDER, 1957 : IJERO DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 13TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijero District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijero District Council in accordance with section 82 (3) (a) of the said Law, has resolved at its meeting held on 5th October, 1957, that "the Registration of Birth and Death Adoptive Bye-laws Order, 1956" be adopted.

W.R.L.N. 15
of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

W.R.L.N. 92 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1957
ETSAKO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 13TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred upon the Etsako District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Etsako District Council in accordance with section 82 (3) (a) of the said Law, has resolved at its meeting held on 10th October, 1957, that the Registration of Births and Deaths Adoptive Bye-laws Order, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

W.R.L.N. 93 of 1958

The Interpretation Ordinance
(Cap. 94)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 13TH MARCH, 1958

In exercise of the powers conferred by section 33A of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Governor's Powers (Amendment) Notice, 1958.

2. The Delegation of Governor's Powers Notice, 1955, shall be further amended by inserting after delegation 20 the following new delegation—

<i>Powers Conferred</i>	<i>Ordinance or Law</i>	<i>Holder of Office</i>
20A. To order any person in prison under the sentence of a Court for an offence to be removed from the prison in which he is confined to any other prison.	Prison Ordinance section 16.	Assistant Director of Prisons (Western Region).

GIVEN at Ibadan this 7th day of March, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 94 of 1958

BYE-LAWS made under THE DOGS ORDINANCE
(Cap. 56)

DATE OF COMMENCEMENT : 4TH FEBRUARY, 1958

In exercise of the powers conferred upon the Egbado-Ifonyin District Council by section 15 of the Dogs Ordinance, and with the approval of the Minister of Health and Social Welfare, the following Bye-laws are hereby made :—

1. These Bye-laws may be cited as the Egbado-Ifonyin District Council (Rabies) Bye-laws, 1957 and shall apply to the area comprised within the radius of two miles from the Court's square of Ifonyintedo and its surroundings.

2. The owner or other person in charge of a dog shall not permit the dog to be in any road, market, or public place unless the dog is led on a leash, and a dog not so leashed shall be deemed not under control.

3. A dog found in any road, market or public place and not under control may be seized and destroyed.

4. The District Council may recover from the owner of a dog seized or destroyed under the preceding paragraph any expense incurred by the Council in seizing or destroying the dog.

MADE by the Egbado-Ifonyin District Council this 21st November, 1957.

Witness to Signatures :—

JAMES OLUBIYI,
Chairman,
Egbado-Ifonyin District Council

H. O. DOKUNMU,
Acting Secretary/Treasurer,
Egbado-Ifonyin District Council

APPROVED this 4th day of February, 1958.

J. O. ADIGUN,
Minister of Health and Social Welfare,
Western Region

W.R.L.N. 95 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE SLAUGHTERING OF ANIMALS ADOPTIVE BYE-LAWS
ORDER, 1958

DATE OF COMMENCEMENT : 20TH MARCH, 1958

In exercise of the powers conferred by section 36 of the Public Health Law, 1957, and section 82 of the Local Government Law, 1957, upon the Regional Minister to whom responsibility for public health is assigned, the following Order is hereby made :—

1. This Order may be cited as the Slaughtering of Animals Adoptive Bye-laws Order, 1958. Short title.

2. (1) The adoptive Bye-laws contained in the Schedule to this Order are hereby made. Making and adoption of scheduled bye-laws.

(2) The said Bye-laws may be adopted in accordance with the provisions of the section 82 of the Local Government Law, 1957, as a whole, but not in parts, by a local government council to whose functions they relate.

SCHEDULE

1. These Bye-laws may be cited as the Slaughtering of Animals Adoptive Bye-laws, 1958. Short title.

2. In these Bye-laws—

“animal” means any animal that may be included in the term cattle, or any sheep, goat or pig ;

“the council” means the council which has adopted these Bye-laws ;

“health officer” includes a medical officer of health, a health superintendent or inspector, or other person acting under the authority, whether general or special, of a medical officer of health, and whether such superintendent, inspector, or other person is serving in the medical or sanitary department of the Government of the Region or in the service of the council ;

“medical officer of health” means a medical officer of health having authority in the area of the council in accordance with section 3 or 4 of the Public Health Law, 1957 ;

“public slaughterhouse” means a slaughterhouse provided by the council for the slaughtering of animals intended for sale for human consumption, and includes a slaughter slab provided by the council ;

“slaughter” means the killing of animals intended for sale for human consumption.

Interpretation.

3. (1) No person shall slaughter an animal except in a public slaughterhouse and in accordance with the method specified, either generally, or specially in respect of the animal, by a health officer.

(2) (a) No person shall slaughter any animal unless he first obtains a permit authorising the slaughter of the animal from a person appointed by the council to issue slaughter permits.

(b) Such permit shall issue upon the following conditions :—

(i) that the animal has been inspected and passed as fit for human consumption by a health officer ; and

Schedule.

(ii) that the fee prescribed in the Schedule to these Bye-laws has been paid.

Provision for special cases.

4. (1) Notwithstanding the provisions of paragraph (1) of 3, the council may, on the advice of a health officer, in any special case or on any special occasion, authorise the issue of a special permit allowing slaughter of an animal at such place other than a public slaughterhouse and at such time as a health officer shall approve, provided that the animal to be slaughtered shall be inspected and passed as fit for human consumption by a health officer.

(2) A permit granted by the Council in accordance with paragraph (1) of this Bye-law shall be free of charge.

Inspection of meat.

5. (1) No person shall remove the meat of any animal slaughtered in a public slaughterhouse until such meat has been inspected by a health officer and passed as fit for human consumption by him.

(2) Any meat which is considered by a health officer to be unfit for human consumption shall be destroyed in such manner as the health officer may direct.

Dissection of carcass.

6. (1) The butcher of an animal slaughtered in a public slaughterhouse shall dissect and lay out the carcass for inspection in such manner as may be directed either generally or specially, by a health officer.

(2) After a carcass has been quartered, there shall be no further cutting, boning or trimming within a public slaughterhouse.

7. (1) Each butcher shall ensure that the utensils used by him or his assistants are kept clean and in good condition, and that the clothing and persons of himself and his assistants in a public slaughterhouse are clean.

(2) All containers used to remove meat from a public slaughterhouse shall be made of impervious material and shall be kept in a clean and sanitary condition.

Removal of waste.

8. Any person who makes use of a public slaughterhouse or who slaughters under a permit granted in accordance with Bye-law 4 shall be responsible for the cleaning away and disposal of all blood, offal or any other waste occasioned thereby in such manner as a health officer may direct.

Persons permitted in slaughterhouse.

9. (1) Only persons authorised by the council or a health officer shall be allowed within a public slaughterhouse.

(2) A medical officer of health in charge of a public slaughterhouse shall have the right to exclude from the public slaughterhouse any person, who appears to him unwilling to promote the general measures designed for the sanitary maintenance thereof, or who in his opinion ought to be excluded therefrom for public health reasons.

(3) No butcher shall have more than four assistants helping him in a public slaughterhouse in respect of one bovine animal or pig, or more than one assistant in respect of a sheep or goat, and, in any case, no butcher shall have more than four assistants helping him at a time in a public slaughterhouse.

10. A public slaughterhouse shall be used only between the hours fixed by the council and notified to the public by means of a public notice posted on a conspicuous place in the slaughterhouse. Hours of use of slaughterhouse.

11. Any person who contravenes or fails to comply with any of the provisions of these Bye-laws shall be guilty of an offence and, on conviction, shall be liable to a fine of two pounds or, in default of payment, to imprisonment for fourteen days. Offences.

12. The fees prescribed in the Schedule to these bye-laws may, subject to the approval of the Minister, be varied by a resolution of the Council to be published in the Regional Gazette. Variation of fees.

SCHEDULE

(BYE-LAW 3)

	<i>s</i>	<i>d</i>
Cattle per head	10	0
Sheep, Goats, Swine per head	2	0

MADE at Ibadan this 11th day of March, 1958.

J. O. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 96 of 1958

**BYE-LAWS made under THE PUBLIC HEALTH LAW
(No. 25 of 1957)**

**THE ODO OTIN DISTRICT COUNCIL
(SLAUGHTER) BYE-LAWS, 1957**

DATE OF COMMENCEMENT : 20TH MARCH, 1958

In exercise of the powers conferred upon the Odo Otin District Council by section 36 of the Public Health Law, 1957, the following Bye-laws have been made by the Odo Otin District Council with the approval of the Minister of Health and Social Welfare to whom powers of approval have been delegated.

1. These Bye-laws may be cited as the Odo Otin District Council Short title
(Slaughter) Bye-laws, 1957, and shall apply to all persons subject to the jurisdiction of the Odo Otin District Council whilst within an area covering a radius of five miles from a public slaughterhouse situated in the area of jurisdiction of the Odo Otin District Council.

2. In these Bye-laws—

“council” means the Odo Otin District Council ;

“health officer” means a medical officer of health, a sanitary inspector or other person acting under the authority, whether general or special, of the medical officer of health, and whether such sanitary inspector or other person is serving in the medical or sanitary departments of the Government or is in the service of the Local Government Council ;

“public slaughterhouse” means a slaughterhouse established by the council for the slaughter of animals intended for sale for the food of man and includes a public slaughter slab ;

“slaughter” with its grammatical variations and cognate expressions means the killing of animals intended for sale for the food of man ;

“animal” means any animal of any sex of the kinds specified in the Schedule to these Bye-laws.

3. The slaughter of animals shall be by the method or methods prescribed by the health officer.

4. No animal shall be slaughtered except in a public slaughterhouse.

5. (1) No person shall slaughter except he shall first obtain a permit to slaughter the animal or animals mentioned therein from a person duly authorised in that behalf by the Council.

(2) Such permit shall be issued upon the following conditions :—

(a) that the animal or animals have been inspected by a person duly authorised in that behalf by the Council upon the advice of the medical officer of health and passed by such person as fit for slaughter ;

(b) that the fees prescribed in the Schedule to these Bye-laws have been paid in respect of the animal or animals to be specified in the permit.

6. (1) No person shall remove the meat of any animal slaughtered in a public slaughterhouse until such meat has been inspected by a person duly authorised in that behalf by the Council upon the advice of the health officer and passed by such person as fit for human food.
- (2) Any meat which a person so authorised considers unfit for human consumption shall be destroyed in such manner as the Council, upon the advice of the health officer shall direct.
- (3) The method of dissecting and laying out the carcass for inspection shall be as advised by the health officer.
- (4) After the carcass has been quartered, no further cutting, boning or trimming shall take place in the slaughterhouse.
7. For the purpose of these Bye-laws a public slaughterhouse shall only be opened from 5 a.m. to 9 a.m.
8. (1) No butcher shall have more than four assistants helping him in a public slaughterhouse for any one bovine or pig or more than one assistant for any sheep or goat.
- (2) No unauthorised person shall be allowed in a public slaughterhouse. Authority shall be given by the Council on the advice of the health officer and may be withdrawn at any time.
- (3) Each butcher shall see that the utensils used by him and his assistants are kept clean and in good condition and also that the clothing and person of himself and his staff are clean.
- (4) No meat shall be removed from a public slaughterhouse except in a clean receptacle.
9. Notwithstanding the provisions of Bye-laws 4 and 7, in cases of emergency the Council may, on the advice of the health officer, permit slaughter at such place and at such time as may be determined by him.
10. Any person who slaughters at a public slaughterhouse shall immediately afterwards clean away and dispose of, in such manner as may be prescribed by the health officer, all blood, offal and rubbish of any description and shall thoroughly wash clean the slaughterhouse.
11. If the health officer considers that any authorised person is an undesirable person to work in a slaughterhouse by reason of his failure to co-operate in the general measures for the sanitary maintenance of the slaughterhouse, he shall make representation to the Council to exclude such person for as long as he thinks fit.
12. No person shall offer for sale any meat which is killed outside the area of the jurisdiction of Odo Otin District Council.
13. Any person who fails to comply with any of the provisions of Bye-laws 3, 4, 5, 6, 8, 10 or 12 shall be guilty of an offence and shall be liable to a fine not exceeding forty shillings or in default, to imprisonment not exceeding two weeks.

SCHEDULE

	<i>s</i>	<i>d</i>
Cow	5	0 per head
Goat, Sheep, Swine	1	0 per head

MADE by the Odo Otin District Council this 1st day of January, 1957, the common seal of the Council having been affixed in the presence of—

E. M. A. OLAGUNJU,
Acting Secretary

J. O. FARINDE,
Chairman

Signified in accordance with the Odo Otin District Council Standing Orders, 1954, made on the 10th day of April, 1954.

APPROVED this 12th day of February, 1958.

J. O. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 97 of 1958

*The Waterworks Ordinance (Cap. 227)*THE WATERWORKS (IRRUA/EWU DISTRICT
GENERAL WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

1. This Order may be cited as the Waterworks (Irrua/Ewu District General Water Rate) Order, 1958, and shall apply to the Irrua/Ewu Rating Authority area. Short title and application.

2. Subject to paragraph 3 of this order an annual water rate of seven shillings and six pence is hereby levied on all male persons of or over sixteen years of age resident within the Irrua/Ewu District Rating Authority area. Levy of general water rate.

3. The following classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :— Exemption.

(a) students in full time attendance at any school, college or training centre ;

(b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;

(c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempted in respect of any one tenement.

4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957. Rate to be payable in advance.

MADE at Irrua this 14th day of February, 1958, by the Irrua/Ewu District Council's order.

M. O. IJIE,
Chairman,
Irrua/Ewu District Council

F. E. OKOUGHA,
Secretary,
Irrua/Ewu District Council

APPROVED by the Minister of Local Government this 6th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government,
Western Region

W.R.L.N. 98 of 1958

The Waterworks Ordinance (Cap. 227)

THE WATERWORKS (IVIE-UDA-ESABA DISTRICT
GENERAL WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made :—

Short title
and applica-
tion.

1. This Order may be cited as the Waterworks (Ivие-Uda-Esaba District General Water Rate) Order, 1958, and shall apply to the Ivие-Uda-Esaba Rating Authority area.

Levy of
general
water rate.

2. Subject to paragraph 3 of this order an annual water rate of eight shillings is hereby levied on all male persons of or over sixteen years of age resident within the Ivие-Uda-Esaba Rating Authority area.

Exemption.

3. The following classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :—

(a) students in full time attendance at any school, college or training centre ;

(b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;

(c) owner or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempt in respect of any one tenement.

Rate to be
payable in
advance.

4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the 1st day of April, 1957.

MADE at Ekpoma this 8th day of February, 1958, by the Ivие-Uda-Esaba District Council's order.

B. M. OBOH,
Secretary,
Ivие-Uda-Esaba District Council

P. DAME OBOH,
Chairman,
Ivие-Uda-Esaba District Council

APPROVED by the Minister of Local Government this 6th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government,
Western Region

W.R.L.N. 99 of 1958

*The Waterworks Ordinance (Cap. 227)*THE WATERWORKS (UROMI-UZEA DISTRICT GENERAL
WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Waterworks (Uromi-Uzea District General Water Rate) Order, 1958, and shall apply to the Uromi-Uzea Rating Authority area. Short title and application.

2. Subject to paragraph 3 of this order an annual water rate of eight shillings is hereby levied on all male persons of or over sixteen years of age resident within the Uromi-Uzea Rating Authority area. Levy of general water rate.

3. The following classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :— Exemption.

(a) students in full time attendance at any school, college or training centre ;

(b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;

(c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempted in respect of any one tenement.

4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957. Rate to be payable in advance.

MADE at Uromi this 10th day of February, 1958, by the Uromi-Uzea District Council's order.

T. O. OKOJIE,
Secretary,
Uromi-Uzea District Council

E. ERIAKHA,
Chairman,
Uromi-Uzea District Council

APPROVED by the Minister of Local Government this 6th day of March, 1958.

D. S. ADENGBENRO,
Minister of Local Government,
Western Region

W.R.L.N. 100 of 1958

The Waterworks Ordinance
(Cap. 227)

THE IJEBU REMO DIVISIONAL COUNCIL
(WATER CHARGES) REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the Governor by section 16 of the Waterworks Ordinance, the following Regulations are hereby made :—

- Short title and commencement. 1. (1) These Regulations may be cited as the Ijebu Remo Divisional Council (Water Charges) Regulations, 1958, and shall be deemed to have come into force on the 1st day of April, 1957.
- (2) These Regulations shall apply to any tenement supplied with water by means of a private service in the towns of Shagamu, Iperu, Ogeru, Ode-Remo, Ishara, Ikenne and Ilishan.
- Charges for water supplied. 2. (1) The following rates of payment shall apply to tenements supplied by means of a private service :—
- (a) to any tenement where the quantity of water supplied is measured by a meter, at the rate of three shillings per 1,000 gallons ;
- (b) to any tenement in which a meter is not installed—
- (i) five shillings *per mensem* for the first tap, and
- (ii) one shilling *per mensem* for every subsequent tap.
- Exemption. 3. The following tenements shall be exempt from any charge for water imposed by these regulations :—
- (a) cemeteries ;
- (b) places of worship ;
- (c) public recreation grounds ;
- (d) the town slaughterhouse.
- Payment. 4. Payment of the charges levied under these regulations shall be made by the occupier to the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the authority.

MADE at Ibadan this 3rd day of March, 1958.

S. O. BIOBAKU,
Secretary to the Premier and
Executive Council

W.R.L.N. 101 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 20TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ikeja North	Treasurer, Ikorodu Divisional Council.	Ikorodu Local Council Area.
	Secretary/Treasurer, Igbogbo/Baiyeku Local Council.	Igbogbo/Baiyeku Local Council Area.
	Mr E. O. B. Lamikan	Ijede Local Council Area.
	Mr S. A. I. Obe	Eti-Osa Local Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 15th March, 1958.

W.R.L.N. 102 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 20TH MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ikeja North	Treasurer, Ikorodu Divisional Council.	Ikorodu Local Council Area.
	Secretary/Treasurer, Igbogbo/Baiyeku Local Council.	Igbogbo/Baiyeku Local Council Area.
	Mr E. O. B. Lamikan	Ijede Local Council Area.
	Mr S. A. I. Obe	Eti-Osa Local Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 15th March, 1958.

W.R.L.N. 103 of 1958

The Aid to Pioneer Industries Ordinance, 1952
(No. 10 of 1952)

AID TO PIONEER INDUSTRIES (No. 2) ORDER, 1958

DATE OF COMMENCEMENT : 6TH MARCH, 1958

WHEREAS representations have been received pursuant to sub-section (i) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, for the making of an Order declaring the industry and the products set out in the Schedule to this Order to be a pioneer industry and pioneer products :

AND WHEREAS all necessary steps have been taken, pursuant to sub-sections (1), (2) and (3) of section 3 of the said Ordinance, prior to the making of this Order ;

NOW THEREFORE, in exercise of the powers conferred upon the Governor-General by sub-section (3) of section 3 of the Aid to Pioneer Industries Ordinance, 1952, the following Order is hereby made :—

Citation.

1. This Order may be cited as the Aid to Pioneer Industries (No. 2) Order, 1958.

Declaration.

2. It is hereby declared that—

(a) the industry set out in the Schedule hereto shall be a pioneer industry ; and

(b) the products set out in the Schedule hereto of such industry shall be pioneer products of such industry.

Industry
Bone crushing.

SCHEDULE

Products
Glue, gelatine, bone meal, bone flour, crushed bone, oil, grease and tallow.

MAURICE JENKINS,
Acting Deputy Secretary to the Council of Ministers
Lagos, 22nd February, 1958.

W.R.L.N. 104 of 1958

The Peace Preservation Ordinance
(Cap. 166)

THE PROCLAIMED DISTRICT (OKITIPUPA DIVISION)
(CANCELLATION) NOTICE, 1958

DATE OF COMMENCEMENT : 3RD MARCH, 1958

In exercise of the powers conferred on the Governor by sub-section (3) of section 3 of the Peace Preservation Ordinance, the following Notice is hereby given, after consultation with the Executive Council :—

1. This Notice may be cited as the Proclaimed District (Okitipupa Division) (Cancellation) Notice, 1958.

2. The Proclaimed District (Okitipupa Division) Proclamation, 1958 is hereby cancelled. W.R.L.N.
18 of 1958

GIVEN at Ibadan this 3rd day of March, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 105 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IBADAN (PROVISIONAL) DISTRICT COUNCIL
(SALE OF GOODS IN MOTOR PARKS) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 1ST JUNE, 1957

In exercise of the powers conferred upon the Ibadan (Provisional) District Council under and by virtue of sections 67 and 271 of the Local Government Law, 1957, and the Western Region Legal Notice 26 of 1956, the following Bye-laws are hereby made with the approval of the Minister of Local Government.

- | | |
|--|---|
| 1. These Bye-laws may be cited as the Ibadan (Provisional) District Council (Sale of Goods in Motor Parks) Bye-laws, 1957 and shall apply to all persons subject to the jurisdiction of the Ibadan (Provisional) District Council whilst within its area of jurisdiction. | Short title and application. |
| 2. In these Bye-laws—
“attendant” means any person appointed as such by the Council ;
“council” means Ibadan (Provisional) District Council ;
“vendor” means any person authorised by the Council to sell or expose for sale any goods or solicit trade in a stall within a motor park. | Interpretation. |
| 3. The area set out in the First Schedule to these bye-laws shall be Motor Park within the meaning of these bye-laws. | Motor Park. |
| 4. Every vendor shall obtain a permit from the Council to sell or to expose any goods for sale in a stall within a motor park. | Permit to sell. |
| 5. Every vendor's permit issued shall specify the area or areas of operation of the vendor within a motor park. | Area of operation. |
| 6. No vendor shall sublet a stall allocated to his use, or transfer a permit issued in respect of a stall. | Subletting of Plots. |
| 7. Every vendor in a motor park shall carry with him his permit, and shall produce it on demand to any attendant, Police Constable or any officer of the Council duly authorised. | Production of Permit. |
| 8. No person shall erect stall or sales-counter in a motor park without the permission in writing of the Council. | Erection of Stalls or Sales Counter. |
| 9. No person other than a vendor or his servant or agent shall sell or expose for sale in a stall within any motor park. | Unlawfully soliciting Trade. |
| 10. No person shall sell or expose any goods for sale in a public area or place within a radius of fifty yards of any motor park : Provided that nothing in this bye-laws shall be construed as making the sale of goods in shops and stalls standing upon private land an offence. | Unlawful selling of goods outside the park. |

Rents of
Plots and
unlawful
occupation.

11. The fees chargeable for the issue of a permit shall be payable in advance to the Council and shall be as set out in Second Schedule.

12. The form of the permit shall be as set out in the Third Schedule. All permits issued under these bye-laws shall expire on the thirty-first day of December of any year in which they are issued.

Penalty.

13. Any person failing to comply with the provisions of any of bye-laws 4 to 10 shall be guilty of an offence and liable on conviction to a fine of £10 or in default to imprisonment for two months.

14. Any fine or term of imprisonment under the foregoing bye-laws shall be imposed or ordered :—

(a) if the offender is subject to the jurisdiction of a Native Court, by a Native Court and

(b) if the offender is subject to the jurisdiction of a Magistrate's Court by a Magistrate's Court.

FIRST SCHEDULE

Ogunpa Motor Park

SECOND SCHEDULE

VENDORS STALL PERMIT

For a period of one year £5

For a period not exceeding six months £3

THIRD SCHEDULE

No.....

Date.....

A.

Permit is hereby given to.....

.....
to sell at Plot..... at..... Motor/
Car Park or in such other area or areas of the said motor/car park as may be
directed by the Council or its duly authorised attendant or other officer for
the period of one year ending 31st December, 19..... for the fee of £5.

Treasurer,
Ibadan (Provisional) District Council

No.....

Date.....

Permit is hereby given to.....

to sell at Plot..... at..... Motor/
Car Park or in such other area or areas of the said motor/car park as may be
directed by the Council or its duly authorised attendant or other officer
for the period of..... months ending..... 19.....
for the fee of £3.

*Treasurer,
Ibadan (Provisional) District Council*

MADE by the Ibadan (Provisional) District Council the 6th day of January,
1958, the Common Seal of the Council being hereunto affixed in the presence
of :

*I. B. AKINYELE,
Chairman,
Ibadan (Provisional) District Council*

*W. S. A. WARREN,
Secretary,
Ibadan (Provisional) District Council*

*Signified in accordance with the Ibadan (Provisional) District Council Stand-
ing Orders dated the 13th day of March, 1956.*

APPROVED by me at Ibadan this 6th day of March, 1958.

*D. S. ADEGBENRO,
Minister of Local Government*

W.R.L.N. 106 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

Public Health Law, 1957
(No. 25 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1957 : OGBOMOSHO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 27TH MARCH, 1958

Notice is hereby given that in exercise of the powers conferred under and by virtue of sections 82 (2) and 271 of the Local Government Law, 1957, section 36 of the Public Health Law, 1957, and Western Region Public Notice No. 157 of 1953, the Ogbomosho District Council, in accordance with section 82 (3) (a) of the Local Government Law, 1957, has resolved at its meeting on 14th day of January, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957 be adopted with the following modifications to the Second Schedule.

W.R.L.N.
356 of 1957.

SECOND SCHEDULE

BYE-LAW 5

<i>Type of Regulated Premises</i>	<i>Fee</i>		
	<i>£</i>	<i>s</i>	<i>d</i>
Aerated Water Factory and Bakehouse ...	1	10	0 yearly
	0	15	0 half yearly
	0	7	6 quarterly
Other Regulated Premises ...	0	10	0 yearly
	0	5	6 half yearly
	0	3	0 quarterly
Bakchouse with Baking Machinery installed	5	0	0 yearly
	3	0	0 half yearly
	2	0	0 quarterly

W. S. SMITH,
Acting Permanent Secretary,
Ministry of Health and Social Welfare

W.R.L.N. 107 of 1958

*The Waterworks Ordinance (Cap. 227)*THE WATERWORKS (OYO AND AWE
GENERAL WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made.

1. This Order may be cited as the Waterworks (Oyo and Awe General Water Rate) Order, 1958, and shall apply to the towns of Oyo and Awe. Short title and application.
2. Subject to paragraph 3 of this order, an annual general water rate of three shillings and six pence is hereby levied on all male persons of or over sixteen years of age resident in the towns of Oyo and Awe. Levy of general water rate.
3. The following persons or classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order— Exemptions.
 - (a) students in full time attendance at any school, college or training centre.
 - (b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence.
4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957. Rate to be payable in advance.
5. The Waterworks (Oyo Division Assessment) Order, 1952, is hereby revoked in so far as it applies to Oyo and Awe towns. Revocation W.R.P.N. No. 66 of 1952.

MADE at Oyo this 17th day of February, 1958, by the Oyo Southern District Council's Order.

J. A. TAIWO,
Chairman,
Oyo Southern District Council

S. A. OGUNMOLA,
Secretary,
Oyo Southern District Council

APPROVED by the Minister of Local Government this 15th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government

B 118

W.R.L.N. 108 of 1958

*The Interpretation (Amendment and Validation) Law, 1957
(No. 2 of 1958)*

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 27TH MARCH, 1958

In exercise of the powers conferred by section 1 of the Interpretation (Amendment and Validation) Law, 1957, the Governor has been pleased to appoint the 27th day of March as the day on which the Interpretation (Amendment and Validation) Law shall come into operation.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 109 of 1958

The Nigeria (Constitution) (Amendment) Order in Council, 1958

STATUTORY INSTRUMENTS, 1958 No. 429
WEST AFRICA

MADE 14TH MARCH, 1958
LAID BEFORE PARLIAMENT 20TH MARCH, 1958
COMING INTO OPERATION 1ST APRIL, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

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 :—

1. (1) This Order may be cited as the Nigeria (Constitution) (Amendment) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957 (b). Citation,
construction
and
commence-
ment.
- (2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.
- (3) This Order shall come into operation on the first day of April, 1958 :

Provided that—

(a) sub-section (2) of section 9 of this Order shall come into operation on the day after the dissolution of the Northern House of Assembly next following the commencement of this Order ;

(b) sections 17, 18 and 26, sub-section (2) of section 27 and section 28 of this Order shall come into operation on the day after the dissolution of the House of Assembly of the Southern Cameroons next following the commencement of this Order ;

(c) sections 64, 65, 66, 67, 68, 69 and 71 of this Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons ; and

(d) so much of section 106 of this Order as relates to the insertion of section 236 in the principal Order shall come into operation on such date, not being a date earlier than the commencement of this Order, as may be fixed by the High Commissioner for the Southern Cameroons by Proclamation published in the Official Gazette of the Southern Cameroons.

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

(b) S.I. 1954/1146, 1955/432, 1956/836 and 1957/1363 and 1530 (1954 II, p. 2829 ; 1955 II, p. 3163).

Revocation.

2. The Nigeria (Electoral Provisions) Order in Council, 1957 (c), and the Nigeria (Acting Federal Justices) Order in Council, 1958 (d), are revoked.

Amendment
of s. 2 of
Order of
1954.

3. (1) Section 2 of the Nigeria (Constitution) Order in Council, 1954, (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(a) by the deletion of sub-section (4) and the substitution of the following sub-section :—

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

(i) references to officers in the public service of the Federation or in the public service of a Region are references to persons holding offices of emolument in that public service and include references to persons appointed to act in such offices ;

(ii) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner ;

(iii) references to the public service of the Federation include references to the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons and in respect of the government of Lagos ; and

(iv) references to offices in the public service of the Federation include references to the offices of the judges of the courts established for the Federation or the Southern Cameroons or Lagos and the offices of magistrates of the Federation or the Southern Cameroons or Lagos and other judicial offices thereof and references to offices in the public service of a Region include references to the offices of the judges of the courts established for the Region and the office of magistrates of the Region and other judicial offices thereof.

(b) For the purposes of this Order—

(i) a person shall not be considered to hold an office of emolument under the Crown by reason only that he is in receipt of a pension or other like allowance in respect of services in an office of emolument under the Crown ;

(ii) the offices referred to in sub-section (2) of section 8 and sub-section (2) of section 8A of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, as amended, shall be offices in the public service of the Federation and the offices referred to in sub-section (2) of section 17 of that Order, as amended, shall be offices of emolument in the public service of a Region ;

(iii) the offices of Minister, Parliamentary Secretary to a Minister, member of the House of Representatives, Minister of the Southern Cameroons, member of the House of Assembly of the Southern Cameroons and member of the House of Chiefs of the Southern-Cameroons shall not be considered to be offices in the public service of the Federation ; and

(iv) the offices of Regional Minister, Attorney-General of the Western Region, Attorney-General of the Eastern Region, member of a Regional Legislative House and member of the Council of Chiefs of the Northern Region shall not be considered to be offices in the public service of a Region.

(c) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office : and where two or more persons are holding the same office by reason of an appointment made pursuant to this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

(d) Where by this Order power is conferred upon the Governor-General or the Governor of a Region to appoint a person to act in any office when the holder of the office is unable to perform the functions of the office, the validity of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office." ; and

(b) by the insertion after sub-section (4) of the following sub-section :—

"(4A) Where by this Order the Governor-General or the Governor of a Region or the Commissioner of the Cameroons is required to act in accordance with the advice or recommendation of, or after consultation with, any person or authority the question whether he has in any matter so acted shall not be called in question in any court."

(2) Until such time as section 65 of this Order comes into operation, sub-section (4) of section 2 of the principal Order, as set out in sub-section (1) of this section, shall have effect as if the words "Minister of the Southern Cameroons" in sub-paragraph (iii) of paragraph (b) were deleted and the words "member of the Executive Council of the Southern Cameroons" were substituted.

Amendment
of s. 10 of
Order of
1954.

4. (1) Section 10 of the principal Order (as amended by section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from sub-section (3) of the words "paragraph (d)" in paragraph (a) and the substitution of the words "sub-paragraphs (iii) and (iv) of paragraph (b)".

(2) Nothing in sub-section (1) of this section shall affect the operation of sub-section (2) of section 6 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

Amendment
of s. 14 of
Order of
1954.

5. Section 14 of the principal Order is amended by the deletion of the words "or the House of Assembly of the Southern Cameroons" in paragraph (d) and the substitution of the words "the House of Assembly of the Southern Cameroons or the House of Chiefs of the Southern Cameroons".

Replace-
ment of
s. 17 of
Order of
1954.

6. Section 17 of the principal Order is revoked and the following section is substituted—

"Composi-
tion of
Northern
House of
Chiefs.

17. (1) The members of the Northern House of Chiefs shall be—

(a) all first-class Chiefs ;

(b) forty-seven Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 18 of this Order ;

(c) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly ; and

(d) an adviser on Moslem law appointed in accordance with section 19 of this Order.

(2) For the purposes of this section—

"Chief" means any person who is for the time being recognised as a Chief by the Governor ;

"first-class Chief" means any Chief who is for the time being graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance (e), as from time to time amended, as it applies in relation to the Northern Region or any enactment replacing that Ordinance in its application to the Northern Region."

Amendment
of s. 18 of
Order of
1954.

7. Section 18 of the principal Order is amended by the deletion of the words "acting in his discretion".

Replace-
ment of
s. 20 of
Order of
1954.

8. Section 20 of the principal Order is revoked and the following section is substituted :—

"President
and Deputy
President of
Northern
House of
Chiefs.

20. (1) The Governor shall, by Instrument under the Public Seal, appoint to be President and Deputy President of the Northern House of Chiefs respectively two of the members of the House mentioned in paragraphs (a) and (b) of sub-section (1) of section 17 of this Order.

(2) The President and the Deputy President of the Northern House of Chiefs shall hold their offices during the Governor's pleasure :

Provided that the office of the President or the Deputy President, as the case may be, shall in any case become vacant—

(a) in the case of the President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as President or to appoint another person as President ;

(b) in the case of the Deputy President, when, after any dissolution of the Northern House of Chiefs, he is informed by the Governor that the Governor is about to re-appoint him as Deputy President or to appoint another person as Deputy President ;

(c) if he ceases to be a member of the Northern House of Chiefs for any reason other than a dissolution of that House ;

(d) if he resigns his office by writing under his hand addressed to the Governor ; or

(e) if he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.”.

9. (1) Section 21 of the principal Order (as amended by section 7 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from sub-section (1) of the word “President” and the substitution of the word “Speaker”. Amendment of s. 21 of Order of 1954.

(2) Section 21 of the principal Order (as amended) is further amended by the deletion from sub-section (1) of the words “one hundred and thirty-one Elected Members” in paragraph (b) and the substitution of the words “one hundred and seventy-four Elected Members”.

10. Section 23 of the principal Order is amended by the deletion of the word “President” and the words “Deputy President” wherever they occur and the substitution respectively of the word “Speaker” and the words “Deputy Speaker”. Amendment of s. 23 of Order of 1954.

11. Section 28 of the principal Order is amended by the insertion in sub-section (4) after the words “becomes a Regional Minister” in subparagraph (ii) of paragraph (c) of the words “, Attorney-General of the Western Region”. Amendment of s. 28 of Order of 1954.

12. Section 29 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended— Amendment of s. 29 of Order of 1954.

(a) by the deletion of sub-section (1) and the substitution of the following sub-section :—

“(1) The members of the Western House of Assembly shall be—

(a) eighty Elected Members elected in accordance with regulations made under section 37 of this Order ; and

(b) those members of the Executive Council of the Region who are members of the Western House of Chiefs"; and

(b) by the insertion after sub-section (2) of the following sub-section—

"(3) A person appointed as Attorney-General of the Western Region who is not a member of either of the Legislative Houses of the Region shall (save for the purposes of section 75 of this Order) be deemed to be a member of the Western House of Assembly."

Revocation
of s. 30 of
Order of
1954.

13. Section 30 of the principal Order is revoked.

Amendment
of s. 31 of
Order of
1954.

14. Section 31 of the principal Order is amended—

(a) by the deletion from sub-section (1) and sub-section (2) of the words "paragraphs (a) and (b)" and the substitution of the words "paragraph (a)"; and

(b) by the insertion in sub-section (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (c) of the words " , Attorney-General of the Western Region".

Amendment
of s. 32 of
Order of
1954.

15. Section 32 of the principal Order is amended by the insertion after sub-section (2) of the following sub-section :—

"(3) A person appointed as Attorney-General of the Eastern Region who is not a member of the Eastern House of Assembly shall (save for the purposes of section 75 of this Order) be deemed to be a member of the House."

Amendment
of s. 33 of
Order of
1954.

16. Section 33 of the principal Order is amended—

(a) by the insertion in sub-section (4) after the words "becomes a Regional Minister" in sub-paragraph (ii) of paragraph (d) of the words " , Attorney-General of the Eastern Region"; and

(b) by the insertion in sub-section (5) after the words "becomes a Regional Minister" in paragraph (c) of the words " , Attorney-General of the Eastern Region".

Amendment
of s. 34 of
Order of
1954.

17. Section 34 of the principal Order is amended—

(a) by the deletion of paragraph (a);

(b) by the deletion of the words "thirteen Elected Members" in paragraph (c) and the substitution of the words "twenty-six Elected Members";

(c) by the deletion of paragraph (d); and

(d) by renumbering the section as sub-section (1) of section 34, and by the insertion after that sub-section of the following sub-section :—

"(2) A person appointed Speaker of the House of Assembly of the Southern Cameroons in pursuance of paragraph (b) of sub-section (1) of section 35 of this Order shall be deemed to be a member of the House."

18. (1) Section 35 of the principal Order is revoked and the following section is substituted :—

Replacement of s. 35 of Order of 1954.

"Speaker of House of Assembly of Southern Cameroons.

35. (1) The Commissioner of the Cameroons, after consultation with the Premier of the Southern Cameroons, may, by writing under his hand, appoint to be Speaker of the House of Assembly of the Southern Cameroons—

(a) one of the members of the House mentioned in paragraphs (b), (c) and (e) of sub-section (1) of section 34 of this Order ; or

(b) a person who is not a member of the House.

(2) The Speaker of the House of Assembly shall hold office during the pleasure of the Commissioner of the Cameroons :

Provided that his office shall in any case become vacant—

(a) at such time as may be provided by the Instrument by which he is appointed ; or

(b) if he resigns his office by writing under his hand addressed to the Commissioner ; or

(c) in the case of a person appointed Speaker in pursuance of paragraph (a) of sub-section (1) of this section of this Order, if—

(i) he ceases to be a member of the House of Assembly of the Southern Cameroons ; or

(ii) he becomes a Minister of the Southern Cameroons."

(2) Until such time as an appointment of a person to be Speaker of the House of Assembly of the Southern Cameroons is first made under section 35 of the principal Order, as set out in sub-section (1) of this section, the Commissioner of the Cameroons may discharge the functions of Speaker, and for that purpose he shall be deemed to be a member of the House.

19. Section 36 of the principal Order is amended by the deletion of the words "The Governor-General, acting in his discretion" and the substitution of the words "The High Commissioner for the Southern Cameroons".

Amendment of s. 36 of Order of 1954.

20. (1) Section 37 of the principal Order is amended by the deletion from sub-section (6) of the words "the Governor-General, acting in his discretion," and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment of s. 37 of Order of 1954.

(2) Any regulations made by the Governor-General under section 37 of the principal Order (including any regulations made under that section as applied by section 2 of the Nigeria (Electoral Provisions) Order in Council, 1957) and in force immediately before the commencement of this Order shall have effect as if they were regulations made by the High Commissioner for the Southern Cameroons under section 37 of the principal Order, as amended by this section.

Amendment
of s. 39 of
Order of
1954.

21. (1) Section 39 of the principal Order (as amended by section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from sub-section (3) of the words "paragraph (d)" in paragraph (a) and the substitution of the words "sub-paragraphs (iii) and (iv) of paragraph (b)".

(2) Nothing in sub-section (1) of this section shall affect the operation of sub-section (2) of section 8 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957.

Amendment
of s. 40 of
Order of
1954.

22. Section 40 of the principal Order (as amended by section 9 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(a) by the deletion from sub-section (1) of the words "the Western House of Chiefs or the Western House of Assembly" and the substitution of the words "or the Western House of Chiefs";

(b) by the deletion from sub-section (3) of the words "of the Northern and Western Houses of Assembly" and the substitution of the words "of the Northern House of Assembly"; and

(c) by the deletion from sub-section (3) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment
of s. 41 of
Order of
1954.

23. Section 41 of the principal Order (as amended by section 10 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(a) by the deletion from sub-section (1) of the words "the Western House of Chiefs or the Western House of Assembly" in paragraph (a) and the substitution of the words "or the Western House of Chiefs"; and

(b) by the deletion from sub-section (2) of the words "The Governor-General, acting in his discretion" and the substitution of the words "The High Commissioner for the Southern Cameroons".

Amendment
of s. 43 of
Order of
1954.

24. Section 43 of the principal Order is amended—

(a) by the deletion from sub-section (1) of the words "or the Western House of Assembly" and the words "President or";

(b) by the deletion from sub-section (2) of the words "and the Western House of Assembly"; and

(c) by the deletion from sub-section (2) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment
of s. 47 of
Order of
1954.

25. Section 47 of the principal Order is amended by the deletion of the words "President or" in paragraphs (b) and (c).

Revocation
of s. 48 of
Order of
1954.

26. Section 48 of the principal Order is revoked.

27. (1) Section 49 of the principal Order is amended by the deletion from sub-section (2) of the words "the Governor-General, acting in his discretion" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment of s. 49 of Order of 1954.

(2) Section 49 of the principal Order is further amended—

(a) by the deletion from sub-section (2) of the words "or a Native Authority Member" in paragraph (a) and paragraph (b); and

(b) by the deletion from sub-section (3) of the words after the words "section 37 of this Order".

28. Section 50 of the principal Order is amended by renumbering the section as sub-section (1) of section 50 and by the insertion after that sub-section of the following sub-section :—

Amendment of s. 50 of Order of 1954.

"(2) Any functions conferred on the Speaker of the House of Assembly of the Southern Cameroons by or under this Order or any other law may, between a dissolution of that House and the first sitting of that House after that dissolution, be performed by such other person, if any, as the Commissioner of the Cameroons, acting in his discretion, may appoint in that behalf."

29. Section 51 of the principal Order is amended by the deletion from sub-section (4) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment of s. 51 of Order of 1954.

30. Section 54 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is revoked and the following section is substituted :—

Replacement of s. 54 of Order of 1954.

"External trade.

54. (1) Subject to the provisions of this section, a law enacted by the Federal Legislature may make provision in relation to any Region or the Southern Cameroons with respect to trade and commerce between Nigeria and other countries, including (without prejudice to the generality of the foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the establishment and enforcement of grades and standards of quality for commodities to be exported from Nigeria.

(2) A law enacted by the Federal Legislature in pursuance of sub-section (1) of this section may make provision for conferring on any authority (including a body corporate incorporated by or under a law enacted by the Federal Legislature) exclusive power—

(a) to acquire any commodity for export from Nigeria :

(b) to export any commodity from Nigeria ;

(c) to sell any commodity outside Nigeria.

(3) The powers conferred by the foregoing provisions of this section shall not extend to any matter with respect to which provision may be made by law enacted by the Legislature of a Region or by law enacted by the Legislature of the Southern Cameroons in pursuance of sub-section (4), (5), (6) or (7) of this section :

Provided that a law enacted by the Federal Legislature may make provision, in respect of commodities to be exported from Nigeria, for the inspection of such commodities at the port of their shipment from Nigeria and provision for the enforcement of grades and standards of quality in respect of commodities so inspected.

(4) Subject to the provisions of this section, a law enacted by the Legislature of a Region may establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria as aforesaid.

(5) Subject to the provisions of this section, a law enacted by the Legislature of the Southern Cameroons may establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in the Southern Cameroons of commodities for export from Nigeria in accordance with the provisions of any law enacted by the Federal Legislature and may confer on that authority exclusive power to purchase any commodity in the Southern Cameroons for export from Nigeria as aforesaid.

(6) A law enacted by the Legislature of a Region may—

(a) make provisions for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(i) to acquire any commodity in that Region for export from Nigeria in accordance with the provision of any law enacted by the Federal Legislature ;

(ii) to regulate the prices to be paid for commodities so acquired ;

(b) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria ;

(c) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria that may have been established by any law enacted by the Federal Legislature.

(7) The provisions of sub-section (6) of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references therein to a Region shall be construed as if they were references to the Southern Cameroons."

Insertion of
s. 56c in
Order of
1954.

31. The principal Order is amended by the insertion after section 56b (as set out in section 12 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section :—

"Evidence. 56c. (1) A law enacted by the Federal Legislature may make provision in relation to a Region or the Southern Cameroons with respect to evidence in regard to any matter, whether or not that matter is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) A law enacted by the Legislature of a Region or the Southern Cameroons relating to any matter within the competence of that legislature may make provision with respect to evidence in regard to that matter.

(3) If any law enacted by the Federal Legislature contains any provision with respect to evidence in regard to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List that is inconsistent with any provision with respect to evidence in regard to that matter contained in any law enacted by the Legislature of a Region or the Southern Cameroons, the provision contained in the law enacted by the Legislature of the Region or the Southern Cameroons, as the case may be, shall prevail over the provision contained in the law enacted by the Federal Legislature."

32. Section 57 of the principal Order (as amended by section 13 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after section (5) of the following sub-section :—

Amendment
of s. 57 of
Order of
1954.

"(6) The Governor-General may, by Order published in the Official Gazette of the Federation, declare that any existing law shall, in so far as it relates to any matter included in the Concurrent Legislative List, have effect in relation to each Region and the Southern Cameroons as if it were a law enacted by the Federal Legislature, and that existing law and any law amending that law shall have effect accordingly from the date of publication of the Order or such later date as may be specified therein."

33. Section 58 of the principal Order is amended by the deletion of the words "If any law" in sub-section (1) and the substitution of the words "Subject to the provisions of section 56c of this Order, if any law".

Amendment
of s. 58 of
Order of
1954.

34. Section 59 of the principal Order is amended by the deletion from sub-section (3) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Amendment
of s. 59 of
Order of
1954.

35. Section 60 of the principal Order is amended by the insertion in sub-section (1) after the words "any Bill" of the words "in that House".

Amendment
of s. 60 of
Order of
1954.

36. Section 61 of the principal Order is amended by the deletion from sub-section (3) of the word "President" and the substitution of the word "Speaker".

Amendment
of s. 61 of
Order of
1954.

Amendment
of s. 62A of
Order of
1954.

37. Section 62A of the principal Order (as set out in section 16 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from sub-section (8) of the words "the Governor-General" and the substitution of the words "the High Commissioner for the Southern Cameroons".

Revocation
of s. 63 of
Order of
1954.

38. Section 63 of the principal Order is revoked.

Amendment
of s. 64 of
Order of
1954.

39. Section 64 of the principal Order is amended—

(a) by the deletion of the words "a Region" in sub-section (6) and the substitution of the words "the Northern Region"; and

(b) by the deletion of sub-section (7) and the substitution of the following sub-section :—

"(7) The provisions of sub-sections (1), (2), (3), (4) and (5) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons and the Official Gazette of the Southern Cameroons."

Amendment
of s. 65 of
Order of
1954.

40. Section 65 of the principal Order is amended—

(a) by the deletion from sub-section (5) of the words "a Region" wherever they occur and the substitution of the words "the Northern Region";

(b) by the insertion after sub-section (5) of the following sub-section :—

"(5A) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of the Western Region or the Eastern Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(a) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, the Legislative Houses of that Region and the Official Gazette of that Region; and

(b) sub-section (2) shall have effect as if the words 'acting in his discretion' were deleted and as if the proviso there were substituted the following proviso :—

"Provided that, unless he has been authorized by a Secretary of State to assent thereto, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill which appears to the Governor, acting in his discretion—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organization outside Nigeria;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ; or

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria.”; and

(c) by the deletion of sub-section (7) and the substitution of the following sub-section :—

“(7) The provisions of sub-sections (1), (2), (3) and (4) of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the House of Representatives, and for that purpose—

(a) references to the Governor-General, the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the High Commissioner for the Southern Cameroons, the House of Assembly of the Southern Cameroons and the Official Gazette of the Southern Cameroons” ; and

(b) sub-section (2) shall have effect as if the words “acting in his discretion” were deleted.

41. (1) Section 66 of the principal Order is amended—

(a) by the deletion of sub-section (1) and the substitution of the following sub-section :—

“(1) Any law enacted by the Federal Legislature to which the Governor-General has given his assent, any law enacted by the Legislature of the Northern Region to which the Governor has given his assent or any law enacted by the Legislature of the Southern Cameroons to which the High Commissioner for the Southern Cameroons has given his assent may be disallowed by Her Majesty through a Secretary of State.” ;

(b) by the insertion after sub-section (1) of the following sub-section :—

“(1A) Any law to which the Governor of the Western Region or the Eastern Region has given his assent may be disallowed by Her Majesty through a Secretary of State if the law contains any provision that appears to Her Majesty—

(a) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention or agreement or arrangement relating to any country or international or similar organisation outside Nigeria ;

(b) to be likely to prejudice the Royal prerogative, or the rights of property of British subjects not residing in Nigeria, or the trade or transport or communications of any part of Her Majesty's dominions ;

(c) to be likely to impede or prejudice the performance by the Government of the Federation of any of its functions or to endanger the continuance of federal government in Nigeria ; or

Amendment
of s. 66 of
Order of
1954.

(d) to alter, to the injury of the stock-holders, any provisions relating to stock forming part of the public debt of the Federation that is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 to 1948 (f), as from time to time amended, or to involve a departure from the original contract in respect of any such stock." ; and

(c) by the deletion from sub-section (2) of the words "the Governor-General" in paragraph (c) and the substitution of the words "the High Commissioner for the Southern Cameroons".

(2) Section 66 of the principal Order, as amended by sub-section (1) of this section, shall apply in relation to laws enacted by the Legislature of the Southern Cameroons to which the Governor-General gave his assent before the commencement of this Order as it applies in relation to laws enacted by that Legislature to which the High Commissioner for the Southern Cameroons has given his assent.

Revocation of s. 67 of Order of 1954.

42. Section 67 of the principal Order (as amended by section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is revoked.

Amendment of s. 68 of Order of 1954.

43. Section 68 of the principal Order is amended by the deletion from sub-section (1) of the words "acting in his discretion".

Amendment of s. 69 of Order of 1954.

44. Section 69 of the principal Order is amended—

(a) by the deletion of the words "acting in his discretion" wherever they occur ; and

(b) by the deletion from sub-section (2) of the proviso and the substitution of the following proviso :—

"Provided that the Northern House of Chiefs or the Western House of Chiefs shall not so elect the President or the Deputy President of that House."

Amendment of s. 70 of Order of 1954.

45. Section 70 of the principal Order is amended—

(a) by the deletion from sub-section (2) of paragraph (a) and the substitution of the following paragraph :—

"(a) When the Governor of the Northern Region has convened the joint sitting, the President of the Northern House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat, and whenever the Governor of the Western Region has convened the joint sitting, the President of the Western House of Chiefs, or in his absence the Deputy President of that House, shall preside thereat." ;

(b) by the deletion from sub-section (2) of the words "the Governor, acting in his discretion" in the proviso to paragraph (d) and the substitution of the words "the person presiding" ;

(c) by the deletion from sub-section (2) of the words "acting in his discretion" in paragraph (e) ; and

(f) 40 & 41 Vict. c. 59, 55 & 56 Vict. c. 35, 63 & 64 Vict. c. 62, 24 & 25 Geo. 5 c. 47 and 12, 13 & 14 Geo. 6. c. 1.

(d) by the deletion from sub-section (3) of the words "the Governor acting in his discretion" and the substitution of the words "the person presiding".

46. Section 71 of the principal Order is amended by the deletion of sub-sections (2) and (3) and the substitution of the following sub-sections :—

Amendment
of s. 71 of
Order of
1954.

"(2) The provisions of sub-section (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the Governor; and

(b) that sub-section shall have effect in relation to the Legislative Houses of the Western Region and the Eastern Region as if the proviso thereto were deleted.

(3) The provisions of sub-section (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives and for that purpose—

(a) references to the Governor-General shall be construed as if they were references to the High Commissioner for the Southern Cameroons; and

(b) that sub-section shall have effect as if the words "acting in his discretion" were deleted."

47. Section 72 of the principal Order is amended by the deletion from sub-section (3) of the word "President" wherever it occurs and the substitution of the word "Speaker".

Amendment
of s. 72 of
Order of
1954.

48. Section 75 of the principal Order (as amended by section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended by the deletion of paragraph (ii) of the proviso to paragraph (a) and the substitution of the following paragraph :—

Amendment
of s. 75 of
Order of
1954.

"(ii) the members of the Northern House of Chiefs mentioned in paragraph (c) of sub-section (1) of section 17 of this Order, the members of the Western House of Chiefs mentioned in paragraph (b) of sub-section (1) of section 24 of this Order and the members of the Western House of Assembly mentioned in paragraph (b) of sub-section (1) of section 24 of this Order shall not have an original vote."

49. Section 76 of the principal Order is amended by the deletion of sub-section (4) and the substitution of the following sub-section :—

Amendment
of s. 76 of
Order of
1954.

"(4) The provisions of sub-sections (1) and (2) of this section shall apply in relation to the members of the House of Assembly of the Southern Cameroons as they apply in relation to the members of the House of Representatives, and for that purpose sub-section (2) shall have effect—

(a) as if for the words "a judge of such court as the Governor-General may direct" there were substituted the words "such judge or magistrate as the Commissioner of the Cameroons may direct": and

(b) as if after the words "the judge" there were inserted the words "or magistrates".

Amendment
of s. 80 of
Order of
1954.

50. Section 80 of the principal Order is amended by the insertion in sub-section (3) after the words "sub-section (1) of this section to" of the words "the Governor-General" and after the words "as if they were references to" of the words "the High Commissioner for the Southern Cameroons".

Amendment
of s. 81 of
Order of
1954.

51. Section 81 of the principal Order is amended—

(a) by the deletion from sub-section (1) of the words "or the House of Assembly of the Southern Cameroons"; and

(b) by the insertion after sub-section (2) of the following sub-section :—

"(3) The High Commissioner for the Southern Cameroons or the Commissioner of the Cameroons, acting in his discretion, may address the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members."

Amendment
of s. 82 of
Order of
1954.

52. Section 82 of the principal Order is amended by the deletion from sub-section (4) of the words "The Governor-General, acting in his discretion" and the substitution of the words "The High Commissioner for the Southern Cameroons".

Amendment
of s. 89 of
Order of
1954.

53. Section 89 of the principal Order (as amended by section 20 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

(a) by the insertion in sub-section (2) after the words "the recommendation of" in sub-paragraph (i) of paragraph (a) of the words "or after consultation with"; and

(b) by the insertion after sub-section (3) of the following sub-sections—

"(4) Where by this Order the Governor-General is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority.

(5) Where by this Order the High Commissioner for the Southern Cameroons is directed to exercise a power on the recommendation of any person or authority he shall exercise that power in accordance with such recommendation, but, save as aforesaid, the High Commissioner shall not be obliged to consult with or act in accordance with the advice of any person or authority in the exercise of the powers conferred upon him by this Order.

(6) In this section references to the powers of the Governor-General do not include references to the powers of the High Commissioner for the Southern Cameroons."

Amendment
of s. 98 of
Order of
1954.

54. Section 98 of the principal Order (as set out in section 28 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after sub-section (2) of the following sub-section :—

“(3) Nothing in this section shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor-General or on any person or authority other than that Minister.”.

55. Section 99 of the principal Order (as amended by section 30 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of sub-section (1) and the substitution of the following sub-section :—

Amendment of s. 99 of Order of 1954.

“(1) The Governor-General may appoint Parliamentary Secretaries from among the Representative Members and Special Members of the House of Representatives to assist Ministers in the discharge of responsibilities assigned to them in pursuance of section 98 of this Order”.

56. Section 105 of the principal Order (as amended by section 34 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

Amendment of s. 105 of Order of 1954.

(a) by the insertion in sub-section (2) after the words “the recommendation of” in sub-paragraph (i) of paragraph (a) of the words “or after consultation with” ; and

(b) by the insertion after sub-section (3) of the following sub-section :—

“(4) Where by this Order the Governor of a Region is directed to exercise a power after consultation with any person or with any authority other than the Executive Council he shall not be obliged to act in accordance with the advice of that person or authority.”.

57. Section 109 of the principal Order is amended by the deletion of sub-section (1) and the substitution of the following sub-section :—

Amendment of s. 109 of Order of 1954.

(1) (a) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (a) and (c) of section 24 of this Order or from among the Elected Members of the Western House of Assembly.

(b) For the purposes of this sub-section a person who is deemed to be a member of the Eastern House of Assembly by virtue of sub-section (3) of section 29 of this Order shall be deemed to be an Elected Member of that House.

58. Section 111 of the principal Order is amended—

Amendment of s. 111 of Order of 1954.

(a) by renumbering sub-section (1) as paragraph (a) of sub-section (1) ; and

(b) by the insertion after that paragraph of the following paragraph :—

“(b) For the purposes of this sub-section a person who is deemed to be a member of the Eastern House of Assembly by virtue of sub-section (3) of section 32 of this Order shall be deemed to be an Elected Member of that House”.

Amendment
of s. 119 of
Order of
1954.

59. Section 119 of the principal Order is amended—

(a) by the deletion from sub-section (1) of the words "a Region" in paragraph (a) and paragraph (b) and the substitution of the words "the Northern Region";

(b) by the deletion from sub-section (1) of paragraph (c) and the substitution of the following :—

"(c) The powers conferred by this section on the Governor of the Northern Region shall be exercised by him in his discretion.";

(c) by the deletion from sub-section (2) of the words "each Region" and the substitution of the words "the Northern Region";

(d) by the deletion from sub-section (2) of the words "a Regional Legislative House" and the substitution of the words "the Legislative Houses of the Region"; and

(e) by the insertion after sub-section (2) of the following sub-section :—

"(3) Nothing in this section shall empower the Governor to confer on any member of the Executive Council of the Northern Region authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or on any other person or authority other than that member."

60. (1) The principal Order is amended by the insertion after section 119 of the following sections :—

Assignment
of respon-
sibility to
members of
Executive
Councils of
Western
and
Eastern
Regions.

119A. (1) (a) Subject to the provisions of this Order, the Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier of the Region, may by directions in writing charge any Regional Minister with responsibility for any matter or group of matters to which the executive authority of the Region extends :

Provided that, except for the purpose of submitting questions relating to such matters to the Executive Council and conducting government business relating to such matters in the Legislative Houses of the Region, a Regional Minister shall not be charged with responsibility for—

(i) the initiation, conduct and discontinuance of criminal proceedings ;

(ii) the audit of the accounts of the Region ;

(iii) the making of appointments to offices in the public service of the Region, the dismissal or disciplinary control of officers in that public service and the grant of any benefits in pursuance of sub-section (1) of section 190B of this Order ;

(iv) the discharge by the courts of the Region of their judicial functions ; or

(v) the matters specified in section 18 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

(b) Subject to the provisions of this section, the Governor, acting on the recommendation of the Premier of the Region, may charge any Regional Minister with responsibility for any department of government.

Insertion of
s. 119A and
119B in
Order of
1954.

(2) Nothing in this section shall empower the Governor to confer on any Regional Minister authority to exercise any power or to discharge any duty that is conferred by this Order or any other law on the Governor or any person or authority other than that Regional Minister.

Attorney-General of Western and Eastern Regions.

119B. (1) There shall be an Attorney-General for the Western Region who shall be a person qualified for appointment as a judge of the High Court of the Region and shall be appointed by the Governor.

(2) The office of the Attorney-General shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant ;

(b) if he resigns his office by writing under his hand addressed to the Governor ;

(c) if he absents himself from Nigeria without written permission given by the Governor ;

(d) if he ceases to be qualified for appointment as a judge of the High Court of the Region ; or

(e) if the Governor so directs.

(3) The powers of the Governor under this section shall be exercised by him on the recommendation of the Premier.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region."

(2) The following provisions shall apply in relation to any person holding office immediately before the commencement of this Order as Attorney-General of the Western Region or Attorney-General of the Eastern Region.

(a) leave of absence from his duties shall be granted to that person at the commencement of this Order for such period as the Governor, acting in his discretion, may direct, and that period may be extended from time to time at the direction of the Governor, acting in his discretion ;

(b) the provisions of section 119B of the principal Order, as set out in sub-section (1) of this section, shall not apply in relation to that person ;

(c) there shall be paid to that person a salary and allowances at the same rate as the salary and allowances payable to him immediately before the commencement of this Order, which shall be a charge on the Consolidated Revenue Fund of the Region and shall be statutory expenditure for the purposes of section 154B of the principal Order, as set out in sub-section (1) of section 77 of this Order, and his other conditions of service shall not be altered to his disadvantage during his continuance in office ;

(d) notwithstanding that that person is holding the office of Attorney-General of the Western Region or the Eastern Region, as the case may be, another person may be appointed to the office in

pursuance of sub-section (1) of section 119B of the principal Order, as set out in sub-section (1) of this section, and for the purpose of any function conferred upon the holder of the office the person so appointed to the office shall be deemed to be the sole holder of the office.

Amendment
of s. 120 of
Order of
1954.

61. Section 120 of the principal Order is amended by the deletion of sub-section (1) and the substitution of the following sub-section :—

“(1) The Governor of a Region may appoint Parliamentary Secretaries from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers to assist Regional Ministers in the discharge of responsibilities assigned to them in pursuance of section 119 or section 119A of this Order.”.

Amendment
of s. 121 of
Order of
1954.

62. Section 121 of the principal Order is amended—

(a) by the insertion in sub-section (1) after the words “any Regional Minister” of the words “of the Northern Region”; and

(b) by the insertion after sub-section (1) of the following sub-section :—

“(1A) Where any Regional Minister of the Western Region or the Eastern Region has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of a Permanent Secretary appointed in accordance with the provisions of section 180i of this Order.”.

Amendment
of s. 123 of
Order of
1954.

63. Section 123 of the principal Order (as set out in section 40 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion after sub-section (2) of the following sub-section :—

“(3) The Governor of the Western Region or the Eastern Region, acting on the recommendation of the Premier, may grant leave of absence from his duties to the Attorney-General of the Region.”.

64. Section 125 of the principal Order is amended—

(a) by the insertion after the words “the Executive Council of the Southern Cameroons” of the words “shall be the principal instrument of policy for the Southern Cameroons and”; and

(b) by the renumbering of the section as sub-section (1) of section 125 and the insertion after that sub-section of the following sub-section :—

“(2) Save as is otherwise provided by this Order or by any directions given to him by the High Commissioner for the Southern Cameroons, the Commissioner of the Cameroons shall—

(a) consult with the Executive Council of the Southern Cameroons in the exercise of all powers conferred upon him by this Order other than—

(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of or after consultation with any person or authority other than the Executive Council : or

Amendment
of s. 125 of
Order of
1954.

(ii) powers conferred upon him by any provision of this Order under which any person holds any office during the pleasure of the Commissioner of the Cameroons ; and

(b) act in accordance with the advice of the said Council in any matter on which he is by this sub-section obliged to consult the Council.

(3) Where by this Order the Commissioner of the Cameroons is directed to exercise a power on the recommendation of any person or of any authority other than the Executive Council he shall exercise that power in accordance with such recommendation.

(4) Where by this Order the Commissioner of the Cameroons is directed to exercise a power after consultation with any person or with any authority other than the Council of Ministers he shall not be obliged to act in accordance with the advice of that person or authority."

65. Section 126 of the principal Order is amended—

(a) by the deletion of paragraph (c) and the substitution of the following paragraph :—

"(c) not less than five members appointed in accordance with the provisions of section 127 of this Order, who shall be styled Ministers of the Southern Cameroons." ; and

(b) by the deletion of paragraph (d).

Amendment of s. 126 of Order of 1954.

66. (1) Sections 127, 128 and 129 of the principal Order are revoked and the following sections are substituted :—

"Appointment of Ministers of Southern Cameroons.

127. (1) Every Minister of the Southern Cameroons shall be appointed by Instrument under the Public Seal of the Southern Cameroons from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (c) and (e) of sub-section (1) of section 34 of this Order.

Replacement of ss. 127, 128 and 129 of Order of 1954.

(2) Of the Ministers of the Southern Cameroons—

(a) one, who shall be styled the Premier of the Southern Cameroons, shall be appointed by the High Commissioner for the Southern Cameroons ; and

(b) the others shall be appointed by the High Commissioner for the Southern Cameroons on the recommendation of the Premier.

(3) Wherever the High Commissioner for the Southern Cameroons has occasion to appoint a person to be Premier he shall appoint as such the person who appears to him to be best able to command a majority in the House of Assembly of the Southern Cameroons and who is willing to be appointed.

(4) The number of Ministers of the Southern Cameroons who shall be appointed in addition to the Premier shall, subject to the provisions of section 126 of this Order, be such as the High Commissioner for the Southern Cameroons may from time to time prescribe :

Provided that the High Commissioner shall not prescribe a number greater than four unless the Commissioner of the Cameroons, having consulted the other members of the Executive Council of the Southern Cameroons, represents to him that it is desirable to do so.

Tenure of office of Premier.

128. The Premier shall hold his seat in the Executive Council of the Southern Cameroons during the pleasure of the High Commissioner for the Southern Cameroons :

Provided that his seat shall in any case become vacant—

(a) when, after any dissolution of the Legislative House from among the members of which he was appointed, he is informed by the High Commissioner that the High Commissioner is about to re-appoint him as Premier or to appoint another person as Premier ; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the High Commissioner ; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons, acting in his discretion.

Tenure of office of Ministers of Southern Cameroons.

129. The seat in the Executive Council of the Southern Cameroons of a Minister of the Southern Cameroons other than the Premier shall become vacant—

(a) if the seat of the Premier in the Council becomes vacant ; or

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than the dissolution of that House ; or

(c) if he resigns his seat by writing under his hand addressed to the High Commissioner for the Southern Cameroons ; or

(d) if he absents himself from Nigeria without written permission given by the Commissioner of the Cameroons on the recommendation of the Premier ; or

(e) if the High Commissioner for the Southern Cameroons, on the recommendation of the Premier, so directs.”

(2) Until such time as section 17 of this Order comes into operation, sub-section (1) of section 127 of the principal Order, as set out in sub-section (1) of this section, shall have effect as if the words “paragraphs (c) and (e)” were deleted and the words “paragraphs (c), (d) and (e)” were substituted.

67. Section 131 of the principal Order is amended—

(a) by the deletion from sub-section (1) of the words “if three or more members of the Council so request in writing” and the substitution of the words “if the Premier requests him in writing to do so” ; and

Amendment of s. 131 of Order of 1954.

(b) by the deletion from sub-section (2) of the words "three members" and the substitution of the words "five members".

68. The principal Order is amended by the insertion after section 131 of the following sections :—

Insertion of
ss. 131A,
131B and
131C in
Order of
1954.

"Voting in
Executive
Council of
Southern
Cameroons.

131A. (1) Where any matter is dependent on the decision of the Executive Council of the Southern Cameroons any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting are cast in favour thereof.

(2) (a) The Commissioner of the Cameroons may, when presiding in the Executive Council of the Southern Cameroons, give a casting vote if on any question the votes are equally divided, but shall not have an original vote.

(b) A member of the Executive Council of the Southern Cameroons other than the Commissioner shall have an original vote in the Council, and may, when presiding in the Council, also give a casting vote if on any question the votes are equally divided.

Assignment
of respon-
sibility to
members of
Executive
Council of
Southern
Cameroons.

131B. (1) (a) Subject to the provisions of this Order, the Commissioner of the Cameroons, may, by directions in writing, charge any member of the Executive Council of the Southern Cameroons with responsibility for any matter or group of matters to which the executive authority of the Southern Cameroons extends.

(b) For the purposes of this section the Commissioner of the Cameroons may charge any member of the Executive Council of the Southern Cameroons with responsibility for any department of government.

(c) The powers conferred by this section on the Commissioner of the Cameroons shall be exercised by him in his discretion.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister of the Southern Cameroons but shall vest in the Legal Secretary of the Southern Cameroons :

Provided that a Minister of the Southern Cameroons may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matters in the House of Assembly of the Southern Cameroons.

(3) Nothing in this section shall empower the Commissioner of the Cameroons to confer on any member of the Executive Council of the Southern Cameroons authority to exercise any power or to discharge any duty that is conferred or imposed by this Order or any other law on the Commissioner or on any other person or authority other than that member.

Permanent Secretaries to supervise certain Southern Cameroons departments.

131c. (1) Where any Minister of the Southern Cameroons has been charged with responsibility for a department of government he shall exercise general direction and control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Commissioner of the Cameroons, acting in his discretion, may, with the approval of the Governor-General, acting in his discretion, select.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government."

Insertion of s. 132A in Order of 1954.

69. The principal Order is amended by the insertion after section 132 of the following section :—

"Leave of absence for Ministers of Southern Cameroons.

132A. (1) The Commissioner of the Cameroons, acting in his discretion, may grant leave of absence from his duties to the Premier of the Southern Cameroons.

(2) The Commissioner of the Cameroons, acting on the recommendation of the Premier, may grant leave of absence from his duties to a Minister of the Southern Cameroons other than the Premier."

Replacement of s. 134 of Order of 1954.

70. Section 134 of the principal Order is revoked and the following section is substituted :—

"Determination of questions as to membership of Executive Council of Southern Cameroons.

134. Any question whether any person is a member of the Executive Council of the Southern Cameroons shall be referred to, and determined by, the High Commissioner for the Southern Cameroons."

Insertion of s. 134A of Order of 1954.

71. The principal Order is amended by the insertion after section 134 of the following section :—

"Performance of functions of Premier of Southern Cameroons.

134A. (1) Whenever the Premier of the Southern Cameroons is ill or absent from Nigeria, the Commissioner of the Cameroons may, by writing under his hand, authorise one of the other Ministers of the Southern Cameroons to perform the functions conferred upon the Premier by this Order (other than the function conferred by sub-section (3) of this section) and any Minister so authorised may perform those functions.

(2) The Commissioner of the Cameroons may, by writing under his hand, revoke any direction given under this section.

(3) The powers conferred upon the Commissioner of the Cameroons by this section shall be exercised by the Commissioner, acting in his discretion, if in the opinion of the

Commissioner it is impracticable to obtain the advice of the Premier owing to his illness or absence, and in any other case shall be exercised on the recommendation of the Premier.”.

72. Section 136 of the principal Order (as amended by section 43 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the insertion in sub-section (2) after the words “the Governor-General” of the words “or upon any officer or authority of the Southern Cameroons without the consent of the Commissioner of the Cameroons”.

Amendment of s. 136 of Order of 1954.

73. Section 137 of the principal Order is amended by the deletion from sub-section (1) of the words “The Governor-General, acting in his discretion,” and the substitution of the words “The High Commissioner for the Southern Cameroons”.

Amendment of s. 137 of Order of 1954.

74. Section 139 of the principal Order is amended—

Amendment of s. 139 of Order of 1954.

(a) by the insertion in sub-section (3) after the words “to act as a Federal Justice” in paragraph (b) of the words “and any person so appointed shall continue to act until his appointment is revoked by the Governor-General”.

(b) by the deletion from sub-section (4) of the words “and acting Federal Justices shall hold office during the Governor-General’s pleasure”; and

(c) by the deletion from sub-section (4) of the words “any judge of the Federal Supreme Court” and the substitution of the words “the Chief Justice or a Federal Justice”.

75. Section 142 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955,) is amended—

Amendment of s. 142 of Order of 1954.

(a) by the deletion of the words “a Region” wherever they occur and the substitution of the words “the Northern Region”; and

(b) by the insertion in sub-section (2) after the words “to act as a judge of the High Court” in sub-paragraph (ii) of paragraph (cc) of the words “and any person so appointed shall continue to act until his appointment is revoked by the Governor.”.

76. (1) The principal Order is amended by the insertion after section 142 of the following section :—

Insertion of ss. 142A, 142n, 142c and 142b in Order of 1954.

“High Courts of Western and Eastern Region.

142A. (1) There shall be a High Court of Justice for the Western Region.

(2) The High Court of the Western Region shall consist of the Chief Justice of the Region, who shall be President of the Court, and six other judges or such greater number as may be prescribed by or under any law enacted by the Legislature of the Region :

Provided that the office of a judge shall not be abolished during his continuance in office.

(3) The Chief Justice of the Western Region shall be appointed by the Governor, after consultation with the Chief Justice of the Federation.

(4) The judges of the High Court of the Western Region other than the Chief Justice shall be appointed by the Governor on the recommendation of the Judicial Service Commission of the Region.

(5) (a) A person shall be qualified to be appointed a judge of the High Court of the Western Region if he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court or he is qualified to practise as an advocate in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court and no other person shall be qualified to be so appointed.

(b) In computing, for the purposes of this sub-section, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(6) (a) If the office of Chief Justice of the Western Region is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other judges of the High Court of the Region as the Governor, acting in his discretion, may appoint for that purpose.

(b) If the office of a judge of the High Court of the Western Region other than the Chief Justice is vacant, or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor, after consultation with the Chief Justice, may appoint a person to act as a judge of the High Court, and any person so appointed shall continue to act until his appointment is revoked by the Governor, after consultation with the Chief Justice.

(c) The provisions of sub-section (5) of this section shall not apply to a person appointed to act as a judge of the High Court of the Western Region under paragraph (b) of this sub-section but any person so appointed shall be a person with such qualifications if any, as may be prescribed by any law enacted by the Legislature of the Region.

(7) No person shall enter upon his duties as a judge of the High Court of the Western Region unless he has taken before the Governor, or some person authorised by the

Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Legislature of the Region.

(8) (a) There shall be paid to the judges of the High Court of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of a judge and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the judges of the High Court of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(9) The provision of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of
office of
judges
of Western
or Eastern
High Court
Regions.

142B. (1) Subject to the provisions of section 142c of this Order, a judge of the High Court of the Western Region or the Eastern Region shall hold office until he attains the age of sixty-two years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

(b) the Governor, acting in his discretion, may permit a judge who has attained the age of sixty-two years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a judge of the High Court of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of
judge of
High Court
of Western
or Eastern
Regions.

142C. (1) A judge of the High Court of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of sub-section (2) of this section.

(2) A judge of the High Court of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of sub-section (3) of this section, been referred by Her Majesty to the Judicial

Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act, 1833 (g), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing a judge of the High Court of the Region from office for inability as aforesaid or misbehaviour ought to be investigated, then—

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a Court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such Court;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) If the question of removing a judge of the High Court of the Western Region or the Eastern Region from office has been referred to a tribunal under sub-section (3) of this section, the Governor, acting in his discretion, may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

Courts of
Western
and
Eastern
Region.

142D. A law enacted by the Legislature of the Western Region or the Eastern Region may establish courts of justice for the Region in addition to the High Court of the Region".

(2) The High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as constituted immediately before the commencement of this Order under section 142 of the principal Order, shall after the commencement of this Order be deemed

respectively to be the High Court of Justice of the Western Region and the High Court of Justice of the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in sub-section (1) of this section, and accordingly—

(a) the persons holding office immediately before the commencement of this Order as Chief Justice of the High Court of the Western Region or Chief Justice of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as Chief Justice of the Western Region or the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in sub-section (1) of this section, and the other persons holding office immediately before the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region as constituted under section 142 of the principal Order shall be deemed to have been appointed at the commencement of this Order as judges of the High Court of the Western Region or judges of the High Court of the Eastern Region, as the case may be, under section 142A of the principal Order, as set out in sub-section (1) of this section ;

(b) any law enacted by any legislature in Nigeria and in force immediately before the commencement of this Order shall, in so far as its provisions are consistent with the provisions of the principal Order, as from time to time amended, and subject to the provisions of any Order made under section 110 of this Order, have effect after the commencement of this Order as if references therein to the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order and to the judges of that High Court were references to the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in sub-section (1) of this section and to the judges of that High Court ;

(c) any cause or matter or any appeal or case stated from another court that is pending or part-heard before the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order may be continued, completed and determined by the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in sub-section (1) of this section ; and

(d) any appeal or reference from the High Court of Justice of the Western Region or the Eastern Region as constituted under section 142 of the principal Order to the Federal Supreme Court or to Her Majesty in Council that is pending or part-heard may be continued, completed and determined as if it were an appeal or reference from the High Court of Justice of the Western Region or the Eastern Region, as the case may be, as constituted by section 142A of the principal Order, as set out in sub-section (1) of this section, and that High Court may give effect to any judgment or order of the Federal Supreme Court or any Order of Her Majesty in Council given or made in the appeal as it were the court from which the appeal or reference had been made.

Insertion of ss. 154A, 154B, 154C, 154D and 154E in Order of 1954.

77. (1) The principal Order is amended by the insertion after section 154 of the following sections :—

“Consolidated Revenue Fund.

154A. (1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys allocated by law for specific purposes) shall form one Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation or other public funds of the Federation except upon the authority of a warrant under the hand of the Governor-General or the Minister responsible for finance, and no such warrant shall be issued for the purpose of meeting any expenditure other than statutory expenditure unless that expenditure has been authorised by a law enacted by the Federal Legislature.

Authorisation of expenditure.

154B. (1) The Minister responsible for finance shall cause to be prepared in each financial year estimates of the revenue and expenditure of the Federation for the next following financial year which, when approved by the Governor-General, shall be laid before the House of Representatives.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the House of Representatives by means of an appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(a) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the appropriation law relating to that year; or

(b) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any service not provided for by the appropriation law relating to that year,
a supplementary appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the House of Representatives.

(4) Statutory expenditure, which shall not be submitted to the vote of the House of Representatives for the purposes of this section, means—

(a) the expenditure charged on the Consolidated Revenue Fund of the Federation by any provision of this Order; and

(b) such other expenditure as may by law be charged on the Consolidated Revenue Fund or the general revenue and assets of the Federation, or on the other public funds of the Federation, as the case may be.

(5) A law enacted by the Federal Legislature may make provision for making moneys available in advance of appropriation as aforesaid for the purpose of meeting unforeseen expenditure or to cover any period not exceed-

ing four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

Application
of sections
154A and
154B to
Regions
and
Southern
Cameroons.

154c. (1) The provisions of sections 154A and 154B of this Order shall apply in relation to a Region as they apply in relation to the Federation, and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to a Region, to the Governor of the Region, to a Regional Minister, to the Legislative Houses of the Region and to the Legislature of the Region :

Provided that sub-section (1) of section 154B shall have effect in relation to the Western Region and the Eastern Region as if the words "when approved by the Governor-General" were deleted.

(2) The provisions of sections 154A and 154B of this Order shall apply in relation to the Southern Cameroons as they apply in relation to the Federation and for that purpose references to the Federation, to the Governor-General, to a Minister, to the House of Representatives and to the Federal Legislature shall be construed as if they were references to the Southern Cameroons, to the Commissioner of the Cameroons, to a member of the Executive Council of the Southern Cameroons, to the House of Assembly of the Southern Cameroons and to the Legislature of the Southern Cameroons.

Public debt.

154d. (1) The public debt of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and the other public funds and assets of the Federation, and shall in addition be a charge on the Consolidated Revenue Funds of each Region and the Southern Cameroons and the other public funds and assets of the Regions and the Southern Cameroons :

Provided that a debt to a Region shall not be a charge on the funds and assets of that Region and a debt to the Southern Cameroons shall not be a charge on the funds and assets of the Southern Cameroons.

(2) The public debt of a Region shall be a charge on the Consolidated Revenue Fund of the Region and the other public funds and assets of the Region.

(3) The public debt of the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Southern Cameroons and the other public funds and assets of the Southern Cameroons.

(4) In this section references to the public debt of the Federation or a Region or the Southern Cameroons include references to the interest on that debt, sinking fund payments in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

Audit of
accounts.

154E. (1) The accounts of the Federal Supreme Court, the High Court of Lagos, all departments of Government of the Federation, the Public Service Commission of the Federation, the Police Service Commission of the Federation and all other offices and authorities of the Federation (including the offices of Clerk to the House of Representatives and Secretary to the Council of Ministers) shall be audited annually by the Director of Federal Audit, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Federation relating to those accounts, and the Director of Federal Audit shall make annual reports to the Governor-General concerning the audit of those accounts, which the Governor-General shall cause to be laid before the House of Representatives.

(2) The accounts of the High Court of each Region, all departments of government of the Region, the Public Service Commission and the Judicial Service Commission (if any) of the Region and all other offices and authorities of the Region (including the offices of Clerk to a Regional Legislative House and Secretary of the Executive Council of the Region) shall be audited annually by the Director of Audit of the Region, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Region relating to those accounts, and the Director of Audit shall make annual reports to the Governor concerning the audit of those accounts, which the Governor shall cause to be laid before the Legislative Houses of the Region.

(3) The accounts of the High Court of the Southern Cameroons, all departments of Government of the Southern Cameroons and all other offices and authorities of the Southern Cameroons (including the offices of Clerk to the House of Assembly of the Southern Cameroons and Secretary to the Executive Council of the Southern Cameroons, shall be audited annually by the Director of Audit of the Southern Cameroons, who, with his deputies, shall at all times be entitled to have access to all books, records and returns of the Southern Cameroons relating to those accounts, and the Director of Audit shall make annual reports to the Commissioner of the Cameroons concerning the audit of those accounts, which the Commissioner shall cause to be submitted to the High Commissioner for the Southern Cameroons and laid before the House of Assembly of the Southern Cameroons.

(4) In the exercise of their functions under this section, the Director of Federal Audit, the Director of Audit of a Region and the Director of Audit of the Southern Cameroons shall not be subject to the direction or control of any other person or authority."

(2) During the period beginning at the commencement of this Order and ending on the thirty-first day of July, 1958—

(a) section 154A of the principal Order, as set out in sub-section (1) of this section, shall have effect as if there were inserted in sub-section (2) after the words "the Federal Legislature" the words "or by a resolution of the House of Representatives"; and

(b) section 154B of the principal Order, as set out in sub-section (1) of this section, shall have effect as if—

(a) for the words "the next following financial year" in sub-section (1) there were substituted the words "that financial year"; and

(b) there were inserted in sub-section (5) after the words "the Federal Legislature" the words "or a resolution of the House of Representatives".

78. Section 155 of the principal Order is amended—

(a) by the insertion after the words "the Regions" in sub-section (1) of the words "and the Southern Cameroons"; and

(b) by the insertion after paragraph (c) of that sub-section of the following paragraph :—

"(d) to the Southern Cameroons, one per cent."

Amendment
of s. 155 of
Order of
1954.

79. Section 156 of the principal Order is amended—

(a) by the deletion from sub-section (3) of the words after the words "allowed for"; and

(b) by the inclusion after sub-section (4) of the following sub-section :—

"(5) In this section "Region" includes the Southern Cameroons".

Amendment
of s. 156 of
Order of
1954.

80. Section 157 of the principal Order is amended—

(a) by the deletion from sub-section (3) of the words after the words "allowed for"; and

(b) by the insertion after sub-section (5) of the following sub-section :—

"(6) In this section "Region" includes the Southern Cameroons."

Amendment
of s. 157 of
Order of
1954.

81. Section 158 of the principal Order is amended—

(a) by the deletion from paragraph (a) of sub-section (2) of the words after the words "allowed for"; and

(b) by the insertion after sub-section (4) of the following sub-section :—

"(5) In this section "Region" includes the Southern Cameroons."

Amendment
of s. 158 of
Order of
1954.

82. Section 159 of the principal Order is amended—

(a) by the insertion after the words "a Region" of the words "or the Southern Cameroons"; and

(b) by the insertion after the words "that Region" of the words "or the Southern Cameroons, as the case may be".

Amendment
of s. 159 of
Order of
1954.

83. Section 160 of the principal Order is amended by the insertion after sub-section (3) of the following sub-section :—

"(4) In this section "Region" includes the Southern Cameroons."

Amendment
of s. 160 of
Order of
1954.

Amendment of s. 161 of Order of 1954.

84. Section 161 of the principal Order is amended by the insertion after sub-section (4) of the following sub-section :—

“(5) In this section “Region” includes the Southern Cameroons.”

Amendment of Order of 1954.

85. Section 162 of the principal Order is amended by the insertion after sub-section (4) of the following sub-section :—

“(3) In this section “Region” includes the Southern Cameroons.”

Revocation of s. 163 of Order of 1954.

86. Section 163 of the principal Order is revoked.

Amendment of s. 165 of Order of 1954.

87. Section 164 of the principal Order is amended—

(a) by the insertion after sub-section (4) of the following sub-section :—

“(4A) The Southern Cameroons shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.”; and

(b) by the insertion in sub-section (5) after paragraph (b) of the following paragraph :—

“(c) In sub-sections (1), (2) and (3) of this section “Region” includes the Southern Cameroons.”

Revocation of ss. 165, 166 and 167 of Order of 1954.

88. Sections 165, 166 and 167 of the principal Order are revoked.

Replacement of s. 168 of Order of 1954.

89. The principal Order is amended by the deletion of section 168 and the substitution of the following section :—

“Sums charged on Consolidated Revenue Funds.

168. Any payments that are required by this Chapter to be made by the Federation to a Region or the Southern Cameroons shall be a charge on the Consolidated Revenue Fund of the Federation and any payments that are so required to be made by a Region or the Southern Cameroons to the Federation shall be a charge on the Consolidated Revenue Fund of that Region or the Southern Cameroons, as the case may be.”.

Amendment of s. 169 of Order of 1954.

90. Section 169 of the principal Order is amended—

(a) by the deletion from sub-section (2) of the words “or the Southern Cameroons”; and

(b) by the insertion after sub-section (2) of the following sub-section :—

“(3) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as they apply in relation to a Region, and for that purpose references to a Region and to the Governor of a Region shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons.”

91. Section 170 of the principal Order is amended by the deletion of sub-section (3) and the substitution of the following sub-section :—

Amendment of s. 170 of Order of 1954.

“(3) In this section “Region” includes the Southern Cameroons.”.

92. Section 172 of the principal Order is amended—

Amendment of s. 172 of Order of 1954.

(a) by renumbering the section as sub-section (1) of section 172 ; and

(b) by the insertion after that sub-section of the following sub-section :

“(2) For the avoidance of doubts it is declared that any power conferred by this Chapter upon the Governor-General or the Governor of a Region to make appointments to any public office includes power to appoint persons to act in that office.”.

93. Section 175 of the principal Order is amended by the addition to sub-section (1) of the following proviso :—

Amendment of s. 175 of Order of 1954.

“Provided that the Governor-General shall not refer to the Federal Commission any question that, in his opinion, affects solely the police of the Federation or any member or members of the police force of the Federation.”.

94. Section 177 of the principal Order is amended by the insertion after the words “the Federal Commission” in paragraph (f) the words “(including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission, misconduct by members of the Commission, the giving of false information to the Commission and the improper disclosure of information obtained in the course of the work of the Commission)”.

Amendment of s. 177 of Order of 1954.

95. (1) The principal Order is amended by the insertion after section 177 of the following sections :—

Insertion of ss. 177A, 177B, 177C and 177D in Order of 1954.

“Police Service Commission.

177A. (1) There shall be for the Federation a Police Service Commission, which shall consist of a Chairman and such number of other members as may be prescribed by regulations made under section 177 of this Order, as applied by section 177c of this Order.

(2) The members of the Police Service Commission shall be appointed by the Governor-General.

(3) The Governor-General may terminate the appointment of any member of the Police Service Commission and, subject as aforesaid, the members of the Commission shall hold office on such terms and conditions as may be prescribed by regulations made under section 177 of this Order, as applied by section 177c of this Order.

(4) No person shall be appointed as, or shall remain, a member of the Police Service Commission if he is, or becomes, a member of a Legislative House.

Police Service Commission to advise Governor-General.

177B. (1) The Governor-General may (either generally or specially, and in whatever manner he thinks fit) refer to the Police Service Commission for their advice any matter relating to the appointment of any person to an office in the public service of the Federation, being an office in the

police service of the Federation, or the dismissal or disciplinary control of persons holding or acting in any such office or any other matter (not being a matter relating to the use or operational control of the police) that, in his opinion, affects the police of the Federation.

(2) It shall be the duty of the Police Service Commission to advise the Governor-General on any question that he refers to it in accordance with the provisions of this section, but the Governor-General shall not be obliged to act in accordance with the advice given to him by the Police Service Commission.

Application of sections 176 and 177 to Police Service Commission.

177C. Sections 176 and 177 of this Order shall apply in relation to the Police Service Commission of the Federation as they apply in relation to the Federal Commission.

Emoluments of members of Federal Commission and Police Service Commission.

177D. (1) The members of the Federal Commission and the Police Service Commission of the Federation shall be paid such salaries as may be prescribed by any law enacted by the Federal Legislature and such allowances as may be provided by or under any such law :

Provided that the salary of a member of the Federal Commission or the Police Service Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(2) The salaries and allowance of the members of the Federal Commission and the Police Service Commission of the Federation shall be a charge on the Consolidated Revenue Fund of the Federation."

(2) Until such time as provision in that behalf is made in pursuance of sub-section (1) of section 177D of the principal Order, as set out in sub-section (1) of this section, there shall be paid to the Chairman and the other members of the Federal Commission and the Chairman and the other members of the Police Service Commission of the Federation salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

Amendment of s. 178 of Order of 1954.

96. Section 178 of the principal Order (as amended by section 8 of the Nigeria (Constitution) (Amendment) Order in Council, 1956) is amended by the deletion from sub-section (1) and sub-section (2) of the words "a Region" and the substitution of the words "the Northern Region".

Amendment of s. 179 of Order of 1954.

97. Section 179 of the principal Order is amended—

(a) by the deletion from sub-section (1) of the words "each Region" and the substitution of the words "the Northern Region" ;

(b) the deletion from sub-section (1) of the words "(in this Chapter referred to in relation to a Region as "the Regional Commission")"; and

(c) by the deletion from sub-sections (2), (3) and (4) of the words "a Regional Commission" and the substitution of the words "the Commission".

98. Section 180 of the principal Order is amended—

Amendment
of s. 180 of
Order of
1954.

(a) by the deletion of the words "a Region" and the substitution of the words "the Northern Region"; and

(b) by the deletion of the words "the Regional Commission" and the substitution of the words "the Public Service Commission of the Region".

99. (1) The principal Order is amended by the insertion after section 180 of the following sections :—

Insertion of
ss. 180A to
180L in
Order of
1954.

"Appoint-
ment, etc.,
of officers
in public
service of
Western
Region.

180A. (1) Subject to the provisions of this Order, power to make appointments (including appointments on promotion and transfer) to offices in the public service of the Western Region and to dismiss and to exercise disciplinary control over officers in that public service shall vest in the Governor acting on the recommendation of the Public Service Commission of the Region.

(2) Before making any appointment to an office in the audit service of the Western Region (not being an office below the rank of Assistant Auditor) the Governor shall consult the Director-General of the Overseas Audit Service.

Exercise of
Governor's
powers by
other
officer or
authority.

180B. (1) The Governor of the Western Region, acting on the recommendation of the Public Service Commission of the Region, may by Instrument under the Public Seal direct that, subject to such conditions as may be specified in that Instrument, power to make appointments (including appointments on promotion or transfer) to such offices, being offices to which this section applies, as may be specified in that Instrument and to dismiss and exercise disciplinary control over persons holding or acting in those offices, shall (without prejudice to the exercise of such power by the Governor acting on the recommendation of the Public Service Commission) be exercisable by such authority or by such officer in the public service of the Region as may be specified in that Instrument.

(2) The offices to which this section applies are offices in the public service of the Western Region with respect to which the Governor has power to make appointments by virtue of the provisions of section 180A of this Order the holders of which are for the time being in receipt of annual emoluments that do not exceed £600.

(3) The emoluments referred to in sub-section (2) of this section include in relation to any office only such classes of emoluments as would be taken into account, if the holder of the office were eligible for a pension in respect of his service in the office, in the computation of that pension under the pensions law governing the grant of that pension.

Public
Service
Commission
of Western
Region.

180c. (1) There shall be for the Western Region a Public Service Commission.

(2) The members of the Commission shall be a Chairman and not less than two and not more than four other members, who shall be appointed by the Governor by Instrument under the Public Seal.

(3) A person shall not be qualified for appointment as a member of the Commission if he is a member of a Legislative House, or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Federal Commission, the Police Service Commission of the Federation or the Public Service Commission of any other Region or (unless the Governor otherwise directs) if he is a party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the government of the Western Region :

Provided that the Governor may appoint a person who is not an officer in the public service of the Region to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(4) The office of a member of the Commission shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed ;

(b) if he resigns his office by writing under his hand addressed to the Governor ;

(c) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such ; or

(d) if the Governor directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (a) There shall be paid to members of the Commission such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salaries and allowances of the members of the Commission shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) A person who has been appointed under sub-section (2) of this section to be a member of the Public Service Commission of the Western Region (other than a member performing only part-time duties) shall not thereafter be appointed to any other office in the public service of the Region.

(8) The powers of the Governor under this section shall be exercised by him after consultation with the Premier of the Western Region.

(9) The Public Service Commission shall make annual reports to the Governor on the exercise of its functions under this Order, which the Governor shall cause to be laid before the Legislative Houses of the Region.

Regulations
regarding
Public
Service
Commission
of Western
Region.

180D. Subject to the provisions of this Order, the Governor of the Western Region after consultation with the Public Service Commission of the Region, may make regulations for giving effect to the provisions of sections 180A to 180C of this Order and, without prejudice to the generality of the foregoing power, may by such regulations provide for any of the following matters, that is to say :—

(a) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions ;

(b) consultation by the Commission with persons other than members of the Commission ;

(c) the organisation of the work of the Commission ;

(d) the delegation to any member of the Commission of any or all of the functions of the Commission ;

(e) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

Appoint-
ment, etc.,
of certain
officers
connected
with courts
of Western
Region.

180E. (1) Power to make appointments (including appointments on promotion and transfer) to the offices to which this section applies and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting on the recommendation of the Judicial Service Commission of the Western Region.

(2) This section applies to the office of magistrate of the Western Region, the office of the Chief Registrar or Registrar of the High Court of the Region, the office of Registrar of any magistrate's court established for the

Judicial
Service
Commission
of Western
Region.

Region and to such other offices connected with the courts of the Region as may be prescribed by any law enacted by the Legislature of the Region.

180F. (1) There shall be for the Western Region a Judicial Service Commission.

(2) The members of the Commission shall be—

(a) the Chief Justice of the Region, who shall be the Chairman of the Commission :

(b) such judge of the High Court of the Region as the Governor, after consultation with the Chief Justice, may from time to time select :

(c) the Chairman of the Public Service Commission of the Region ; and

(d) one other member appointed in accordance with the provisions of sub-section (3) of this section.

(3) The Governor may by Instrument under the Public Seal appoint to be a member of the Commission a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court.

(4) The office of a member of the Commission appointed under sub-section (3) of this section shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier time as may be specified in the Instrument by which he was appointed ;

(b) if he resigns his office by writing under his hand addressed to the Governor ; or

(c) if the Governor so directs.

(5) If the office of the member mentioned in paragraph (d) of sub-section (2) of this section is vacant or that member is for any reason unable to perform the functions of his office, the Governor may appoint a person qualified for appointment as such a member to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor.

(6) (a) A member of the Commission appointed under sub-section (3) of this section may be paid such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of any such member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of a member of the Commission appointed under sub-section (3) of this section shall be a charge upon the Consolidated Revenue Fund of the Region.

(7) The powers of the Governor under sub-sections (3) and (4) of this section shall be exercised by him in his discretion.

Regulations regarding Judicial Service Commission of Western Region.

180G. The provisions of section 180D of this Order shall apply in relation to the Judicial Service Commission of the Western Region as they apply in relation to the Public Service Commission of the Region, and for that purpose references to the Public Service Commission of the Region shall have effect as if they were references to the Judicial Service Commission of the Region.

Appointments, etc., of personal staff of Governor of Western Region.

180H. (1) Power to make appointments (including appointments on promotion and transfer) to the offices for the time being prescribed under sub-section (2) of section 224 of this Order as offices constituting the personal staff of the Governor of the Western Region and to dismiss and to exercise disciplinary control over persons holding or acting in such offices shall vest in the Governor acting in his discretion.

(2) Before exercising any of the powers conferred upon him by this section the Governor shall consult the Public Service Commission of the Region :

Provided that he shall not be obliged to consult the Commission in respect of the exercise of any such power in relation to any person who immediately before his appointment as a member of the personal staff of the Governor was not an officer in the public service of the Region if that person is not eligible to receive a pension in respect of his service as a member of that staff.

Appointments of Permanent Secretaries, etc., to Western Region.

180I. (1) Power to make appointments to any office of Permanent Secretary in the Western Region (including appointments on promotion and transfer) shall vest in the Governor.

(2) The powers of the Governor under this section shall be exercised by him acting in his discretion after consultation with the Premier of the Region and the Public Service Commission of the Region :

Provided that appointments to any office of Permanent Secretary upon transfer from another office of Permanent Secretary carrying the same emoluments shall be made by the Governor on the recommendation of the Premier.

(3) The foregoing provisions of this section shall apply in relation to the office of Secretary to the Premier and Executive Council of the Western Region as they apply in relation to the office of Permanent Secretary in the Region.

Reconsideration by Commission.

180J. Before acting on any recommendation made to him by the Public Service Commission or the Judicial Service Commission of the Western Region the Governor, acting in his discretion, may refer the recommendation back to the Commission once for reconsideration.

Application of sections 180A to 180J to Eastern Region.

180K. Section 180A to 180J of the Order shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose—

(a) references to the Western Region shall be construed as if they were references to the Eastern Region; and

(b) the reference in sub-section (3) of section 180I to the office of Secretary to the Premier and Executive Council of the Western Region shall be construed as if it were a reference to the office of Chief Secretary to the Premier of the Eastern Region and the office of Secretary to the Executive Council of that Region.

Provisions of Fifth Schedule to apply to Public Service and Judicial Service Commissions of Western and Eastern Regions.

180L. The provisions contained in the Fifth Schedule to this Order shall have effect with respect to the Public Service Commission and the Judicial Service Commission of the Western Region and the Public Service Commission and the Judicial Service Commission of the Eastern Region."

(2) The person holding office as members of the Public Service Commission of the Western Region or members of the Public Service Commission of the Eastern Region immediately before the commencement of this Order shall vacate their offices at the commencement of this Order.

(3) Until such time as provision in that behalf is made in pursuance of sub-section (6) of section 180C of the principal Order, as set out in sub-section (1) of this section, there shall be paid to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to the Chairman and other members of the Public Service Commission of the Western Region and the Chairman and other members of the Public Service Commission of the Eastern Region, as the case may be, established by section 179 of the principal Order.

Revocation of ss. 181 to 187 of Order of 1954.

100. Sections 181 to 187 of the principal Order are revoked.

Amendment of s. 189 of Order of 1954.

101. Section 189 of the principal Order is amended—

(a) by the deletion from sub-section (2) of the words "the Governor of a Region" wherever they occur and the substitution of the words "the Governor of the Northern Region"; and

(b) by the insertion after sub-section (2) of the following sub-section ;—

"(3) The powers of the Governor of the Western Region or the Eastern Region under sections 190B, 195 and 197 of this Order shall be exercised by him in his discretion."

102. (1) The principal Order is amended by the insertion after section 190 of the following sections :—

"Grant of pensions to officers of Western and Eastern Regions on abolition of office, etc.

190A. If an officer in the public service of the Western Region or the Eastern Region retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the department to which he belongs by which greater economy or efficiency may be effected—

Insertion of ss. 190A and 190B in Order of 1954.

(a) in the case of an officer who may be granted a pension under any pensions law enacted by the Legislature of the Region, he may be granted at his option either such benefits as may be granted to him under that law or an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each complete period of three years' pensionable service :

Provided that an additional pension granted to any officer under this section—

(i) shall not exceed ten sixtieths ; and

(ii) shall not exceed the pension for which that officer would have been eligible if he had continued to hold the office held by him at the date of his retirement until he had reached the age of fifty-five years, or, in the case of a judge of the High Court of the Region, sixty-two years, and had then retired having been granted all increments of salary for which he would have been eligible by that date ; and

(b) in the case of an officer holding an office that is a pensionable office for the purposes of a pensions law enacted by the Legislature of the Region who has not completed the minimum period of qualifying service required by that law to render him eligible for the grant of a pension, he may be granted at his option either such benefits as may be granted to him under that law or—

(i) a gratuity at the rate of one month's pensionable emoluments for each complete six months of public service ; or

(ii) a pension or gratuity equal to the pension or gratuity that could have been granted to him under that law if that law had not required him to have been in qualifying service for any period to render him eligible for the grant of a pension.

"(3) Any sum that is payable under this section by the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and any sum that is so payable by a Region shall be a charge on the Consolidated Revenue Fund of the Region."

105. Section 221 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955) is amended— Amendment of s. 221 of Order of 1954.

(a) by the deletion from sub-section (1) of the words after the words "a liability of the Federation" in paragraph (a) and the substitution of the words "and accordingly shall form part of the public debt of the Federation";

(b) by the deletion from sub-section (2) of the words after the words "the Northern Region" in paragraph (a) and the substitution of the words "and accordingly shall form part of the public debt of that Region";

(c) by the deletion from sub-section (2) of the words after the words "the Western Region" in paragraph (b) and the substitution of the words "and accordingly shall form part of the public debt of that Region"; and

(d) by the deletion of the words after the words "the Eastern Region" in paragraph (c) and the substitution of the words "and accordingly shall form part of the public debt of that Region".

106. (1) The principal Order is amended by the insertion after section 222 (as set out in section 51 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following sections :— Insertion of ss. 223 to 236 in Order of 1954.

"Compulsory acquisition of property.

223. (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 in a Region except by or under the provisions of a law which, of itself or when read with any other law in force in the Region—

(a) requires the payment of adequate compensation therefor ;

(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 of the Region ;

(c) gives to any party to proceedings in the High Court of the Region relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(2) (a) Nothing in this section shall affect the operation of any existing law.

(b) In this sub-section the expression "existing law" means a law in force on the thirty-first day of March, 1958, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not,

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

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

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

(iv) deprive any person of any right such as is mentioned in paragraph (b) or paragraph (c) of sub-section (1) of this section.

(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 ; or

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

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

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

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

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

(g) relating to enemy property ; or

(h) relating to trusts and trustees ; or

(i) relating to the limitations of actions ; or

(j) relating to property vested in statutory corporations ;
or

(k) relating to the temporary taking of possession of property for the purposes of any examination, investigation or inquiry ; 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 to the compulsory taking of possession of property, movable or immovable, and the compulsory acquisition of rights over and interests in such property by or on behalf of the Crown.

(5) The provisions of this section shall apply in relation to the Southern Cameroons and Lagos as they apply in relation to a Region and for that purpose references in sub-section (1) to a Region shall be construed as if they were references to the Southern Cameroons or to Lagos, as the case may be.

Emoluments
of
Governors
of Western
and
Eastern
Regions,
etc.

224. (1) There shall be paid to the Governor and the Deputy Governor of the Western Region or the Eastern Region such salaries and allowances as may be prescribed by any law enacted by the Legislature of the Region :

Provided that the salary, allowances and other conditions of service of a Governor or a Deputy Governor shall not be altered to his disadvantage during his continuance of office.

(2) The Governor of the Western Region or the Eastern Region may, with the concurrence of the Premier of the Region, prescribe by Order published in the Official Gazette of the Region the offices that are to constitute the personal staff of the Governor, the emoluments to be paid to the members of the personal staff of the Governor and the other sums to be paid in respect of the expenditure attaching to the office of Governor.

(3) Any salaries or other sums prescribed under sub-section (1) or sub-section (2) of this section shall be a charge on the Consolidated Revenue Fund of the Region.

(4) For the purposes of sub-section (1) of this section "Governor" means the person holding the office of Governor and "Deputy Governor" means the person holding the office of Deputy Governor and includes any person lawfully discharging the functions of that office.

Director of
Audit of
Western
and Eastern
Regions.

225. (1) There shall be a Director of Audit for the Western Region, who shall be appointed by the Governor after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service.

(2) If the office of Director of Audit of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, after consultation with the Premier of the Region, the Public Service Commission of the Region and the Director-General of the Overseas Audit Service, may appoint a person to act as Director, and any person so appointed shall continue to act until his appointment is revoked by Governor, after consultation with the Premier and the Public Service Commission.

(3) (a) There shall be paid to the Director of Audit of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Audit of the Western Region shall be a charge upon the Consolidated Revenue Fund of the Region.

(4) The foregoing provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of office of Director of Audit of Western and Eastern Regions.

226. (1) Subject to the provisions of section 227 of this Order, the Director of Audit of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

(b) the Governor, after consultation with the Premier of the Region and the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Audit of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of Director of Audit of Western or Eastern Regions.

227. (1) The Director of Audit of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (2) of this section.

(2) The Director of Audit of the Western Region or the Eastern Region may be removed from office by the Governor by Order under the Public Seal if the Governor, after consultation with the Premier of the Region, is satisfied that he ought to be removed from office for inability as aforesaid or misbehaviour.

Director of Public Prosecutions of Western and Eastern Regions.

228. (1) There shall be a Director of Public Prosecutions for the Western Region, who shall be appointed by the Governor on the recommendation of the Public Service Commission of the Region.

(2) A person shall be qualified to be appointed Director of Public Prosecutions of the Western Region if he is qualified to be appointed a judge of the High Court of the Region and no other person shall be qualified to be so appointed.

(3) If the office of Director of Public Prosecutions of the Western Region is vacant or the Director is for any reason unable to perform the functions of his office, the Governor, acting on the recommendation of the Public Service Commission of the Region, may appoint a person who is qualified to act as a judge of the High Court of the Region to act as Director, and any person so appointed shall continue to act until his appointment is revoked by the Governor, acting on the recommendation of the Public Service Commission.

(4) (a) There shall be paid to the Director of Public Prosecutions of the Western Region such salary as may be prescribed by any law enacted by the Legislature of the Region and such allowances as may be prescribed by or under any such law :

Provided that the salary of the Director and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(b) The salary and allowances of the Director of Public Prosecutions of the Western Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) The provisions of this section shall apply in relation to the Eastern Region as they apply in relation to the Western Region, and for that purpose references to the Western Region shall be construed as if they were references to the Eastern Region.

Tenure of office of Director of Public Prosecutions of Western and Eastern Regions.

229. (1) Subject to the provisions of section 230 of this Order, the Director of Public Prosecutions of the Western Region or the Eastern Region shall hold office until he attains the age of fifty-five years :

Provided that—

(a) he may at any time resign his office by writing under his hand addressed to the Governor ; and

(b) the Governor, after consultation with the Public Service Commission of the Region, may permit a Director who has attained the age of fifty-five years to remain in office for a period not exceeding six months after his attainment of that age.

(2) Nothing done by a Director of Public Prosecutions of the Western Region or the Eastern Region shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

Removal of Director of Public Prosecutions of Western or Eastern Region.

230. (1) The Director of Public Prosecutions of the Western Region or the Eastern Region may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of sub-section (2) of this section.

(2) The Director of Public Prosecutions of the Western Region or the Eastern Region shall be removed from office by the Governor by Order under the Public Seal if the question of his removal from office has been referred to a tribunal appointed under sub-section (3) of this section and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Premier of the Western Region or the Eastern Region, or the Chief Justice of the Region after consultation with the Premier of the Region, represents to the Governor that the question of removing the Director of Public Prosecutions of the Region from office for inability as aforesaid or misbehaviour ought to be investigated then—

(a) the Governor shall appoint a tribunal, which shall consist of a Chairman and not less than two other members, selected by the Governor, acting in his discretion, from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court ;

(b) that tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the Director ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the question of removing the Director of Public Prosecutions of the Western Region or the Eastern Region from office has been referred to a tribunal under sub-section (3) of this section, the Governor, acting in his discretion, may suspend the Director from performing the functions of his office, and any such suspension may at any time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor that the Director should not be removed from office.

Powers of
Attorney-
General of
Federation
in relation
to prosecu-
tions.

231. (1) The Attorney-General of the Federation shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in a Region in respect of any offence against any law enacted by the Federal Legislature or any regulations made under section 8, 135, 177 or 177c of this Order alleged to have been committed by that person ;

(b) to institute and undertake criminal proceedings against any person before any civil court in any part of Nigeria other than a Region in respect of any offence alleged to have been committed by that person ;

(c) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority ; and

(d) to discontinue at any stage before judgment is delivered any criminal proceedings instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Federation under sub-section (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Northern Region or the Director of Public Prosecutions of the Western Region or the Eastern Region may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Federation may by writing under his hand confer a general or special authority upon the Attorney-General of the Northern Region, or the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section, in relation to prosecutions before the courts of those Regions.

(4) The Attorney-General of the Federation may by writing under his hand authorize the Legal Secretary of the Southern Cameroons to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section in relation to prosecutions before the courts of the Southern Cameroons.

(5) An authority given under sub-section (3) or sub-section (4) of this section may be revoked by the Attorney-General of the Federation at any time.

(6) The powers conferred upon the Attorney-General by paragraphs (c) and (d) of sub-section (1) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any such person or authority has instituted criminal proceedings, nothing in this sub-section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(7) In the exercise of the powers conferred upon him by this section the Attorney-General of the Federation shall not be subject to the direction or control of any other person or authority.

Powers of
Attorney-
General of
Northern
Region in
relation to
prosecu-
tions.

232. (1) The Attorney-General of the Northern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order, alleged to have been committed by that person ;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Northern Region under sub-section (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Northern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section.

(4) An authority given under sub-section (3) of this section may be revoked by the Attorney-General of the Northern Region at any time.

(5) The powers conferred upon the Attorney-General of the Northern Region by paragraphs (b) and (c) of sub-section (1) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any such person or authority has instituted criminal proceedings, nothing in this sub-section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Attorney-General of the Northern Region shall not be subject to the direction or control of any other person or authority.

Powers of
Director of
Public
Prosecu-
tions in
Western
and Eastern
Regions.

233. (1) The Director of Public Prosecutions of the Western Region or the Eastern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order, alleged to have been committed by that person ;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecutions of the Western Region or the Eastern Region under sub-section (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Director of Public Prosecutions of the Western Region or the Eastern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section.

(4) An authority given under sub-section (3) of this section may be revoked by the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, at any time.

(5) The powers conferred upon the Director of Public Prosecutions of the Western Region or the Eastern Region by paragraphs (b) and (c) of sub-section (1) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any such person or authority has instituted criminal proceedings, nothing in this sub-section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Director of Public Prosecutions of the Western Region or the Eastern Region shall not be subject to the direction or control of any other person or authority.

Powers of
Attorney-
General of
Northern
Region in
relation to
prosecu-
tions.

232. (1) The Attorney-General of the Northern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177C of this Order, alleged to have been committed by that person;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Attorney-General of the Northern Region under sub-section (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Attorney-General of the Northern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section.

(4) An authority given under sub-section (3) of this section may be revoked by the Attorney-General of the Northern Region at any time.

(5) The powers conferred upon the Attorney-General of the Northern Region by paragraphs (b) and (c) of sub-section (1) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any such person or authority has instituted criminal proceedings, nothing in this sub-section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Attorney-General of the Northern Region shall not be subject to the direction or control of any other person or authority.

Powers of
Director of
Public
Prosecu-
tions in
Western
and Eastern
Regions.

233. (1) The Director of Public Prosecutions of the Western Region or the Eastern Region shall have power, in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any civil court in the Region in respect of any offence, not being an offence against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order, alleged to have been committed by that person ;

(b) to take over and continue any criminal proceedings as aforesaid that may have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered, any criminal proceedings as aforesaid instituted or undertaken by himself or any other person or authority.

(2) The powers of the Director of Public Prosecutions of the Western Region or the Eastern Region under sub-section (1) of this section and any powers relating to prosecutions that may be delegated to him by the Attorney-General of the Federation may be exercised by him in person or through members of his staff acting under and in accordance with his general or special instructions.

(3) The Director of Public Prosecutions of the Western Region or the Eastern Region may by writing under his hand confer a general or special authority upon the Attorney-General of the Federation to exercise, subject to such conditions and exceptions as he may think fit, any of the powers conferred upon him by sub-section (1) of this section.

(4) An authority given under sub-section (3) of this section may be revoked by the Director of Public Prosecutions of the Western Region or the Eastern Region, as the case may be, at any time.

(5) The powers conferred upon the Director of Public Prosecutions of the Western Region or the Eastern Region by paragraphs (b) and (c) of sub-section (1) of this section shall be vested in him to the exclusion of any other person or authority :

Provided that where any such person or authority has instituted criminal proceedings, nothing in this sub-section shall prevent the withdrawal of those proceedings by or at the instance of that person or authority, at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section the Director of Public Prosecutions of the Western Region or the Eastern Region shall not be subject to the direction or control of any other person or authority.

Establishment of Provincial Administrations in Northern Region.

234. (1) The Governor of the Northern Region may, by Instrument under the Public Seal, establish for any Province of that Region a Provincial Administration.

(2) A Provincial Administration established under this section shall have such functions as may be prescribed by the Instrument by which it is established or by or under any law and shall consist of—

(a) a Provincial Administrator, who shall be an officer in the public service of the Region ;

(b) a Provincial Authority, which shall consist of the Provincial Administrator, who shall be the Chairman, and such other members as may be prescribed in that Instrument ; and

(c) a Provincial Council, which shall consist of such members as may be prescribed in that Instrument.

Northern Council of Chiefs.

235. (1) There shall be, for the Northern Region, a Council of Chiefs, which shall be styled the Northern Council of Chiefs.

(2) The members of the Northern Council of Chiefs shall be—

(a) the Premier of the Northern Region ;

(b) those Regional Ministers who have been appointed as such from among the members of the Northern House of Chiefs ;

(c) the persons for the time being co-opted as members of the Council in accordance with sub-section (3) of this section.

(3) Whenever any matter is about to be discussed in the Northern Council of Chiefs, the Governor, after consultation with those members of the Council who are Regional Ministers, shall co-opt four persons from among the members of the Northern House of Chiefs mentioned in paragraphs (a) and (b) of section 7 of this Order to be members of the Council for the purpose of discussing that matter.

(4) The Governor shall preside at meetings of the Northern Council of Chiefs and, subject to the provisions of sub-section (5) of this section, shall decide in his discretion what business is to be proposed from time to time for transaction in the Council.

(5) The Governor shall consult with the Northern Council of Chiefs in the exercise of all powers conferred upon him with respect to—

(a) the appointment, approval of the appointment or recognition of a person as a Chief ;

(b) the grading of a Chief ;

(c) the deposition of a Chief ;

(d) the removal of a Chief or a person who was formerly a Chief from any part of the Northern Region ; and

House of
Chiefs of
Southern
Cameroons.

(e) the exclusion of a Chief or any person who was formerly a Chief from any part of the Northern Region.

236. (1) There shall be, for the Southern Cameroons, a House of Chiefs, which shall be styled the House of Chiefs of the Southern Cameroons.

(2) The members of the House of Chiefs of the Southern Cameroons shall be—

(a) the Commissioner of the Cameroons who shall be the President of the House ;

(b) not less than eighteen members selected for membership of the House in accordance with regulations made under sub-section (4) of this section ; and

(c) those members of the Executive Council of the Southern Cameroons who are members of the House of Assembly of the Southern Cameroons.

(3) The number of members of the House of Chiefs of the Southern Cameroons to be selected under paragraph (b) of sub-section (1) of this section shall, subject to the provisions of that paragraph, be such as the Commissioner of the Cameroons, acting in his discretion, may from time to time prescribe.

(4) Subject to the provisions of this section, the Commissioner of the Cameroons, acting in his discretion, may by regulation—

(a) make provision for the selection of persons to be members of the House of Chiefs of the Southern Cameroons in accordance with the foregoing provisions of this section ;

(b) prescribe qualifications for selection as aforesaid ;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the House ;

(d) make provision for the regulation and orderly conduct of the proceedings of the House.

(5) (a) The House of Chiefs of the Southern Cameroons may consider and discuss any Bill introduced in the House of Assembly of the Southern Cameroons, not being a Bill that the Commissioner of the Cameroons, acting in his discretion, certifies in writing to be a money Bill, or the draft of any such Bill proposed for introduction in that House, or any other matter that may be referred to the House for consideration by the Commissioner, acting in his discretion, or by any other member, and may submit resolutions on any such Bill or draft Bill or other matter to the Commissioner for his consideration, which the Commissioner shall cause to be laid before the House of Assembly of the Southern Cameroons.

(b) In this sub-section "a money Bill" means a Bill that, in the opinion of the Commissioner, contains only provisions

dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public money or the variation or repeal of such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them."

(2) The persons holding office immediately before the commencement of this Order as Director of Audit of the Western Region and Director of Audit of the Eastern Region shall be deemed to have been appointed as such at the commencement of this Order under section 225 of the principal Order, as set out in sub-section (1) of this section.

(3) Until such time as provision in that behalf is made in pursuance of sub-section (1) of section 224 of the principal Order or sub-section (3) of section 225 of the principal Order, as set out in sub-section (1) of this section, there shall be paid to the Governor and the Deputy Governor of the Western Region and the Director of Audit of that Region and the Governor and the Deputy Governor of the Eastern Region and the Director of Audit of that Region salaries and allowances calculated at the same rate as the salaries and allowances payable immediately before the commencement of this Order to those officers.

Amendment
of First
Schedule
to Order
of 1954.

107. The First Schedule to the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955, section 16 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and section 50 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion from Part II of item 9.

Amendment
of Fourth
Schedule
to Order
of 1954.

108. The Fourth Schedule to the principal Order (as amended by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and section 52 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended by the deletion of the words "(or in the case of a judge of the High Court sixty-two years)" in the proviso to paragraph 2 and the substitution of the words "(or in the case of a judge of the Federal Supreme Court sixty-five years or in the case of a judge of the High Court of the Northern Region or the High Court of Lagos sixty-two years)".

Insertion of
Fifth
Schedule
in Order
of 1954.

109. The principal Order is amended by the insertion after the Fourth Schedule of the provision set out in the Schedule to this Order.

Adaptation
of existing
laws.

110. (1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving

effect or enabling effect to be given to those provisions : and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

THE SCHEDULE

Section 109.

PROVISION TO BE INSERTED AS FIFTH SCHEDULE TO
NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1954

FIFTH SCHEDULE

Section
180L.

OFFENCES CONNECTED WITH PUBLIC SERVICE AND
JUDICIAL SERVICE COMMISSIONS OF WESTERN AND
EASTERN REGIONS

1. Any person who, in connection with any application by any person for employment or promotion in the public service of the Region or with any matter upon which it is the duty of the Commission to advise the Governor, wilfully gives to the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any member thereof, or to any person or body of persons appointed by any regulation to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence.

Supplying
false
information.
2. (1) Neither the Chairman nor any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region nor any other person shall, otherwise than in the execution of his official duties or with the written permission of the Governor, publish or disclose to any person other than a public officer in the course of his duties as such the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties in respect of any matter referred to the Commission.

Unauthor-
ised
disclosure
or use of
information.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of subparagraph (1) of this paragraph publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution or proceedings under this Schedule, he shall be guilty of an offence.
3. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever improperly influences or attempts to influence the Chairman or any other member of the Public Service Commission or the Judicial Service Commission of the Western Region or the Eastern Region or any person upon whom a power is conferred under section 180B of this Order shall be guilty of an offence :

Improper
influence.

Provided that nothing in this paragraph shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance at the request of the Commission.

Improperly
receiving
gifts.

4. If the Chairman or any other member of the Public Service Commission or Judicial Service Commission of the Western Region or the Eastern Region receives any gift, or accepts the promise of any gift, of any kind whatsoever in connection with the performance of his duties he shall be guilty of an offence.

Penalties.

5. Any person guilty of an offence under this Schedule shall be liable to a fine not exceeding £200 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment."

W. G. AGNEW

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, in a number of respects in order to give effect to certain recommendations of the Nigeria Constitutional Conference held in London in May and June 1957.

W.R.L.N. 110 of 1958

*The Nigeria (Offices of Governor-General and Governors)
(Amendment) Order in Council, 1958*

STATUTORY INSTRUMENTS, 1958 No. 430
WEST AFRICA

MADE... .. 14TH MARCH, 1958
LAID BEFORE PARLIAMENT ... 20TH MARCH, 1958
COMING INTO OPERATION ... 1ST APRIL, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

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 :—

1. (1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957 (b). Citation, construction and commencement.

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958.

(3) This Order shall come into operation on the first day of April, 1958.

2. Section 2 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1955, and the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the deletion of sub-section (3) and the substitution of the following sub-section :— Amendment of s. 2 of Order of 1954.

"(3) Any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner."

(a) 53 & 54 Vict. c. 37. (b) S.I. 1954/1147, 1955/431 (1954 II, p. 2939; 1955 II, p. 3167) and 1957/1531.

Amendment of s. 4A of Order of 1954.

3. Section 4A of the principal Order (as set out in section 3 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after sub-section (2) of the following sub-section :—

“(3) If the office of Deputy Governor-General is vacant or the Deputy Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor-General may appoint a person to act as Deputy Governor-General, and any person so appointed shall continue to act until his appointment is revoked by the Governor-General.”

Amendment of s. 6 of Order of 1954.

4. Section 6 of the principal Order (as amended by section 5 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after sub-section (4) of the following sub-section :—

“(5) In sub-section (1) of this section the reference to the functions of the office of Governor-General does not include a reference to any function conferred upon the Governor-General by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order and the Constitution Order.”

Insertion of s. 6A in Order of 1954.

5. The principal Order is amended by the insertion after section 6 of the following section :—

“Office of High Commissioner for Southern Cameroons. 6A. (1) The office of High Commissioner for the Southern Cameroons is hereby constituted.

(2) The person for the time being holding the office of Governor-General shall hold the office of High Commissioner for the Southern Cameroons.

(3) The reference in section 4 of this Order to things belonging to the office of Governor-General and the references in sections 5 and 6 of this Order to the functions of the office of Governor-General include references to the functions of the office of High Commissioner for the Southern Cameroons.”

Amendment of s. 8 of Order of 1954.

6. (1) Section 8 of the principal Order (as amended by section 6 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended—

(a) by the deletion from sub-section (1) of the words “the Southern Cameroons”; and

(b) by the deletion of sub-section (2) and the substitution of the following sub-section :—

“(2) The Governor shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

- (a) the office of Attorney-General of the Federation ;
- (b) the office of Director of Federal Audit ;
- (c) the office of Clerk to the House of Representatives ; and
- (d) the office of Secretary to the Council of Ministers.”

7. (1) The principal Order is amended by the insertion after section 8 of the following section :—

"Constitution of offices for Southern Cameroons.

8A. (1) The High Commissioner for the Southern Cameroons, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Southern Cameroons as may lawfully be constituted by Her Majesty.

Insertion of s. 8A of Order of 1954.

(2) The High Commissioner for the Southern Cameroons shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

- (a) the office of Commissioner of the Cameroons ;
- (b) the office of Deputy Commissioner of the Cameroons ;
- (c) the office of Legal Secretary of the Southern Cameroons ;
- (d) the office of Financial Secretary of the Southern Cameroons ;
- (e) the office of Clerk to the House of Assembly of the Southern Cameroons ; and
- (f) the office of Clerk to the Executive Council of the Southern Cameroons.

(3) The High Commissioner of the Southern Cameroons subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any office constituted under this section."

(2) Any offices constituted by the Governor-General for the Southern Cameroons under sub-section (1) of section 8 of the principal Order and in existence immediately before the commencement of this Order shall be deemed to have been constituted by the High Commissioner for the Southern Cameroons under sub-section (1) of section 8A of the principal Order, as set out in sub-section (1) of this section.

8. Section 9 of the principal Order is amended by the insertion in sub-section (2) after the words "a Region" of the words "or the Southern Cameroons".

Amendment of s. 9 of Order of 1954.

9. The principal Order is amended by the insertion after section 9 of the following sections :—

"Discharge of functions of Commissioner of Cameroons in case of vacancy, etc.

9A. (1) Whenever the office of Commissioner is vacant or the Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

Insertion of ss. 9A, 9B and 9C in Order of 1954.

- (a) the Deputy Commissioner ; or
- (b) if the office of Deputy Commissioner is vacant or the Deputy Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Commissioner, such person as the High Commissioner for the Southern Cameroons may designate by Instrument under the Public Seal of the Southern Cameroons shall, during the pleasure of the High Commissioner, discharge the functions of the office of Commissioner of the Cameroons.

(2) The Deputy Commissioner shall not continue to discharge the functions of the office of Commissioner of the Cameroons after the Commissioner has notified him that he is about to enter upon, or resume, the discharge of those functions, and the person designated under paragraph (b) of sub-section (1) of this section shall not continue to discharge those functions after the Commissioner or the Deputy Commissioner has so notified him.

(3) For the purposes of this section—

(a) the Commissioner or the Deputy Commissioner shall not be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Commissioner by reason only that he is so passing ;

(b) the Commissioner shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Commissioner, at any time when the Deputy Commissioner is discharging those functions in pursuance of an authority given by the Commissioner under section 9B of this Order ;

(c) when the Deputy Commissioner has entered upon the discharge of the functions of the office of Commissioner under sub-section (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Commissioner is discharging those functions in pursuance of an authority given by the Deputy Commissioner under section 9B of this Order ;

(d) "the Commissioner" means the person holding the office of Commissioner of the Cameroons and "the Deputy Commissioner" means the person holding the office of Deputy Commissioner of the Southern Cameroons.

Discharge of
functions of
Commissioner
of Cameroons
by Deputy
Commissioner.

9B. (1) The Commissioner may, by Instrument under his hand, authorize the Deputy Commissioner to discharge for and on behalf of the Commissioner 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 Commissioner of the Cameroons as may be specified in that Instrument.

(2) The powers and authority of the Commissioner shall not be affected by any authority given to the Deputy Commissioner under this section otherwise than as the High Commissioner for the Southern Cameroons may at any time think proper to direct, and the Deputy Commissioner shall conform to and observe such instructions relating to the discharge by the Deputy Commissioner of any of the functions of the office of Commissioner of the Cameroons as the Commissioner may from time to time address to him for his guidance.

(3) Any authority given under sub-section (1) of this section may at any time be varied or revoked by the High Commissioner for the Southern Cameroons by Instrument under the Public Seal of the Southern Cameroons or by the Commissioner by Instrument under his hand.

(4) For the purposes of this section "the Commissioner" means the person holding the office of Commissioner of the Cameroons and includes any person discharging the functions of that office under section 9A of this Order.

Powers of pardon, etc., of High Commissioner for Southern Cameroons.

9c. (1) The High Commissioner for the Southern Cameroons may, in Her Majesty's name and on Her Majesty's behalf—

(a) grant to any person concerned in or convicted of any offence to which this section applies 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 sentence passed on that person for such an offence ; or

(c) substitute a less severe form of punishment for that imposed by any sentence for such offence ; or

(d) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) The offences to which this section applies are any offences against any law enacted by the Legislature of the Southern Cameroons or having effect under the Constitution Order as if it had been so enacted".

10. Section 10 of the principal Order is revoked and the following section is substituted :—

"Public Seal of Federation. 10. The Governor-General shall keep and use the Public Seal of the Federation."

Replacement of s. 10 of Order of 1954.

11. The principal Order is amended by the insertion after section 10 of the following section :—

"Public Seal of Southern Cameroons. 10A. The High Commissioner for the Southern Cameroons shall keep and use the Public Seal of the Southern Cameroons."

Insertion of s. 10A in Order of 1954.

12. Section 13 of the principal Order (as amended by section 7 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after sub-section (2) of the following sub-section :—

"(3) If the office of Deputy Governor of a Region is vacant or the Deputy Governor is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor may appoint a person to act as Deputy Governor, and any person so appointed shall continue to act until his appointment is revoked by the Governor."

Amendment of s. 13 of Order of 1954.

13. Section 15 of the principal Order (as amended by section 9 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after sub-section (4) of the following sub-section :—

"(5) In sub-section (1) of this section the reference to the functions of the office of Governor does not include a reference to any function conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order and the Constitution Order."

Amendment of s. 15 of Order of 1954.

Amendment
of s. 17 of
Order of
1954.

14. Section 17 of the principal Order (as amended by section 10 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended—

(a) by the insertion in sub-section (2) after sub-paragraph (ii) of paragraph (a) of the following sub-paragraphs :—

“(iii) the office of Director of Audit of the Northern Region ;

(iv) the office of Clerk to the Northern Regional Legislature ;

(v) the office of Clerk Assistant to the Northern Regional Legislature ;
and

(vi) the office of Secretary to the Executive Council of the Northern Region.” ; and

(b) by the deletion from sub-section (2) of paragraphs (b) and (c) and the substitution of the following paragraphs :—

“(b) The Governor of the Western Region shall, in like manner, constitute the following offices :—

(i) the office of Clerk to the Western House of Chiefs ;

(ii) the office of Clerk to the Western House of Assembly ; and

(iii) the office of Secretary to the Premier and Executive Council of the Western Region.

(c) The Governor of the Eastern Region shall, in like manner, constitute the following offices :—

(i) the office of Clerk to the Eastern House of Assembly ;

(ii) the office of Chief Secretary to the Premier of the Eastern Region ; and

(iii) the office of Secretary to the Executive Council of the Eastern Region.”

W. G. AGNEW

EXPLANATORY NOTE

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

This Order amends the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, in order to provide for the office of High Commissioner for the Southern Cameroons. It also amends the provisions of the Order relating to the exercise of the functions of the Governor-General of Nigeria and the Governors of the Regions by a deputy and the constitution of offices.

W.R.L.N. 111 of 1958

*PROCLAMATION under the PEACE PRESERVATION
ORDINANCE (Cap. 166)*



J. D. RANKINE
GOVERNOR

By His Excellency Sir JOHN DALZELL RANKINE,
Knight Commander of the Most Distinguished
Order of Saint Michael and Saint George,
Knight Commander of the Royal Victorian
Order, Governor, Western Region.

WHEREAS power has been conferred upon the Governor by section 3 of the Peace Preservation Ordinance (Chapter 166), whenever it shall appear necessary for the preservation of public peace in any area of the Protectorate, to declare, by Proclamation, such area to be a proclaimed district for the purposes of the Ordinance :

AND WHEREAS circumstances have arisen which render it necessary for the preservation of the public peace to declare the areas of jurisdiction of the following local government councils to be proclaimed districts :—

- (a) Ibadan (Provisional) District Council ;
- (b) Oyo Divisional Council excluding the area of jurisdiction of the Irepo District Council ;
- (c) Iwo District Council ;
- (d) Aiyedade District Council.

NOW, THEREFORE, I, JOHN DALZELL RANKINE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor, Western Region of Nigeria, in exercise of the power vested in me by section 3 of the Peace Preservation Ordinance, after consultation with the Executive Council, do hereby proclaim and declare as follows :

1. This Proclamation may be cited as the Proclaimed Districts Proclamation, 1958.

2. The areas of jurisdiction of the following local government councils are hereby declared proclaimed districts for the purposes of the Peace Preservation Ordinance :—

- (a) Ibadan (Provisional) District Council ;
- (b) Oyo Divisional Council excluding the area of jurisdiction of the Irepo District Council ;
- (c) Iwo District Council ;
- (d) Aiyedade District Council.

3. All arms and ammunition in the possession of any person resident in or being in the areas mentioned in paragraph 2 hereof (other than persons in the service of the Government) shall be delivered up to the Commissioner of Police, to any Superior Police Officer, or to the respective Divisional Adviser in the area of jurisdiction of the said local government councils within twelve hours from mid-day on the 31st day of March, 1958.

GIVEN at Government House, Ibadan, this 31st day of March, one thousand nine hundred and fifty-eight.

GOD SAVE THE QUEEN.

W.R.L.N. 112 of 1958

The Public Order Law, 1957

(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IBADAN (PROVISIONAL) DISTRICT COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon me by sub-section (3) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Order, 1958.

2. All public processions within the area of authority of the Ibadan (Provisional) District Council are hereby prohibited during the period of fourteen days commencing on the 1st day of April, 1958.

MADE by me at Ibadan this 1st day of April, 1958.

R. C. C. JARRETT,
Commissioner of Police, Western Region

W.R.L.N. 113 of 1958

The Public Order Law, 1957

(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(AIYEDADE DISTRICT COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Aiyedade District Council Area) Order, 1958.

2. All public processions within the area of authority of the Aiyedade District Council are hereby prohibited during the period of fourteen days commencing on the 1st day of April, 1958.

MADE by me this 1st day of April, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 114 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(OYO DIVISIONAL COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Oyo Divisional Council Area) Order, 1958.

2. All public processions within the area of authority of the Oyo Divisional Council (excluding the area of authority of the Irepo District Council) are hereby prohibited during the period of fourteen days commencing on the 1st day of April, 1958.

MADE by me this 1st day of April, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 115 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IWO DISTRICT COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon me by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Iwo District Council Area) Order, 1958.

2. All public processions within the area of authority of the Iwo District Council are hereby prohibited during the period of fourteen days commencing on the 1st day of April, 1958.

MADE by me this 1st day of April, 1958.

J. S. BELL,
Superior Police Officer

W.R.L.N. 116 of 1958

The Curfew Law, 1958
(No. 7 of 1958)

THE CURFEW (IBADAN AREA) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred on the Governor in Council by section 3 of the Curfew Law, 1958, the following Order is hereby made :—

- | | |
|---|--------------------------|
| 1. This Order may be cited as the Curfew (Ibadan Area) Order, 1958. | Title. |
| 2. In this Order—
“the Ibadan Area” means that area within a radius of five miles of Mapo Hall ;
“the Law” means the Curfew Law, 1958. | Interpre-
tation. |
| 3. Subject to the provisions of the Law, a curfew is hereby imposed upon the inhabitants of the Ibadan Area. | Imposition
of Curfew. |
| 4. This Order shall be made known to the inhabitants of the Ibadan Area by loudspeaker or radio. | Publication
of Order. |
| 5. The curfew shall be in force in the Ibadan Area between the hours of seven at night and six o'clock the following morning, during the continuance of this Order. | Hours of
Curfew. |

MADE by the Governor in Council at Ibadan this 1st day of April, 1958.

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

W.R.L.N. 117 of 1958

BYE-LAWS made under *THE PUBLIC HEALTH LAW*
(No. 25 of 1957)

THE EGBADO-IFONYIN DISTRICT COUNCIL
BUILDING BYE-LAWS, 1958

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers conferred by section 65 of the Public Health Law, 1957 the following Bye-laws are made by the Egbado-Ifonyin District Council with the approval of the Minister of Health and Social Welfare.

1. These Bye-laws may be cited as the Egbado-Ifonyin District Council Building Bye-laws, 1958 and shall apply to all persons normally subject to the jurisdiction of Egbado-Ifonyin District Council or being within its area of jurisdiction.

Short title and application.

2. In these Bye-laws :—

Definition.

“builder” means any person who is employed to build or execute work on a building or structure or (where no person is employed) the owner of the building or structure ;

“building” includes any structure or erection of what kind or nature whatsoever and every part thereof ;

“council” means the Egbado-Ifonyin District Council ;

“fees” means all moneys payable to the Council under the provisions of these Bye-laws but shall not include fines or other penalties levied in contravention of these Bye-laws ;

“Health Officer” includes a medical officer of health, a health superintendent, sanitary inspector or other person acting under the authority, whether general or special, of the medical officer of health and whether or not such sanitary inspector or other person is serving in the Medical Department of Government or is in the service of the Council.

3. (1) No new building shall be erected and no existing building shall be re-erected, added to or altered except on a site and according to plans approved and passed by the Health Officer, Road Overseer and the Council.

Such approval shall be notified by the signature of the Health Officer, Road Overseer, and the Council on a duplicate site plan submitted by the applicant, which plan shall be to a scale 1" to 40' and shall show the boundaries of the site with existing buildings and the proposed building. A detailed plan of the proposed building, addition or alteration to a scale of 1" to 8' must also be submitted :

Provided that where the Council is satisfied that the production of a scale plan is not necessary the Council may accept sketches which clearly show the various portions of the buildings in relation to one another and to the boundaries of the plot which have details of dimensions of the various buildings and intervening spaces indicated thereon.

In either case the size of living rooms, the arrangements for lighting, ventilation, night soil disposal and drainage must meet with the approval of the Health Officer.

(2) In the case of small temporary huts or minor repairs the Council may at its discretion dispense with the production of the plans and issue a written permit instead.

Permit Fees. (3) Whenever the council's sanction or approval is sought the owner of such house shall get a permit from the said Council and shall pay a fee of twenty-one shillings to the General Revenue of the Council.

Site of building. (4) Every builder shall cause the site of the proposed building to be cleared and shall cause the foundations of the building and the limits of the site to be clearly defined on the ground by means of pegs before the Council's sanction to build is obtained. Any interference with such pegs without the consent of the Council in writing shall be an offence against these Bye-laws.

Area to build upon. (5) (i) No person shall construct any building so that the building together with the area of all out-houses appertaining thereto shall exceed one-half of the total area of the site.

(ii) No building shall be built in front of the approved building line and no portico, verandah, porch, step or other like projection shall be erected in such manner as to project beyond the building line of any public street upon which such building may abut and bound.

(iii) In no case shall any building be nearer than twenty feet to the centre of any street on which its front abuts and for which no building line has been defined.

(6) In cases where the boundaries of a site do not coincide with specified building lines there shall be an open space of five feet between any building and boundary of the site in the case of a building under twenty feet in height ; where the height of any building exceeds twenty-five feet such space shall be ten feet.

Ground floor. (7) (i) The level of the ground floor of any building must be at least six inches above the level of the surrounding ground and in the case of a building abutting on a street the level of the ground floor shall be at least six inches above the finished level of the street unless otherwise approved by the Health Officer.

(ii) Rooms with boarded floors shall be provided with adequate ventilation below the floors. All such cavities shall be made rat-proof.

(8) No borrow pits shall be dug except in places approved by the Health Officer, and no building shall be erected on land containing pits which have been filled except with the approval of the Health Officer.

Time limits for allocation and plans. (9) (i) If on any site allocated by the Council for building no buildings are erected within one year the allocation shall become null and void.

New plans may be required in certain circumstances. (ii) If any building of which the plans have been approved are not completed within two years of approval, the Council, may, if it considers it desirable, regard the plan as lapsed and call for its approval.

(10) If any building is erected in contravention of these Bye-laws the Council may order such building to be altered or demolished by the Council and the cost recovered from the owner in addition to any other penalty.

(11) No builder shall occupy a new house without a certificate of occupancy from the Health Officer. Certificate of
occupancy.

(12) Any person who contravenes or fails to comply with the provisions of bye-laws 3, 4, 5, 6, 7, 8 or 11 shall be liable to a fine not exceeding five pounds or to imprisonment not exceeding three months for each offence.

MADE by the Egbado-Ifonyin District Council this 13th day of February, 1958, the common seal of the Council having been hereunto affixed in the presence of—

J. A. OLUBIYI,
Chairman,
Egbado-Ifonyin District Council

H. O. DOKUNMU,
Secretary/Treasurer,
Egbado-Ifonyin District Council

APPROVED this 19th day of March, 1958.

J. O. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 118 of 1958

The Waterworks Ordinance
(Cap. 227)

THE WATERWORKS (EDE GENERAL WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

Short title and application.

1. This Order may be cited as the Waterworks (Ede General Water Rate) Order, 1958, and shall apply to the town of Ede.

Levy of general water rate.

2. Subject to paragraph 3 of this order an annual general water rate of eleven shillings and six pence is hereby levied on all male persons of or over sixteen years of age resident in the town of Ede.

Exemptions.

3. The following classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :—

(a) students in full time attendance at any school, college or training centre ;

(b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;

(c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempt in respect of any one tenement.

Rate to be payable in advance.

4. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957.

MADE at Ede this 22nd day of February, 1958 by the Ede District Council's Order.

I. ABIOLA ADEJARE,
Chairman,
Ede District Council

L. O. OMOTOSHO,
Secretary,
Ede District Council

APPROVED by the Minister of Local Government, this 15th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 119 of 1958

The Waterworks Ordinance
(Cap. 227)

THE WATERWORKS (IFE GENERAL WATER RATE)
ORDER, 1957

DATE OF COMMENCEMENT : 1ST APRIL, 1957

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

1. This Order may be cited as the Waterworks (Ife General Water Rate) Short title. Order, 1957.
2. This order shall apply to the area comprised within the limits of a Application. circle having a radius of one and a half miles with the Afin as centre.
3. An annual general water rate of two shillings and six pence is hereby Levied of general water rate. levied on all male persons of or over sixteen years of age resident in the area prescribed in paragraph 2.
4. The following persons or classes of persons shall be exempted from the Exemption. general water rate imposed by paragraph 3 of this order—
 - (a) students in full time attendance at any school, college or training centre who, while undergoing such training, are not in receipt of any salary, stipend or other emoluments derived from any source ;
 - (b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;
 - (c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance.
5. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1957. Rate to be payable in advance.

MADE at Ife this twenty-ninth day of November, 1957.

By the Ife Divisional Council's Order.

ADEREMI, ONI OF IFE,
Chairman,
Ife Divisional Council

M. A. FABUNMI,
Secretary,
Ife Divisional Council

APPROVED by the Minister of Local Government this 6th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government,
Western Region

W.R.L.N. 120 of 1958

The Native Lands Acquisition (Amendment) Law, 1957 (No. 6 of 1957)

THE NATIVE LANDS ACQUISITION (APPROVAL OF TRANSACTIONS) REGULATIONS, 1957

DATE OF COMMENCEMENT : 6TH MARCH, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 of the Native Lands Acquisition (Amendment) Law, 1957, the following Regulations are hereby made :—

Citation. 1. These Regulations may be cited as the Native Lands Acquisition (Approval of Transactions) Regulations, 1957.

Manner of application fees. 2. (1) Any person wishing to obtain approval of a transaction, as required by the Law, shall submit to the Commissioner of Lands an application in the form set out in the First Schedule.

(2) The applicant shall, before submitting his application, pay into the Local or Sub-Treasury most convenient to him the appropriate fee set out in the Second Schedule, and shall deliver or send with his application the Treasury receipt obtained by him for the sum so paid.

(3) The applicant shall furnish the Commissioner of Lands with any further information which the Commissioner may require in respect of the application.

Conditions of approval of transactions. 3. (1) The conditions upon which approval, as required by the Law, may be given to a transaction are—

(a) that an application for approval is made in the form set out in the First Schedule ;

(b) that the interest or right to be acquired under the transaction will be acquired subject to the provisions of regulation 4 ;

(c) that the fees prescribed by regulation 2 are paid ;

(d) that the transaction, if approved, will be evidenced by an instrument duly registered in accordance with the provisions of the Land Registration Ordinance within one year of the date of approval.

Limitations on acquisition. 4. The interest or right to be acquired under the transaction shall not be acquired for any greater estate than a term of years and such term—

(a) shall not exceed, including any option to renew, ninety-nine years ;

(b) shall not commence more than twelve months after the application for approval of the transaction.

Covenant and conditions to be contained in instrument of lease. 5. (1) An instrument of lease shall contain a covenant on the part of the lessee in a form satisfactory to the Commissioner of Lands to pay the rent at the time and in the manner stated therein :

Provided that no covenant shall be regarded as complying with this paragraph if it provides for payment in advance of the rent for an aggregate period of more than twenty years.

(2) An instrument of lease shall contain, in addition to any usual terms and conditions, the following conditions—

(a) that the rent reserved will be subject to revision on the exercise of any option of renewal contained in the lease or every twenty years of the term created and such revised rent shall be fixed by agreement between the lessor and the lessee :

Provided that this condition will not be so framed as to apply to the rent reserved in a lease containing one or more renewal clauses where the aggregate of the original term and the term (or terms) of any renewal (or renewals) does not exceed twenty years.

(b) that if the lessor and the lessee are unable to agree as to the revised rent to be paid the matter will be referred to an arbitrator to be agreed upon by them, or in the absence of such agreement to an arbitrator appointed by a judge of the High Court in accordance with the provisions of the Arbitration Ordinance ;

(c) that the amount at which the revised rent is fixed by the arbitrator appointed pursuant to the condition specified in sub-paragraph (b) above will be such as in the opinion of the arbitrator is a fair and reasonable rent for the land demised having regard to rents obtained at the commencement of the revision period for similar lands of similar area and amenities, similarly situate, with a proviso to the effect that in fixing the rent the arbitrator will not take into account any improvements made by the lessee upon the land demised since the date of the lease ;

(d) that the decision of any arbitrator appointed pursuant to the condition specified in sub-paragraph (b) above will be final ;

(e) that the provisions of the Arbitration Ordinance will be applicable to any reference and award made pursuant to the conditions specified in the foregoing paragraphs. Cap 13.

6. Notwithstanding the provisions of Regulations 2, 3, 4 and 5, the Governor may in any particular case waive compliance with any of the requirements of these Regulations or modify the conditions or limitations contained therein.

7. The approval of the Governor shall be conveyed to the applicant in the letter form set out in the Third Schedule or to the like effect. Form of approval. Third Schedule.

8. The Regulations made under section 6 of the Native Lands Acquisition Ordinance, appearing at pages 107 to 113 (inclusive) of Volume IX of the Laws of Nigeria, 1948, are hereby revoked. Revocation. Cap. 144.

FIRST SCHEDULE

(Regulations 2 and 3)

APPLICATION FOR APPROVAL OF A TRANSACTION UNDER THE NATIVE LANDS ACQUISITION (AMENDMENT) LAW, 1957

1. (a) Nature of Grant, Lease, Sub-Lease or Assignment.....

(b) If Sub-Lease or Assignment, give registration particulars of the Principal Lease.....

FIRST SCHEDULE—*contd.*

2. Name of proposed Grantee or Grantees in full.....

Note.—

(a) In the case of a corporate body the full title and the nature of the corporate status must be given.

(b) In the case of an individual or a firm registered under the Registration of Business Names Ordinance, Cap. 195, the full name of the individual or each member of the registered firm must be given in addition to the business name under which trading is carried on.

3. Nationality.....

4. Address.....

Note.—In the case of either (a) or (b) in section 2 above the registered address must be given.

5. Name of proposed Grantor or Grantors, with whom the terms have been negotiated.....

6. Address or abode.....

7. Situation and area of land.....

8. Length of term agreed to.....

9. Amount of rent agreed to.....

10. Purpose for which the land is required, *e.g.*, residence, trading, agriculture, etc.,.....

11. Value of the improvements offered and the period within which they are to be effected.....

12. Special terms and conditions agreed to, if any.....

Note.—One copy of a survey plan of the area must be enclosed with this application unless it is in respect of (a) a period not exceeding three years (including any option to renew for a further period) or (b) a part of a building or (c) an area for which a survey plan is attached to a registered deed. In the case of exceptions (a) and (b) a sketch plan should be enclosed.

Signed :

.....
Applicant grantee

Date.....

Signed :

.....
Applicant grantor

Date.....

Signed, by the making of his mark, the foregoing having been first read over and interpreted to him/them in the..... language, when he/they appeared perfectly to understand the same, in the presence of Justice of the Peace.

Address :—

SECOND SCHEDULE

(Regulation 3)

FEES

On approval by the Governor—

	£	s	d
(1) For a term including any option to renew exceeding 3 years	5	0	0
(2) For a term including any option to renew not exceeding 3 years	2	0	0

THIRD SCHEDULE

(Regulation 6)

APPROVAL OF GOVERNOR

Sir/Gentlemen,

Referring to your application I have to inform you that subject to the conditions annexed hereto the Governor has approved the proposed transaction.

If the transaction is not evidenced by an instrument duly presented for registration and registered in accordance with the provisions of the Land Registration Ordinance, Chapter 108, within one year from the date hereof, this approval shall be deemed to be withdrawn on the expiration of the said period of one year and shall accordingly cease to be of any effect.

I am Sir/Gentlemen,

N.B.—Approval of this transaction cannot cure any defect in title. This letter of approval must be produced when an instrument is presented for Registration.

CONDITIONS

MADE by the Governor in Council at Ibadan, this 11th day of November, 1957.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 121 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

DATE OF COMMENCEMENT : 31ST MARCH, 1958

In exercise of the powers conferred by section 8 (1) of the Local Government Law, 1957, the Governor in Council hereby revokes, in respect of each of the Councils shown in column 1 of the Schedule hereto, the Instrument relating thereto of which the particulars are set out, opposite the name of such Council, in column 2 of the Schedule :

SCHEDULE

<i>Column 1</i> Name of Council	<i>Column 2</i> Instrument relating to Council named in Column 1 : published as—
Abayo Local Council	W.R.L.N. 41 of 1955
Agbor Local Council	W.R.L.N. 35 of 1955
Akumazi Local Council	W.R.L.N. 42 of 1955
Akw ikwu-Atuma Local Council	W.R.L.N. 72 of 1955
Ezechima Local Council	W.R.L.N. 56 of 1955
Ibusa Local Council	W.R.L.N. 52 of 1955
Idumessah Local Council	W.R.L.N. 38 of 1955
Idumuje Local Council	W.R.L.N. 53 of 1955
Igbodo Local Council	W.R.L.N. 40 of 1955
Iillah-Ebu Local Council	W.R.L.N. 55 of 1955
Mbiri Local Council	W.R.L.N. 44 of 1955
Nsukwa Local Council	W.R.L.N. 49 of 1955
Odiani Local Council	W.R.L.N. 54 of 1955
Ogwashu-Uku Local Council	W.R.L.N. 48 of 1955
Oko Local Council	W.R.L.N. 47 of 1955
Okpanam Local Council	W.R.L.N. 51 of 1955
Otolokpo Local Council	W.R.L.N. 45 of 1955
Owa Local Council	W.R.L.N. 36 of 1955
Ubulu Local Council	W.R.L.N. 50 of 1955
Umunede Local Council	W.R.L.N. 43 of 1955
Ute-Ogbeje Local Council	W.R.L.N. 39 of 1955
Ute-Okpu Local Council	W.R.L.N. 37 of 1955

MADE at Ibadan this 24th day of February, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 122 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE ADOPTIVE
BYE-LAWS ORDER, 1958 : OGBOMOSHO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 3RD APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ogbomosho District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ogbomosho District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of January, 1958, that the Preparation and Sale of Palm Wine Adoptive By-laws, 1957, be adopted, with the following amendments :—

W.R.L.N.
357 of 1957.

“Delete Second Schedule thereof and substitute the following therefor :—

SECOND SCHEDULE

	<i>s</i>	<i>d</i>
Fee for a yearly licence (Wine Tapping/Selling)	11	6
Fee for half yearly licence (Wine Tapping/Selling)	6	0”

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 20th March, 1958.

W.R.L.N. 123 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IBADAN (PROVISIONAL) DISTRICT COUNCIL
(MOTOR PARKS) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 1ST JUNE, 1957

In exercise of the powers conferred upon the Ibadan (Provisional) District Council under and by virtue of sections 67 and 271 of the Local Government Law, 1957, and the Western Region Legal Notice 26 of 1956, the following Bye-laws are hereby made with the approval of the Minister of Local Government.

- | | |
|---------------------------|--|
| Short title. | 1. These Bye-laws may be cited as the Ibadan (Provisional) District Council (Motor Parks) Bye-laws, 1957. |
| Interpretation. | 2. In these Bye-laws—
“attendant” means any person appointed as such under the provisions of bye-law 3 ;
“council” means the Ibadan (Provisional) District Council ;
“motor vehicle” means any mechanically propelled vehicle intended and adapted for use on roads, but does not include a motor cycle ;
“motor parks” means all those parcels of land specified in the First Schedule. |
| First Schedule. | |
| Motor park attendants. | 3. The Council shall appoint motor park attendants who shall control and direct the use of motor parks by any vehicle. |
| Use of motor parks. | 4. (1) Any person who parks or stations any vehicle in any motor park or otherwise makes use of such motor park shall comply with all orders and directions given by any attendant relating to such use.
(2) All vehicles shall enter or leave motor parks by the “IN” or “OUT” gates as the case may be. |
| Fees.
Second Schedule. | 5. Any person who parks or stations any vehicle in any motor parks shall pay to the attendant the prescribed fee set out in the Second Schedule ; and the attendant shall issue a council receipt for every fee collected by him and he shall pay the fee so collected to the Council Treasury. |
| Penalties. | 6. Any person who contravenes or fails to comply with the provisions of bye-laws 4 or 5 of these Bye-laws, or fails to comply with any order or direction lawfully given thereunder shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two pounds, or in default, to imprisonment not exceeding fourteen days. |

FIRST SCHEDULE

(BYE-LAW 2)

1. Ogunpa Motor Park.
2. Ibuko Motor Park.

SECOND SCHEDULE

(BYE-LAW 5)

Type of vehicle

Per entry

Motor vehicle of any class other than privately owned ... 2s

MADE at Ibadan on the 1st day of June, 1957.

I. B. AKINYELE,
Chairman,
Ibadan (Provisional) District Council

W. S. A. WARREN,
Secretary,
Ibadan (Provisional) District Council

Signified in accordance with the Ibadan (Provisional) District Council Standing Orders dated the 13th of March, 1956.

APPROVED at Ibadan on the 6th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 124 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 21ST MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ikeja North	Secretary/Treasurer, Ijeda Local Council.	Ijeda Local Council Area.
	Mr E. O. Oyefule	Ikorodu Local Council Area
Ibadan West	Mr I. O. Ajayi	Ibarapa District Council Area.

2. The appointments notified in Western Region Legal Notice 102 of 1958 in respect of the Ijeda Local Council Area and the Ikorodu Local Council Area, are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 24th March, 1958.

W.R.L.N. 125 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 21ST MARCH, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ikeja North	Secretary/Treasurer, Ijeda Local Council.	Ijeda Local Council Area.
	Mr E. O. Oyefule	Ikorodu Local Council Area.

2. The appointments notified in Western Region Legal Notice 101 of 1958 in respect of the Ijeda Local Council Area and the Ikorodu Local Council Area, are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 24th March, 1958.

W.R.L.N. 126 of 1958*Parliamentary and Local Government Electoral Regulations, 1955***APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS**

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>			<i>Area of Responsibility</i>
Ondo North	Treasurer,	Akure	Divisional	Alade-Atosin Local Council Area.
	Council.			
	Mr I. O. Bosede	...	...	Akure District Council Area.
Ibadan West	Mr I. O. Ajayi	...	...	Ibarapa District Council Area.

2. Western Region Legal Notice 33 of 1958 is hereby amended by the revocation of the appointment of Mr V. A. Adegoroye as Assistant Electoral Officer for Etsako District Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 24th March, 1958.

W.R.L.N. 127 of 1958*Parliamentary and Local Government Electoral Regulations, 1955***APPOINTMENT OF RETURNING OFFICERS**

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officer</i>			<i>Area of Responsibility</i>
Ondo North	Treasurer,	Akure	Divisional	Alade-Atosin Local Council Area.
	Council.			
	Mr I. O. Bosede	...	...	Akure District Council Area.

2. The appointment of the Secretary Akure Divisional Council, published in Western Region Legal Notice 216 of 1956, in so far as it relates to the Alade-Atosin Local Council Area, is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 24th March, 1958.

W.R.L.N. 128 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF REGISTRATION OFFICER

DATE OF COMMENCEMENT : 1ST JANUARY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Registration Officer has been made :—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Oshun West	... Secretary/Treasurer, Ejigbo District Council.	Ejigbo District Council Area.

2. The appointment of S. O. Teru as Registration Officer, Ejigbo District Council Area, notified in Western Region Legal Notice 253 of 1956, is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 26th March, 1958.

W.R.L.N. 129 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICER

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ife South-West	... Secretary/Treasurer, Ifetedo Local Council.	Ifetedo Local Council Area.

2. The appointment of the Secretary, Ife Divisional Council, published in Western Region Legal Notice 216 of 1956, in so far as it relates to Ifetedo Local Council Area, is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 26th March, 1958.

W.R.L.N. 130 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made for the purpose of Local Government elections :—

<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Secretary, Egba Divisional Council	Egba Divisional Council Area.

2. The appointment of Secretary, Egba Divisional Council as Returning Officer, Egba Divisional Council Area, notified in Western Region Legal Notice 81 of 1958, is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th March, 1958.

W.R.L.N. 131 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made for the purpose of Local Government elections :—

<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Secretary, Ekiti Divisional Council	Ekiti Divisional Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th March, 1958.

W.R.L.N. 132 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICER

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Electoral Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ife Central	Mr E. O. Dunmade, Ife District Council.	Ife District Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th March, 1958.

W.R.L.N. 133 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Oshun West ...	Secretary/Treasurer, Ejigbo District Council.	Ejigbo District Council Area.

2. The appointment of Mr S. O. Ogundare as Electoral Officer, Ejigbo District Council Area, notified in Western Region Legal Notice 32 of 1958, is revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th March, 1958.

W.R.L.N. 134 of 1958

The Nigeria Town and Country Planning Ordinance
(Cap. 155)

WARRI DIVISIONAL COUNCIL PLANNING AUTHORITY

DATE OF COMMENCEMENT : 3RD APRIL, 1958

In exercise of the powers conferred upon the Governor by sections 4 to 7 inclusive of the Nigeria Town and Country Planning Ordinance, which powers have been delegated to the Minister of Lands, the following appointments are hereby made :—

(1) The Secretary of the Itsekiri National Fund shall be a member of the Warri Divisional Council Planning Authority.

(2) The appointment of the Secretary of Warri Divisional Council as Secretary of the Warri Divisional Planning Authority is hereby revoked.

GIVEN at Ibadan this 20th day of March, 1958.

J. O. OSUNTOKUN,
Minister of Lands and Labour

W.R.L.N. 135 of 1958

*The Forestry Ordinance (Cap. 75)*OYO DIVISIONAL COUNCIL FOREST RESERVE
(ODO-OGUN FUEL PLANTATION) ORDER, 1958

DATE OF COMMENCEMENT : 13TH FEBRUARY, 1958

ERRATUM

In Western Region Legal Notice 46 of 1958 published in the Supplement to the *Western Region of Nigeria Gazette* No. 9 of 13th February, 1958, page B 44, line 30, for "Secretary" read "Acting Secretary".

W.R.L.N. 136 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT : 3RD APRIL, 1958

Notice is hereby given under Regulation 46 of the Forestry Regulations that the Working Plan in the first column of the Schedule hereto has been decided upon for the area in the second column of the schedule and is available for inspection at the places set out in the third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection at</i>
Ora-Iuleha-Ozalla Forest Reserve Working Plan.	Ora-Iuleha-Ozalla Forest Reserve (Afenmai Division).	(a) Office of the Provincial Forest Officer at Ubiaja. (b) Office of the Chief Conservator of Forests at Ibadan.

Note.—Detailed description of the area set out in the second column of the Schedule is given in the Working Plan.

GIVEN at Ibadan this 18th day of January, 1958.

P. A. ALLISON,
*Acting Chief Conservator of Forests,
Western Region*

W.R.L.N. 137 of 1958

The Forestry Ordinance (Cap. 75)

OGUNPA DAM EXTENSION (IBADAN) FOREST RESERVE

DATE OF COMMENCEMENT : 3RD APRIL, 1958

Under the provisions of section 10 (2) of the Forestry Ordinance, notice is hereby given that those lands, the limits and situation of which are set forth in the First Schedule hereto, subject to the rights affecting the same as set forth in the Second Schedule hereto, will be constituted a forest reserve within the meaning of the said Ordinance. In accordance with section 10 (1) of the said Ordinance judgement has already been given by the Reserve Settlement Officer on 2nd January, 1958.

FIRST SCHEDULE

All that piece of land containing six point five three acres or thereabouts situated in the Ibadan District of the Ibadan Division of the Ibadan Province, the boundaries of which are described in the Schedule to Western Regional Notice No. 862 published in the *Western Region of Nigeria Gazette* No. 44, Vol. 6 of 12th September, 1957.

SECOND SCHEDULE

Rights : None.

MADE in Ibadan this 28th day of March, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 138 of 1958

ADDITIONAL INSTRUCTIONS to Our Governor-General and Commander-in-Chief of the Federation of Nigeria and High Commissioner for the Southern Cameroons or other Officer for the time being Administering the Government of the Federation and discharging the functions of the Office of High Commissioner.

DATED THE 1ST DAY OF APRIL, 1958.

ELIZABETH R.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1. These Instructions shall be construed as one with the Instructions under Our Sign Manual and Signet to the Governor-General and Commander-in-Chief of the Federation bearing date the third day of September, 1954 (which Instructions, as amended by the Additional Instructions under Our Sign Manual and Signet bearing date the thirtieth day of August, 1957, are hereinafter called "the principal Instructions").

Construction.

2. The principal Instructions are amended by the insertion after clause 4 of the following clause :—

Insertion of clause 4A in Instructions of 1954.

4A. The Governor-General shall not authorise the Deputy Governor-General to discharge any of the functions of the office of Governor-General under section 6 of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration".

3. The principal Instructions are amended by the insertion after clause 6 of the following clause :—

Insertion of Clause 7 in Instructions of 1954.

7. (1) In the exercise of his power to make regulations regarding the Police Service Commission the Governor-General shall provide that—

Membership of Police Service Commission.

(a) the Police Service Commission shall consist of either two or four members in addition to the Chairman ;

(b) a person shall not be qualified for appointment as a member of the Commission unless—

(i) he is a person who is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court ; or

(ii) not being such a person, he is a person who is not a member of a Legislative House and does not hold and is not acting in any office of emolument under the Crown other than the office of member of the Public Service Commission of the Federation or member of the Public Service Commission of a Region or member of the Judicial Service Commission of the Western Region or the Eastern Region ;

Provided that a person who is not an officer in the public service of the Federation may be appointed to be a member of the Commission other than the Chairman notwithstanding that he holds or is acting in an office of emolument under the Crown if the Governor-General is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(c) a member of the Commission shall vacate his office—

(i) if he resigns ;

(ii) at the expiration of five years from the date of his appointment or at such earlier date as may be specified in the Instrument by which he is appointed ;

(iii) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(d) The Inspector-General of Police of the Federation shall be entitled to state his views to the Commission on any matter referred to it by the Governor-General and the Commission shall convey those views to the Governor-General when it advises on that matter.

(2) If there are two members of the Police Service Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing one of those members and shall consult the Chief Justice of the Federation before appointing the other, and if there are four members of the Commission in addition to the Chairman, the Governor-General shall consult the Council of Ministers before appointing two of those members and the Chief Justice of the Federation before appointing the other two.

(3) Before terminating the appointment of a member of the Commission other than the Chairman the Governor-General shall consult the Council of Ministers, in the case of a member appointed after consultation with the Council, and shall consult the Chief Justice of the Federation, in the case of a member appointed after consultation with the Chief Justice."

Amendment of clause 8 of Instructions of 1954.

4. Clause 8 of the principal Instructions is amended by the deletion from paragraph (2) of the words "sections 5, 6, 8 and 9" in paragraph (a) and the substitution of the words "sections 4A, 5, 6, 8 and 9".

Amendment of clause 12 of Instructions of 1954.

5. Clause 12 of the principal Instructions is amended by the deletion of the words "or the House of Assembly of the Southern Cameroons".

Amendment of clause 13 of Instructions of 1954.

6. Clause 13 of the principal Instructions is amended by the deletion from paragraph (2) of the words "or the House of Assembly of the Southern Cameroons" and of the words "or the Southern Cameroons, as the case may be".

Amendment of clause 14 of Instructions of 1954.

7. Clause 14 of the principal Instructions is amended by the deletion from paragraph (1) of the words "or the Legislature of the Southern Cameroons" and of the words "or the Southern Cameroons, as the case may be".

8. Clause 15 of the principal Order is amended by the deletion of the words "complete collections of all laws enacted by the Federal Legislature and the Legislature of the Southern Cameroons" and the substitution of the words "a complete collection of all laws enacted by the Federal Legislature".

Amendment of clause 15 of Instructions of 1954.

9. (1) Clause 25 of the principal Instructions is amended—

Amendment of clause 25 of Instructions of 1954.

(a) by the deletion of the words "the Governor-General" wherever they occur and the substitution of the words "the High Commissioner for the Southern Cameroons" ;

(b) by the deletion from paragraph (1) of paragraph 1 of the directions and the substitution of the following paragraph :—

"1. (a) In relation to matters to which the executive authority of the Southern Cameroons extends, the Commissioner of the Cameroons shall, subject to the provisions of paragraph 2 of these directions, consult with the Executive Council of the Southern Cameroons in the formulation of policy and in the exercise of all other powers conferred upon him, except—

(i) any power conferred upon the Commissioner in respect of which it is provided by law, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof ; or

(ii) any power that the Commissioner is directed by the High Commissioner for the Southern Cameroons to exercise without consulting with the Executive Council.

(b) Nothing in this paragraph shall be construed as applying to any power conferred upon the Commissioner by the Constitution Order." ;

(c) by the insertion in paragraph (1) after the words "any power conferred upon him" in paragraph 2 of the directions of the words "(including any power so conferred by the Constitution Order)" ;

(d) by the deletion from paragraph (1) of the words "if three or more members of the Executive Council request" in sub-paragraph (b) of paragraph 3 of the directions and the substitution of the words "if the Premier requests" ;

(e) by the deletion from paragraph (1) of paragraph 4 of the directions and the substitution of the following paragraph :—

"4. The Commissioner shall, subject to the provisions of paragraph 5 of these directions, act in accordance with the advice of the Executive Council on any matter on which he is by those directions obliged to consult with the Executive Council." ; and

(f) by the insertion in paragraph (1) after paragraph 4 of the directions of the following paragraphs :—

"5. (a) If in any case in which he consults with the Executive Council in pursuance of section 125 of the Constitution Order or paragraph (1) of these directions, the Commissioner considers it expedient in the interests of public faith, public order or good government (which expressions shall without prejudice to their generality include the responsibility of Nigeria as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation and abolition of any public office or to the salary or other conditions of service of any public officer) that he should not act in accordance with the advice of the Executive Council, then he may act otherwise than in accordance with that advice.

(b) Whenever the Commissioner so acts otherwise than in accordance with the advice of the Executive Council—

(i) he shall report the matter to the High Commissioner for the Southern Cameroons at the first convenient opportunity, with the reasons for his action ; and

(ii) any member of the Executive Council may require that there be recorded in the minutes of the Council any advice or opinion that he may give on the question, with the reasons therefor.

6. The Commissioner shall not authorise the Deputy Commissioner to discharge any of the functions of Commissioner under section 9B of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration." ; and

(g) by the deletion from paragraph (2) of the words "paragraph 4 of the the directions" and the substitution of the words "paragraph 5 of the directions".

(2) The amendments referred to in sub-paragraphs (b), (c), (d), (e) and (g) of paragraph (1) of this clause and the insertion of paragraph 5 of the directions, as set out in sub-paragraph (f) of that paragraph, shall take effect on the date fixed by the High Commissioner for the Southern Cameroons for the purposes of paragraph (c) of the proviso to sub-section (3) of section 1 of the Nigeria (Constitution) (Amendment) Order in Council, 1958.

Insertion of clauses 26 and 27 in Instructions of 1954.

10. The principal Instructions are amended by the insertion after clause 25 of the following clauses :—

"Dismissal of Premier.

26. The High Commissioner for the Southern Cameroons shall not dismiss the Premier of the Southern Cameroons unless it appears to him that the Premier no longer enjoys the confidence of the House of Assembly of the Southern Cameroons.

"Application of clauses 12, 13, 14, 15 and 23 to Southern Cameroons.

27. Clauses 12, 13, 14, 15 and 23 of these Instructions shall apply in relation to the Southern Cameroons as they apply in relation to the Federation, and for that purpose they shall be construed as if references therein to the Governor-General, the House of Representatives, the Federal Legislature, the Public Seal of the Federation and section 9 of the Offices Order were references to the High Commissioner for the Southern Cameroons, the House of Assembly of the Southern Cameroons, the Legislature of the Southern Cameroons, the Public Seal of the Southern Cameroons and section 9c of the Offices Order, and as if the words "acting in his discretion" were deleted from paragraph (1) of clause 23."

GIVEN at Our Court at Saint James's this First day of April, 1958 in the seventh year of Our Reign.

W.R.L.N. 139 of 1958

ADDITIONAL INSTRUCTIONS to Our Governors of the Northern, Western and Eastern Regions of Nigeria or other Officer for the time being Administering the Government of any of the said Regions.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1. These Instructions shall be construed as one with the Instructions under Our Sign Manual and Signet to the Governors of the Northern, Western and Eastern Regions of Nigeria bearing date the third day of September, 1954, (hereinafter called "the principal Instructions") and the Additional Instructions under Our Sign Manual and Signet to Our said Governors bearing date the eighth day of August, 1957 (hereinafter called "the Instructions of 1957").

Construction.

2. The principal Instructions are amended by the insertion after clause 4 of the following clause :—

Insertion of clause 4A in Instructions of 1954.

4A. The Governor shall not authorize the Deputy Governor to discharge any of the functions of the office of Governor under section 15 of the Offices Order during any period in which he expects to be absent from Nigeria or from any other cause prevented from or incapable of discharging the functions of that office unless in his opinion that period is likely to be of short duration".

3. The principal Instructions are amended by the insertion after clause 6 of the following clause :—

Insertion of clause 6A in Instructions of 1954.

6A. Whenever the Governor of the Western Region or the Eastern Region has occasion to appoint a person to be a member of the Public Service Commission of the Region (other than a member who will be required to perform only part-time duties), he shall appoint that person to serve for a period of five years unless he is satisfied that there are special reasons making it desirable for that person to be appointed for a shorter period."

4. Clause 7 of the principal Instructions (as amended by clause 4 of the Instructions of 1957) is amended—

Amendment of clause 7 of Instructions of 1954.

(a) by the deletion from paragraph (2) of sub-paragraph (a) and the substitution of the following sub-paragraph :—

"(a) in the case of the Governor of the Northern Region, the powers conferred on the Governor by sections 13, 14, 15, 17 and 18 of the Offices Order";

(b) by the insertion in paragraph (2) after sub-paragraph (a) of the following sub-paragraph :—

"(aa) in the case of the Governor of the Western Region or the Eastern Region, the powers conferred on the Governor by sections 13, 14, 15 and 18 of the Offices Order and the power to make appointments conferred upon him by section 17 of that Order"; and

(c) by the insertion in paragraph (2) before the word "relates" in sub-paragraph (iii) and sub-paragraph (iv) of the words "in the case of the Governor of the Northern Region,".

**Amendment
of clause 8 of
Instructions
of 1954.**

5. (1) Clause 8 of the principal Instructions (as amended by clause 5 of the Instructions of 1957) is amended by the deletion from paragraph (1) of the words "The Governor shall not" and the substitution of the words "The Governor of the Northern Region shall not".

(2) Clause 6 of the Instructions of 1957 is revoked.

**Amendment
of clause 9 of
Instructions
of 1954.**

6. (1) Clause 9 of the principal Instructions is amended—

(a) by deletion from paragraph (1) of the words "The Governor" and the substitution of the words "The Governor of the Northern Region" ; and

(b) by the insertion in paragraph (1) after the words "the Executive Council" of the words "of the Region" ;

(c) by the insertion in paragraph (2) after the words "the Premier" of the words "of the Northern Region" ; and

(d) by the insertion in paragraph (2) after the words "the Executive Council" of the words "of the Region".

(2) Clause 7 of the Instructions of 1957 is revoked.

**Amendment
of clause 11
of Instruc-
tions of 1954.**

7. (1) Clause 11 of the principal Instructions is amended by the deletion of the words "The Governor shall not" and the substitution of the words "The Governor of the Northern Region shall not".

(2) Clause 8 of the Instructions of 1957 is revoked.

**Revocation
of clause 10
of Instruc-
tions of 1954.**

8. Clause 10 of the Instructions of 1957 is revoked.

GIVEN at Our Court at Saint James's this First day of April, 1958
in the seventh year of Our Reign.

W.R.L.N. 140 of 1958

The Curfew Law, 1958
(No. 7 of 1958)

THE CURFEW (IBADAN AREA) (REVOCATION)
ORDER, 1958

In exercise of the powers conferred on the Governor in Council under and by virtue of section 3 of the Curfew Law, 1958 and section 19 of the Interpretation Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Curfew (Ibadan Area) (Revocation) Title. Order, 1958.
2. The Curfew (Ibadan Area) Order, 1958 is hereby revoked. Revocation.
3. (1) This Order shall be made known to the inhabitants of the Ibadan Area by loudspeaker or radio. Publication.
(2) The Ibadan Area means that area within a radius of five miles of Mapo Hill.

MADE by the Governor in Council at Ibadan this 4th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 141 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE IKENNE LOCAL COUNCIL

DATE OF COMMENCEMENT : 17TH MARCH, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957, the Instrument establishing the Ikenne Local Council is hereby amended as follows :—

W.R.P.N.
No. 73 of
1953.

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor :

“5. The Council shall consist of thirty members, namely :

The President

Five traditional members

Twenty-four elected members”.

2. *Delete* paragraph 6 and *substitute* therefor :

“6. The quorum shall be one-half of the total membership—namely, fifteen”

3. *Delete* paragraph 7 and *substitute* therefor :

“7. The five traditional members shall be

The Oliwo of Ikenne ;

The Apena of Ikenne ;

The Oliwo Idotun ;

The Apena Idotun ; and

The Oludotun of Idotun.”

4. In paragraph 9—

(i) In line one *delete* “twenty” and *substitute* therefor “twenty-four”.

(ii) In the table of wards—

delete Serials 2 Igodo, 3 Ikija, 4 Itun Moko, 5 Agbaroko and 6 Idotun and *substitute* therefor Serials 2 Igodo A, 3 Igodo B, 4 Ikija, 5 Itun Moko A, 6 Itun Moko B, 7 Agbaroko A, 8 Agbaroko B, 9 Idotun A and 10 Idotun B.

(iii) Renumber Serials 7 to 20 as Serials 11 to 24.

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

Ibadan, 17th March, 1958.

W.R.L.N. 142 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
(AMENDMENT) ORDER, 1958
ILUGUN/ALARO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ilugun/Alaro District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ilugun/Alaro District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 2nd day of November, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, as amended by W.R.L.N. 297/1957, be adopted, with the following schedule substituted for the Third Schedule thereof :—

W.R.L.N.
13 of 1956.

THIRD SCHEDULE

<i>Description of Drum</i>	<i>Period</i>	<i>Fees</i>	
		<i>s</i>	<i>d</i>
Sakara	For any period between 6 a.m. and 6 p.m. ...	10	0
	For any period between 6 p.m. and 6 a.m. ...	10	0
Iya Ilu or Dundun	For any period between 6 a.m. and 6 p.m. ...	10	0
Kete or Agasa	For any period between 6 p.m. and 6 a.m. ...	10	0
Batakoto	For any period between 6 a.m. and 6 p.m. ...	10	0
Apala/Juju	For any period between 6 p.m. and 6 a.m. ...	10	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 28th March, 1958.

W.R.L.N. 143 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
OKEHO/IGANNA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of December, 1957, that the Markets Adoptive Bye-laws 1956, be adopted.

W.R.L.N.
10 of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 29th March, 1958.

W.R.L.N. 144 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1958 : EPE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Epe District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Epe District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of October, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 25th March, 1958.

W.R.L.N. 145 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
IYEKUSELU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Iyekuselu District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Iyekuselu District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of January, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 28th March, 1958.

W.R.L.N. 146 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
EGBA-OWODE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egba-Owode District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba-Owode District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 20th day of January, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 28th March, 1958.

W.R.L.N. 147 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 3rd day of December, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted with the following amendments—

W.R.L.N.
10 of 1956.

Delete The First Schedule thereof and *substitute* the following therefor—

FIRST SCHEDULE

STALLAGES

	<i>Per Stall per month</i>
	<i>£ s d</i>
(a) On application for a Plot or Stall... ..	0 2 6
(b) Stall owned or maintained by the Council	0 5 0
(c) Private Stall	0 2 6
(d) In respect of any vacant space (not occupied by stalls) used for exposing goods for sale or carrying on any trade or business—For each market day	0 0 2
(e) Hawkers—For each market day	0 0 1

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 29th March, 1958.

W.R.L.N. 148 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
IJERO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 10TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijero District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijero District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of October, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
10 of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 29th March, 1958.

W.R.L.N. 149 of 1958

*The Local Government Law, 1957**(No. 12 of 1957)*THE WESTERN REGION (LOCAL GOVERNMENT)
AMENDMENT (No. 2) STAFF REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by section 104 of the Local Government Law, 1957, the following Regulations are hereby made :—

1. These Regulations may be cited as the Western Region (Local Government) (Amendment) (No. 2) Staff Regulations, 1958, and shall apply to all Councils established or having effect as if established under the Local Government Law, 1957.

2. The Annex to Appendix C 3 of the Western Region (Local Government) Staff Regulations, 1955, shall be deleted and the following Annex substituted therefor :—

Amendment
of Appendix
C 3 of
W.R.L.N.
170 of 1956.

ANNEX

GRADING OF SUPERIOR POSTS

Council	CLASS OF POSTS	
	Secretary	Treasurer
Ibadan District Council	1	A
Benin Divisional Council	1	B
Egba Divisional Council	1	B
Oyo Divisional Council	2	B
Egbado Divisional Council	2	B
Ijesha Divisional Council	2	B
Ife Divisional Council	2	B
Western Urhobo District Council	2	B
Ondo Divisional Council	2	B
Okitipupa Divisional Council	2	B
Western Ijaw Divisional Council	2	B
Ijebu-Remo Divisional Council	3	C
Etsako District Council	3	C
Akoko Divisional Council	3	C
Ogbomosho District Council	3	C
Akure Divisional Council	3	C
Iwo District Council	3	C
Central Urhobo District Council	3	C
Abeokuta Urban District Council	3	C
Sapele Urban District Council	3	C
Ijebu Divisional Council	3	C

ANNEX—*contd.*GRADING OF SUPERIOR POSTS—*contd.*

Council	CLASS OF POSTS	
	Secretary	Treasurer
Ukwuani District Council	3	C
Oshogbo District Council	3	C
Benin City Council	3	C
Owo Divisional Council	3	C
Ijebu-Ode District Council	3	C
Isoko District Council	3	C
Warri Urban District Council	3	C
Aiyedade District Council	3	C
Ivbiosakon District Council	3	C
Epe Divisional Council	3	C
Ndosimili District Council	3	C
Akoko-Edo District Council	3	C
Aniocha District Council	3	C
Ijebu-Igbo District Council	3	C
Oyo Southern District Council	4	D
Warri Divisional Council	4	D
Ede District Council	4	D
Ika District Council	4	D
Ibarapa District Council	4	D
Ijebu Waterside	4	D
Otta District Council... ..	4	D
Ikorodu Divisional Council	4	D
Egba-Ifo District Council	4	D
Idanre District Council	4	D
Egbedore District Council	4	D
Egun-Awori District Council	4	D
Mushin District Council	4	D
Ifelodun District Council	4	D
Ikeja District Council	4	D
Egbado-Ketu District Council	4	D
Uromi-Uzea District Council	4	D
Egba-Owode District Council	4	D
Ondo Central District Council	4	D
Ife District Council	4	D
Egba-Odeda District Council	4	D
Ila District Council	4	D
Ijebu Northern District Council	4	D
Ejigbo District Council	4	D
Iseyin District Council	4	D
Ekiti Southern District Council	4	D

ANNEX—*contd.*GRADING OF SUPERIOR POSTS—*contd.*

<i>Council</i>	<i>CLASS OF POSTS</i>	
	<i>Secretary</i>	<i>Treasurer</i>
Ijebu Eastern District Council	4	D
Ado District Council	4	D
Ijebu Southern District Council	4	D
Egbado-Ifonyin District Council	4	D
Ile-Oluji/Okeigbo District Council	4	D
Akugbe District Council	4	D
	<i>Secretary|Treasurer</i>	
Iyekuselu District Council	4	
Ivie-Uda-Esaba District Council	4	
West Ishan District Council	4	
Odo-Otin District Council	4	
Asaba Urban District Council	4	
Owo District Council	4	
Ikale-Idapomarun District Council	4	
Ado-Igbessa District Council	4	
Oka District Council	4	
Ilaro District Council	4	
Okeho/Iganna District Council	4	
Ilaje District Council	4	
Egba-Obafemi District Council	4	
Ijero District Council	4	
Imala District Council	4	
Ikirun District Council	4	
Awori District Council	4	
Iyekovia District Council	4	
South-East Ishan District Council	4	
Agege District Council	4	
Ijebu Western District Council	4	
Ekiti Western District Council	5	
Akure District Council	5	
Irrua/Ewu District Council	5	
Ipokia District Council	5	
Ese-Odo District Council	5	
North-East Ishan District Council	5	
Uhunmwonde District Council	5	
Ewohimi-Ewatto-Ewossa District Council	5	
Ajeromi District Council	5	
Iyekeorhiomwon District Council	5	
Ilesha Urban District Council	5	

ANNEX—*contd.*GRADING OF SUPERIOR POSTS—*contd.*

<i>Council</i>	<i>CLASS OF POSTS</i>	
	<i>Secretary/Treasurer</i>	
Ikale-Idapometa District Council	5
Epe District Council	5
Ekiti Northern District Council...	5
Ilugun/Alaro District Council	5
Irepo District Council	5
Shaki District Council	5
Otun District Council	5
Ikale-Orisunmeta District Council	5
Ikole District Council	5
Iddo-Osi District Council	6
Ondo Southern District Council	6
Ifedore District Council	6
Ekamarun District Council	6
Ikosi District Council	6
Egba-Ikereku District Council	6
Ejinrin District Council	6
Irekari District Council	6
Eredo District Council	6
Ibeju District Council	6
Ondo Western District Council	6
Ikare District Council	6
Lekki District Council	6

MADE by the Governor in Council this 24th day of March, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 150 of 1958

The Interpretation Ordinance
(Cap. 94)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers conferred by section 33A of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Governor's powers Notice (Amendment No. 1) Notice 1958. Short title.

2. The First Schedule to the Delegation of Governor's powers Notice is hereby amended as follows :— Amendment
of W.R.L.N.
72 of 1956.

(a) by substituting the expression "Land Officers" for the expression "Provincial Land Officers" and the expression "no Land Officer" for the expression "no Provincial Land Officer", where they occur in column 3 under delegation 5 (4).

(b) by substituting the following Delegation for Delegation 5 (6) :—

5 (6) In respect of leases of Crown Lands in the Protectorate to extend the terms of any building covenant contained therein.	Section 5 (c)	Commissioner of Lands.
---	------------------	---------------------------

(c) by substituting the expression "Land Officers" for the expression "Provincial Land Officers" and the expression "no Land Officer" for the expression "no Provincial Land Officer" where they occur in column 3 of delegation 17 (2).

GIVEN at Ibadan this 31st day of March, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 151 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(OYO DIVISIONAL COUNCIL AREA) EXTENSION
ORDER, 1958

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

*See W.R.
L.N. 114 of
1958.*

1. This Order may be cited as the Prohibition of Public Processions (Oyo Divisional Council Area) Extension Order, 1958.
2. All public processions within the area of authority of the Oyo Divisional Council (excluding the area of authority of the Irepo District Council) are hereby prohibited until the 15th day of May, 1958.

MADE by the Governor at Ibadan this 14th day of April, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 152 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IWO DISTRICT COUNCIL AREA) EXTENSION
ORDER, 1958

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

*See W.R.
L.N. 115 of
1958.*

1. This Order may be cited as the Prohibition of Public Processions (Iwo District Council Area) Extension Order, 1958.
2. All public processions within the area of authority of the Iwo District Council are hereby prohibited until the 15th day of May, 1958.

MADE by the Governor at Ibadan this 14th day of April, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 153 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IBADAN (PROVISIONAL) DISTRICT COUNCIL AREA)
EXTENSION ORDER, 1958

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor by sub-section (3) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension Order, 1958. *See W.R. L.N. 112 of 1958.*
2. All public processions within the area of authority of the Ibadan (Provisional) District Council are hereby prohibited until the 15th day of May, 1958.

MADE by the Governor at Ibadan this 14th day of April, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 154 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(AIYEDADE DISTRICT COUNCIL AREA) EXTENSION
ORDER, 1958

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions (Aiyedade District Council Area) Extension Order, 1958. *See W.R. L.N. 113 of 1958.*
2. All public processions within the area of authority of the Aiyedade District Council are hereby prohibited until the 15th day of May, 1958.

MADE by the Governor at Ibadan this 14th day of April, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 155 of 1958

The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)

INSTRUMENT UNDER SECTION 13A

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers conferred upon me by sub-section (1) of section 13A of the Magistrates' Courts (Western Region) Law, 1954, I hereby confer on every Justice of the Peace who is *ex officio* the holder of that office by virtue of the provisions of sub-section (2) of section 12 of the said Law, the following powers of a Magistrate relating to the maintenance of law and order :—

(a) The powers conferred upon a Magistrate by sections 72 and 73 of the Criminal Code.

(b) The powers conferred upon a Peace Officer by sections 271, 275, 277 and 278 of the Criminal Code.

GIVEN at Ibadan this 29th day of March, 1958.

J. D. RANKINE,
Governor

W.R.L.N. 156 of 1958

The Nigeria Town and Country Planning Ordinance
(Cap. 155)

IKEJA TOWN PLANNING AUTHORITY

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers conferred on the Governor by sections 4 to 6 inclusive of the Nigeria Town and Country Planning Ordinance, and delegated to the Minister of Lands, the following Order is hereby made :—

1. This Order may be cited as Ikeja Town Planning Areas Order, 1958.

2. It is hereby directed that the Ikeja Town Planning Authority shall be the Planning Authority for the Division of Ikeja and for those portions of the Badagry Division lying within the areas of control of the District Councils of Ajeromi and Awori and bounded on the North by the boundary of the Ikeja Division, on the East by the Lagos Municipal Boundary, on the South by the Badagry Creek and on the West by a line running parallel to and 15,000 feet from the Lagos Municipal Boundary.

J. O. OSUNTOKUN,
Minister of Lands and Labour

W.R.L.N. 157 of 1958

The Nigeria Town and Country Planning Ordinance
(Cap. 155)

APPOINTMENT OF MEMBERS AND SECRETARY OF
IKEJA TOWN PLANNING AUTHORITY

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers conferred upon the Governor by sections 4 to 6 of the Nigeria Town and Country Planning Ordinance and delegated to the Minister of Lands, the following appointments are hereby made :—

1. The Ikeja Town Planning Authority shall consist of the following members :—

- Local Government Adviser, Ikeja—*Chairman* ;
- Medical Officer of Health, Ikeja ;
- Provincial Engineer, Ikeja ;
- Lands Officer, Ikeja ;
- Mr M. A. Ogun ;
- Alhaji S. Thompson, Iju ;
- Mr P. B. Thanyi ;
- Mr J. S. Odetola, Mushin ;
- Omoba Claudius Okoya, Ikorodu ;
- Two representatives of Lagos Chamber of Commerce ;
- Mr Ajayi Akerele, Agege.

2. The appointment of the Town Planning Officer, Ikeja as the Secretary to the Authority is hereby revoked.

3. The foregoing appointments are in substitution for the appointment of Members and Secretary of the Ikeja Town Planning Authority notified in Western Region Legal Notice No. 90 of 1956.

NOTICE MADE at Ibadan this 2nd day of April, 1958.

J. O. OSUNTOKUN,
Minister of Lands and Labour

W.R.L.N. 158 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICER

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Electoral Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ibadan West ...	Secretary/Treasurer, Ibarapa District Council.	Ibarapa District Council Area.

2. The appointment of Mr I. O. Ajayi as Assistant Electoral Officer published in Western Region Legal Notice 126 of 1958 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 8th April, 1958.

W.R.L.N. 159 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICER

DATE OF COMMENCEMENT : 17TH APRIL, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ibadan West ...	Secretary/Treasurer, Ibarapa District Council.	Ibarapa District Council Area.

2. The appointment of Mr I. O. Ajayi as Assistant Returning Officer published in Western Region Legal Notice 124 of 1958 is hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 8th April, 1958.

W.R.L.N. 160 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE IROLU LOCAL COUNCIL (CONTROL OF SHEEP)
(REVOCAION) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 24TH APRIL, 1958

In exercise of the power conferred upon the Irolu Local Council by sections 67 and 271 of the Western Region Local Government Law, 1957, the following Bye-laws have been made by the Council with the approval of the Local Government Adviser, Ijebu Remo to whom power of approval have been delegated.

1. These Bye-laws may be cited as the Irolu Local Council (Control of Sheep) (Revocation) Bye-laws, 1957. **Short title.**

2. The Irolu Local Council (Control of Sheep) Bye-laws, 1954, are hereby revoked. **Revocation of W.R.L.N. 67 of 1955.**

MADE by the Irolu Local Council this 10th day of November, 1957, the common seal of the Irolu Local Council being hereunto affixed in the presence of.

S. O. AKINJOLA,
Secretary/Treasurer

T. O. OGUN,
Chairman

Signified in accordance with the Irolu Local Council Standing Orders, 1953, made on the 13th day of September, 1953.

APPROVED by me at Ijebu-Ode this 2nd day of April, 1958.

V. A. ADEGOROYE,
Acting Local Government Adviser,
Ijebu-Remo Division

W.R.L.N. 161 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT APPOINTING A JOINT EDUCATION BOARD
FOR THE AWORI AND AJEROMI DISTRICT COUNCIL AREAS

DATE OF COMMENCEMENT : 10TH APRIL, 1958

In exercise of the powers conferred upon them by section 56 of the Local Government Law, 1957, the following Instrument is made by the Awori District Council and the Ajeromi District Council :—

- | | |
|--|--|
| Short title and commencement. | 1. This Instrument may be cited as the Awori-Ajeromi Joint Education Board Instrument, 1958, and shall come into force on the 10th day of April, 1958. |
| Interpretation. | 2. In this Instrument—
"contributing councils" means the councils by which this Instrument is made ;
"the joint board" means the board established by paragraph 3 of this Instrument. |
| Establishment of joint board.
No. 1 of 1955 | 3. The contributing councils hereby appoint a joint board for the purpose of the joint operation of works and services that may be provided under the Education Law, 1954. |
| Membership of joint board and method of appointment. | 4. (1) The joint board shall consist of nine members of whom six shall be appointed by the Awori District Council and three by the Ajeromi District Council.
(2) Each member of the joint board to be appointed by a contributing council shall be selected for appointment by the contributing council from among its own members by ballot. |
| Tenure of office. | 5. (1) Each member of the joint board shall hold office for three years when he shall retire without prejudice to his reappointment under the provisions of this Instrument.
(2) The seat of a member of the joint board shall become vacant—
(a) at the expiration of his term as provided by the preceding paragraph ; or
(b) upon his death ; or
(c) in the case of a member other than the chairman, if he resigns by letter addressed and sent to the chairman, and in the case of the chairman, by letter addressed and sent to the secretary of the joint board ; or
(d) upon the dissolution of the contributing council he represents ; or
(e) if he ceases to be a member of the contributing council which he represents ; or
(f) if he is absent from four consecutive meetings of the joint board. |
| Appointment of Chairman. | 6. (1) When the joint board first meets and thereafter whenever the office of the chairman becomes vacant, the members of the joint board shall elect a chairman from amongst their number. |

(2) The office of chairman shall become vacant—

- (a) at the commencement of the first meeting of the joint board occurring more than twelve months after his election ; or
- (b) if he ceases to be a member of the joint board ; or
- (c) if he dies ; or
- (d) if he resigns by letter addressed and sent to the secretary of the joint board.

7. There shall be transferred to the joint board with effect from the date of commencement of this Instrument— Transfer of staff and property.

- (a) all administrative staff of the contributing councils who are directly engaged in the discharge of functions relating to education and all teaching staff employed by the contributing councils ;
- (b) all rights and liabilities of the contributing councils arising out of or in connection with the exercise of any of their functions relating to education ;
- (c) all property held by the contributing councils for the purpose of carrying out any of their functions relating to education.

8. There shall be delegated to the joint board with effect from the date of commencement of this Instrument the functions of the contributing councils relating to education, other than the power to make bye-laws, to levy a rate or to borrow money ; and such functions shall specifically include the control of all financial arrangements relating to education. Delegation of functions.

Signed, sealed and delivered on behalf of the Awori District Council.

B. AYILARA,
President

A. FADUN,
Chairman

Signed, sealed and delivered on behalf of the Ajeromi District Council.

T. O. FAKUNLE,
President

F. C. EBUBEDIKE,
Chairman

In the presence of :—

J. O. OGUNNOWO,
Secretary,
Awori District Council

F. A. OKOGU,
Secretary,
Ajeromi District Council

APPROVED this 10th day of April, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 162 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ISOKO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 9TH APRIL, 1958

In exercise of the powers conferred by section 7 (1) of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Isoko District Council, published as Western Region Legal Notice 217 of 1955, as follows :—

Delete Paragraphs 4 and 5 of the said instrument and *substitute* therefor :

"4. A chairman shall be elected in accordance with Paragraph 13 of this instrument".

"5. The Council shall consist of forty elected members".

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 163 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE ASABA URBAN
DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH APRIL, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Asaba Urban District Council as follows :—

Amendment
of
W.R.L.N.
20 of 1954.

(1) by *deleting* paragraph 5 of the said Instrument and *substituting* therefor—

“5. The Council shall consist of thirty-nine members, namely :
The President ;
Nine Traditional Members ;
Twenty-nine elected members.”

(2) by *deleting* the word “ten” where it occurs in paragraph 6 of the said Instrument and *substituting* therefor the word “thirteen”.

(3) by *inserting* after paragraph 6 of the Instrument the following paragraph—

“6A. The nine traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) The Onihe
- (ii) The Ajie
- (iii) The Ogene
- (iv) The Izoma
- (v) The Akwue
- (vi) The Imagwe
- (vii) The Isama
- (viii) The Odogwu
- (ix) The Iyase”

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, April 1958.

W.R.L.N. 164 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF MOTOR PARKS ADOPTIVE
BYE-LAWS ORDER, 1958 : EPE DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 24TH APRIL, 1958

Notice is hereby given that in exercise of the powers conferred upon the Epe District Council by section 82 (2) and 271 of the Local Government Law, 1957, the Epe District Council in accordance with section 12 (B) (c) of the said Law has resolved at its meeting held on the 23rd day of October, 1957, that the Motor Parks Adoptive Bye-laws, 1957, be adopted.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 22th March, 1958.

W.R.L.N. 165 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE COMPULSORY ACQUISITION OF LAND (IWO DISTRICT COUNCIL)
AUTHORISATION ORDER, 1958**

DATE OF COMMENCEMENT : 24TH APRIL, 1958

In exercise of the powers conferred upon the Minister of Local Government under section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Iwo District Council) Authorisation Order, 1958.
2. The Iwo District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the schedule of this Order.

SCHEDULE

The lands at Jore in Ile-Igbo Town measuring $484' \times 397' \times 315' \times 191'$:—
bounded on the North by the proposed Jore Road
bounded on the East by Areke-Station Road
bounded on the South by Dada Elewure Cocoa farm
bounded on the West by Soko Compound.

MADE at Ibadan this 19th day of March, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 166 of 1958

*PROCLAMATION under THE MAINTENANCE ORDERS
ORDINANCE (Cap. 125)*



J. D. RANKINE
GOVERNOR

By His Excellency, Sir JOHN DALZELL RANKINE,
Knight Commander of the Most Distinguished
Order of Saint Michael and Saint George, Knight
Commander of the Royal Victorian Order,
Governor, Western Region.

WHEREAS it is provided by section 11 of the Maintenance Orders Ordinance (as adapted by the Adaptation of Laws (Judicial Provisions) Order, 1955) that "where the Governor is satisfied that reciprocal provisions have been made by the legislature of any British possession or any territory under Her Majesty's protection for the enforcement within such possession or territory of maintenance orders made by courts in Nigeria, the Governor may by proclamation extend this Ordinance to such possession or territory, and this Ordinance shall thereupon apply in respect of such possession or territory as though the references to England or Ireland were references to such possession or territory and the references to the Secretary of State for the Colonies were references to the Governor of such possession or territory".

AND WHEREAS I am satisfied that reciprocal provisions have been made by the States of Guernsey for the enforcement within the Island of Guernsey of maintenance orders made by courts in the Western Region of Nigeria :

NOW THEREFORE, I, SIR JOHN DALZELL RANKINE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor, Western Region of Nigeria, do hereby extend the Maintenance Orders Ordinance to maintenance orders made by the courts in the Island of Guernsey.

GIVEN under my hand and the Public Seal of the Western Region of Nigeria this 2nd day of April, one thousand nine hundred and fifty-eight.

W.R.L.N. 167 of 1958

The Education Law, 1954
(No. 6 of 1955)

THE EDUCATION (GRANT-IN-AID) (AMENDMENT) (No. 2)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 9TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by section 85 of the Education Law, 1954, the following Regulations are hereby made :—

Title. 1. These Regulations may be cited as the Education (Grant-in-Aid) (Amendment) (No. 2) Regulations, 1958.

Insertion of proviso to regulation 5 (1) of W.R.L.N. 85 of 1957. 2. There shall be inserted at the end of paragraph (1) of regulation 5 of the Education (Grant-in-Aid) Regulations, 1957, a colon (instead of the full stop) and the following proviso—

“Provided that, if the Minister has reason to believe that any such grant will not be applied for the purpose for which it is made unless it is made direct to the voluntary agency concerned he shall make the grant direct to such voluntary agency”.

MADE by the Governor in Council at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 168 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ISHUA LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 152 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 169 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE OGBABI LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 153 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 170 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IKUN LOCAL COUNCIL**

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 154 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "four years" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 171 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE UKPE-EKPEME LOCAL COUNCIL**

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 155 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "four years" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 172 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ARIGIDI LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 148 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 173 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IKARE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 149 of 1954, is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

B 246

W.R.L.N. 174 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ISOWOFO LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 159 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "four years" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 175 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE OMUO LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 147 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "four years" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 176 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE AJOWA LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 160 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S . O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 177 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IKAMERIN LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 157 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

B 249

W.R.L.N. 179 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ILUMEJO LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 158 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 179 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ILELABO LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 156 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 180 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE AKOKO DIVISIONAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 11 (i), W.R.L.N. 150 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 181 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IKERAM LOCAL COUNCIL

DATE OF COMMENCEMENT : 14TH APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by sections 7 and 264 of the Local Government Law, 1957, paragraph 13 (i), W.R.L.N. 151 of 1954 is hereby amended by *deleting* the expression "three years" in line two thereof and by *substituting* the expression "*four years*" therefor.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 182 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1956
AKOKO-EDO DISTRICT COUNCIL, IGARRA

DATE OF COMMENCEMENT : 1ST MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akoko-Edo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akoko-Edo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of December, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 15
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th April, 1958.

W.R.L.N. 183 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS ORDER, 1956
AKOKO-EDO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 1ST MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akoko-Edo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akoko-Edo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of December, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th April, 1958.

W.R.L.N. 184 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS, 1957
AKOKO-EDO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 1ST MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akoko-Edo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akoko-Edo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of December, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N. 55
of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th April, 1958.

W.R.L.N. 185 of 1958

The Criminal Procedure (Amendment) Ordinance
(No. 13 of 1953)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST MAY, 1958

In exercise of the powers conferred by sub-section (2) of section 3 of the Criminal Procedure (Amendment) Ordinance, 1953, the Governor has been pleased to appoint the 1st day of May, 1958 as the day on which section 3 of the Criminal Procedure (Amendment) Ordinance shall come into operation.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 186 of 1958

*ORDER made under THE RIOT DAMAGES
LAW, 1956 (No. 23 of 1957)*

DATE OF COMMENCEMENT : 1ST MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 of the Riot Damages Law, 1956, the following Order is hereby made :—

Short title.

1. This Order may be cited as the Riot Damages Law (Ibadan (Provisional) District Council) (Appointment of Commissioner) Order, 1958.

Appointment of Commissioner.

2. Mr Justice E. O. A. Morgan, is hereby appointed as the Commissioner for the purpose of assessing the damage caused by riots and unlawful assemblies in the area of authority of the Ibadan (Provisional) District Council and of assessing compensation in respect thereof.

MADE at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 187 of 1958

*ORDER made under THE RIOT DAMAGES
LAW, 1956 (No. 23 of 1957)*

DATE OF COMMENCEMENT : 1ST MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 4 of the Riot Damages Law, 1956, hereinafter referred to as "the Law", the following Order is hereby made :—

Short title.

1. This Order may be cited as the Declaration of Riot Area (Ibadan (Provisional) District Council) Order, 1958.

Riot area.

2. The area of authority of the Ibadan (Provisional) District Council is hereby declared to be a riot area.

Recovery of damages and expenses.

3. Subject to the provisions of any further Order which may be made under section 5 of the Law, one hundred per centum of the total amount of all assessed damage within the riot area together with the total expenditure incurred by the Government of the Western Region in suppressing the riots and unlawful assemblies by which such damage was caused shall be recovered from those persons who were liable to pay rates to the Ibadan (Provisional) District Council in the financial year 1957-58.

MADE at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 188 of 1958

The Change of Titles Ordinance
(Cap. 30)

THE CHANGE OF TITLE (DIRECTOR OF SURVEYS
TO SURVEYOR-GENERAL) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by section 4 of the Change of Titles Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Change of Title (Director of Surveys to Surveyor-General) Order, 1958, and shall have effect from the 1st day of April, 1958. Title and effective date.
2. There shall be added to the First Schedule of the Change of Titles Ordinance the following titles under column 1 and column 2 respectively, as set out hereunder :— Addition to First Schedule of Change of Titles Ordinance.

Column 1

Column 2

Director of Surveys Surveyor-General.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier
and Executive Council*

W.R.L.N. 189 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IKA DISTRICT COUNCIL
AMENDING INSTRUMENT, 1958

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred on the Governor in Council under and by virtue of sections 7 and 264 of the Local Government Law, 1957, the following Instrument is hereby made :—

1. This Instrument may be cited as the Ika District Council Amending Instrument, 1958. Title.
2. The First Schedule to the Instrument establishing the Ika District Council is hereby amended in the following respects :— Amendment
of W.R.L.N.
21 of 1954.
 - (a) by *deleting* headings A and B of the Schedule ;
 - (b) by *inserting* at the end of the Schedule the following words :—
“The Council may perform the functions of a local government council under the Forestry Ordinance (Cap. 75).”

MADE by the Governor in Council at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 190 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ASABA URBAN DISTRICT COUNCIL
AMENDING INSTRUMENT, 1958

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred on the Governor in Council under and by virtue of sections 7 and 264 of the Local Government Law, 1957, the following Instrument is hereby made :—

Title. 1. This Instrument may be cited as the Asaba Urban District Council Amending Instrument, 1958.

Amendment of W.R.L.N. 20 of 1954. 2. The First Schedule to the Instrument establishing the Asaba Urban District Council is hereby amended in the following respects :—

(a) by *deleting* headings A and B of the Schedule ;

(b) by *inserting* at the end of the Schedule the following words :—

“The Council may perform the functions of a local government council under the Forestry Ordinance (Cap. 75).”.

MADE by the Governor in Council at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 191 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ANIOCHA DISTRICT COUNCIL
AMENDING INSTRUMENT, 1958

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred on the Governor in Council under and by virtue of sections 7 and 264 of the Local Government Law, 1957, the following Instrument is hereby made :—

1. This Instrument may be cited as the Aniocha District Council Amending Instrument, 1958. **Title.**
2. The First Schedule to the Instrument establishing the Aniocha District Council is hereby amended in the following respects :— **Amendment of W.R.L.N. 19 of 1954.**
 - (a) by *deleting* headings A and B of the Schedule ;
 - (b) by *inserting* at the end of the Schedule the following words :—

“The Council may perform the functions of a local government council under the Forestry Ordinance (Cap. 75).”.

MADE by the Governor in Council at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 192 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT TO MAKE PROVISION FOR ADMINISTRATIVE
ARRANGEMENTS NECESSITATED BY THE REVOCATION OF
THE INSTRUMENT OF APPOINTMENT OF THE ASABA
DIVISIONAL COUNCIL

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred on the Governor in Council by section 10 of the Local Government Law, 1957, there is hereby established a Provisional Authority for the purpose of providing for the transfer of the assets of the Asaba Divisional Council and for the making of the necessary administrative arrangements consequent on the revocation of its Instrument.

2. The Provisional Authority shall be known as the Asaba Division Provisional Authority.

3. The Provisional Authority shall consist of eight members of whom four shall be elected by the Aniocha District Council, three by the Ika District Council and one by the Asaba Urban District Council.

4. No meeting of the Provisional Authority shall be held unless at least six members are present.

5. The term of office of the members shall expire on such date as the Minister of Local Government may determine.

6. The Chairman of the Provisional Authority shall be elected by a majority vote by and from among the members of the Provisional Authority.

7. There shall be transferred to the Provisional Authority all staff assets, property and liabilities and contracts formerly belonging to the Asaba Divisional Council.

8. The Provisional Authority may, with the approval of the Minister of Local Government transfer, distribute or dispose of such assets, liabilities or staff.

9. The Provisional Authority shall have power to administer the services which the Asaba Divisional Council was empowered to perform until such time as the Minister of Local Government may otherwise direct. The liability for the cost of operation of such services shall be allocated between the District Councils concerned in such proportions as the Provisional Authority may, with the approval of the Minister of Local Government, determine.

10. The following provisions of the Local Government Law, 1957, shall apply in relation to the Provisional Authority as they apply in relation to a council :—

(a) Sections 72-76 inclusive.

(b) Sections 114-125 inclusive.

(c) Parts XVI and XXI.

MADE at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 193 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)INSTRUMENT REVOKING THE ASABA DIVISIONAL COUNCIL
INSTRUMENT

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred on the Governor in Council by section 8 (1) of the Local Government Law, 1957, the Instrument establishing the Asaba Divisional Council published as Western Region Legal Notice 18 of 1954 is hereby revoked.

MADE by the Governor in Council at Ibadan this 9th day of April, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 194 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 28TH APRIL, 1958

In exercise of the powers vested in the Governor by Regulations 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Asaba South	Luckson Aire	Aniocha District Council.

Ibadan, 28th April, 1958.

S. J. HENRY,
Electoral Commissioner,
Western Region

W.R.L.N. 195 of 1958

The Nigeria (Constitution) Orders in Council, 1954 to 1958
THE WESTERN HOUSE OF CHIEFS (SELECTION OF CHIEFS)
(AMENDMENT) REGULATIONS, 1958

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred upon the Governor by sub-section (4) of section 26 of the Nigeria (Constitution) Orders in Council, 1954 to 1958, the following Regulations are hereby made :—

- Citation. 1. These Regulations may be cited as the Western House of Chiefs (Selection of Chiefs) (Amendment) Regulations, 1958.
- Amendment of regulation 2 of W.R.L.N. 80 of 1956. 2. In regulation 2 of the Western House of Chiefs (Selection of Chiefs) Regulations, 1956 (hereinafter referred to as the principal Regulations) there shall be substituted for the definitions of "Chief" and "Head Chief" the following definitions—
"Chief" means any person who is for the time being recognised as a Chief in pursuance of section 25 of the Nigeria (Constitution) Orders in Council, 1954 to 1958 and includes a Head Chief ;
"Head Chief" means any person who is for the time being designated as a Head Chief in pursuance of section 25 of the Nigeria (Constitution) Orders in Council, 1954 to 1958.
- Substitution of new regulation 9 of principal Regulations. 3. For regulation 9 of the principal Regulations there shall be substituted the following regulation—
"Revocation of 1951 Regulations (No. 49 of 1951). 9. The Western House of Chiefs (Selection of Chiefs) Regulations, 1951 are hereby revoked".
- Deletion of First and Second Schedules to principal Regulations. 4. The First Schedule and the Second Schedule to the principal Regulations are hereby revoked.

GIVEN at Ibadan this 5th day of April, 1958.

By His Excellency's Command,

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 196 of 1958*The Public Order Law, 1957*
(No. 24 of 1957)THE PROHIBITION OF PUBLIC PROCESSIONS
(OYO DIVISIONAL COUNCIL AREA) EXTENSION
(AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 14TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions Title. (Oyo Divisional Council Area) Extension (Amendment) Order, 1958.

2. Paragraph 2 of the Prohibition of Public Processions (Oyo Divisional Council Area) Extension Order, 1958 is hereby amended by *deleting* the words "the 15th day of May, 1958" and *inserting* instead the words "the 16th day of June, 1958".

Amendment
of W.R.L.N.
151 of 1958.

MADE at Ibadan this 11th day of May, 1958.

D. A. MURPHY,
*Acting Deputy Governor***W.R.L.N. 197 of 1958***The Public Order Law, 1957*
(No. 24 of 1957)THE PROHIBITION OF PUBLIC PROCESSIONS
(IWO DISTRICT COUNCIL AREA) EXTENSION
(AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 14TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions Title. (Iwo District Council Area) Extension (Amendment) Order, 1958.

2. Paragraph 2 of the Prohibition of Public Processions (Iwo District Council Area) Extension Order, 1958 is hereby amended by *deleting* the words "the 15th day of May, 1958" and *inserting* instead the words "the 16th day of June, 1958".

Amendment
of W.R.L.N.
152 of 1958.

MADE at Ibadan this 11th day of May, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 198 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IBADAN (PROVISIONAL) DISTRICT COUNCIL AREA)
EXTENSION (AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 14TH MAY, 1958

In exercise of the powers conferred upon the Governor by sub-section (3) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

Title. 1. This Order may be cited as the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension (Amendment) Order, 1958.

Amendment of W.R.L.N. 153 of 1958. 2. Paragraph 2 of the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension Order, 1958 is hereby amended by *deleting* the words "the 15th day of May, 1958" and *inserting* instead the words "the 16th day of June, 1958".

MADE at Ibadan this 11th day of May, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 199 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(AIYEDADE DISTRICT COUNCIL AREA) EXTENSION
(AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 14TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

Title. 1. This Order may be cited as the Prohibition of Public Processions (Aiyedade District Council Area) Extension (Amendment) Order, 1958.

Amendment of W.R.L.N. 154 of 1958. 2. Paragraph 2 of the Prohibition of Public Processions (Aiyedade District Council Area) Extension Order, 1958 is hereby amended by *deleting* the words "the 15th day of May, 1958" and *inserting* instead the words "the 16th day of June, 1958".

MADE at Ibadan this 11th day of May, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 200 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1958 : IJEBU WESTERN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Western District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Western District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of December, 1957, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted, with the following Schedules substituted for the First and Third Schedules thereof :—

W.R.L.N.
13 of 1956.

FIRST SCHEDULE

Sakara	Apala
Iya Ilu or Dundun	Juju or Mambo
Agidigbo	Alasa.
Batakoto	

THIRD SCHEDULE

<i>Description of Drum</i>	<i>Period</i>	<i>Fees</i>
All drums listed in the First Schedule...	6 a.m. to 6 p.m. ...	10s
	6. p.m. to 6 a.m. ...	10s

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd May, 1958.

W.R.L.N. 201 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1958 : IBEJU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

W.R.L.N.
13 of 1956.

Notice is hereby given that in exercise of the powers conferred upon the Ibeju District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ibeju District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of January, 1958, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted, with the following Schedule substituted for the Third Schedule thereof :—

THIRD SCHEDULE

<i>Description of Drum</i>	<i>Period</i>	<i>Fees</i>
All drums listed in the First Schedule...	For any period between 6 p.m. and 6 a.m. ...	5s
All drums listed in the First Schedule...	For any period between 6 a.m. and 6 p.m. ...	5s

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd May, 1958.

W.R.L.N. 202 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE CONTROL OF PIGS ADOPTIVE BYE-LAWS
ORDER, 1956 : EKAMARUN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

W.R.L.N.
12 of 1956.

Notice is hereby given that in exercise of the powers conferred upon the Ekamarun District Council by section 82 (2) and 271 of the Local Government Law, 1957, the Ekamarun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 11th day of January, 1958, that the Control of Pigs Adoptive Bye-laws, 1956, be adopted.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 30th April, 1958.

W.R.L.N. 203 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956 : IJEBU WESTERN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Western District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Western District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of December, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted, with the following amendment :—

W.R.L.N.
11 of 1956.

"Delete the first and second schedules thereof and substitute the following therefor :—

FIRST SCHEDULE

VEHICLE LICENCE

Licence is hereby granted to.....
of.....
to keep and use one.....Cycle
Frame No.....Plate No.....
until 31st day of December, 195.....
DATED this.....day of.....195.....
Fee paid.....

.....
Issuing Officer

(This licence expires on the 31st day of December, 195.....).

SECOND SCHEDULE

Fees to be paid under bye-law 3 per year or part thereof :

	£	s	d
(a) Bicycle or tricycle and other pedalled vehicle ...	0	8	6
(b) Hand-cart or barrow	0	8	6
(c) Bath-chair, rickshaw or go-cart	0	2	6
(d) Two-wheeled carriage, cart or truck	0	2	6
(e) For a new licence and metal or plastic plate to replace one lost or stolen	0	1	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 27th March, 1958.

W.R.L.N. 204 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE
BYE-LAWS ORDER, 1957

EKITI SOUTHERN DISTRICT COUNCIL : IKERRE EKITI

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ekiti Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ekiti Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 16th day of December, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted, substituting the following for the Schedule thereof :—

W.R.L.N.
55 of 1957.

SCHEDULE

Fees to be paid under bye-law 4 :—

Type of Vehicle	Per day	per quarter	per annum
Private Cars ...	0 0 6	0 5 0	0 17 0
Kit Cars ...	0 1 0	0 15 0	1 15 0
Lorries ...	0 2 0	1 5 0	3 10 0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 1st May, 1958.

W.R.L.N. 205 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956 : OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 3rd day of December, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 27th March, 1958.

W.R.L.N. 206 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956 : IBEJU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ibeju District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ibeju District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of January, 1958, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 27th March, 1958.

W.R.L.N. 207 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956 : OKEHO/IGANNA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of December, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 27th March, 1958.

W.R.L.N. 208 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956 : AWORI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Awori District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Awori District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 15th day of October, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd May, 1958.

W.R.L.N. 209 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1958 : OGBOMOSHO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ogbomosho District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ogbomosho District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 1st day of February, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 15
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 5th May, 1958.

W.R.L.N. 210 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS ORDER, 1957
ONDO WESTERN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ondo Western District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ondo Western District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of December, 1957, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.

SECOND SCHEDULE

Fee to be paid under bye-law 3—

	£	s	d
(a) Bicycle or tricycle and other pedalled vehicle ...	0	10	0
(b) Hand-cart or barrow	0	12	6
(c) Bath-chair, rickshaw or go-cart	0	12	6
(d) Two-wheeled carriage, cart or truck	1	0	0
(e) Four-wheeled carriage, cart or trolley	2	0	0
(f) For a new licence and metal or plastic plate to replace one lost or stolen	0	1	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd May, 1958.

W.R.L.N. 211 of 1958*The Local Government Law, 1957
(No. 12 of 1957)***THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : EPE DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Epe District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Epe District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of October, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N. 55
of 1957.

Ibadan, 30th April, 1958.

I. D. CAMERON,
*Acting Permanent Secretary,
Ministry of Local Government***W.R.L.N. 212 of 1958***The Local Government Law, 1957
(No. 12 of 1957)***THE VEHICLE LICENSING ADOPTIVE BYE-LAWS ORDER, 1958
OGBOMOSHO DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 15TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ogbomosho District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ogbomosho District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 1st day of February, 1958, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 11
of 1956.**SECOND SCHEDULE**

Fees to be paid under bye-law 3—

	£	s	d
(a) Bicycle or tricycle and other pedalled vehicle ...	0	10	0
(b) Hand-cart or barrow	0	12	6
(c) Bath-chair, rickshaw or go-cart	0	12	6
(d) Two-wheeled carriage, cart or truck	1	0	0
(e) Four-wheeled carriage, cart or trolley	2	0	0
(f) For a new licence and metal or plastic plate to replace one lost or stolen	0	1	0

Ibadan, 3rd May, 1958.

I. D. CAMERON,
*Acting Permanent Secretary,
Ministry of Local Government*

W.R.L.N. 213 of 1958

*The Statutory Powers and Duties of Administrative Officers
(Transfer) Law, 1956
(No. 4 of 1957)*

THE STATUTORY POWERS AND DUTIES OF ADMINISTRATIVE
OFFICERS (TRANSFER) ORDER, 1958

DATE OF COMMENCEMENT : 15TH MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 2 of the Statutory Powers and Duties of Administrative Officers (Transfer) Law, 1956, the following Order is hereby made :—

1. This Order may be cited as the Statutory Powers and Duties of Administrative Officers (Transfer) Order, 1958.

2. The provisions of the Forestry (Southern Provinces Native Authorities) Rules mentioned in the First Column of the Schedule hereto are hereby amended as specified in the Second Column of the Schedule.

SCHEDULE

<i>First Column</i>	<i>Second Column</i>
<i>Provisions of Forestry Rules</i>	<i>Amendments</i>
Rule 2	(a) <i>Insert</i> after the definition of "provincial forest officer" the following definitions—"Local Government Council" means the Local Government Council charged by the provisions of its instrument with responsibility for forestry matters within its area ; "Minister" means the Regional Minister charged with responsibility for forestry. (b) <i>Substitute</i> the words "Local Government Council" for the word "Resident" in the definition of "petty local trade".
Rule 3	<i>Delete</i> the word "Resident" and <i>insert</i> instead the word "Minister".
Rule 5	(a) <i>Delete</i> the word "Resident" and <i>insert</i> instead the words "Divisional Adviser". (b) <i>Delete</i> the words "district officer or local authority" and <i>insert</i> instead the words "Divisional Adviser".
Rule 6	<i>Delete</i> the word "Resident" and <i>insert</i> instead the words "Provincial Forest Officer".
Rule 9	(a) <i>Delete</i> the word "Resident" and <i>insert</i> instead the words "Provincial Forest Officer". (b) <i>Delete</i> the words "and after giving notice of their intention to the local forestry officer".
Rule 10	<i>Delete</i> the words "administrative officer".
Rule 18	<i>Delete</i> from the proviso thereto the words "or the district officer".
Rule 29	<i>Delete</i> the words "the Resident and the concurrence of".
Rule 30	<i>Delete</i> the word "Resident" and <i>insert</i> instead the words "Local Government Council".
Rule 36	<i>Delete</i> the word "administrative".
Rule 40	<i>Delete</i> the words "Lieutenant-Governor of the Western Region" and <i>insert</i> instead the word "Minister".

SCHEDULE—*contd.*

<i>First Column</i>	<i>Second Column</i>
<i>Provisions of Forestry Rules</i>	<i>Amendments</i>
Rule 43 ...	<i>Delete</i> the words "Resident and the Conservator" and <i>insert</i> instead the word "Minister".
Rule 46 ...	<i>Delete</i> the words "of the Resident and".
All appropriate Rules.	<i>Delete</i> the words "Native Authority" and "Native Authorities" wherever they occur and <i>insert</i> instead the words "Local Government Council" and "Local Government Councils" respectively.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
 Executive Council*

W.R.L.N. 214 of 1958

*The Statutory Powers and Duties of Administrative Officers
(Transfer) Law, 1956
(No. 4 of 1957)*

THE STATUTORY POWERS AND DUTIES OF ADMINISTRATIVE
OFFICERS (TRANSFER) (TIMBER REVENUE COLLECTIONS RULES)
ORDER, 1958

DATE OF COMMENCEMENT : 15TH MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 2 of the Statutory Powers and Duties of Administrative Officers (Transfer) Law, 1956, the following Order is hereby made :—

1. This Order may be cited as the Statutory Powers and Duties of Administrative Officers (Transfer) (Timber Revenue Collection Rules) Order, 1958.
2. The powers of the Resident to approve the declaration of Protected Trees and Specially Protected Trees and to approve the fixing of the rate at which fees and royalties shall be payable in respect of Protected Trees and Specially Protected Trees made under the Timber Revenue Collection Rules listed in the Schedule hereto are hereby transferred to the Regional Minister charged with responsibility for forestry.

SCHEDULE

- The Egbado Native Authority (Timber Revenue Collection) Rules, 1950.
- The Timber Revenue Collection (Ikeja Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Ejinrin Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Ikorodu Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Epe Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Ibeju Clan Native Authority) Rules, 1949.
- The Timber Revenue Collection (Lekki Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Eti-Osa Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Awori Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Egun-Awori Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Ijede Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Ikosi Area Native Authority) Rules, 1949.
- The Timber Revenue Collection (Eredo Area Native Authority) Rules, 1949.
- The Ijebu Remo Area Native Authority (Timber Revenue Collection) Rules, 1951.
- The Ijebu Province (exclusive of Ijebu-Remo) Native Authority (Timber Revenue Collection) Rules, 1951.
- Timber Revenue Collection (Owo Native Authority) Rules, 1950.
- Timber Revenue Collection (Akoko Native Authority) Rules, 1950.
- Timber Revenue Collection (Ukaro Village Native Authority) Rules, 1950.
- Timber Revenue Collection (Ifon Village Native Authority) Rules, 1950.
- Timber Revenue Collection (Sobe Village Group Native Authority) Rules, 1950.
- Timber Revenue Collection (Oka Native Authority) Rules, 1950.
- Timber Revenue Collection (Imoru Village Native Authority) Rules, 1950.
- Akoko-Igarra Native Authority (Timber Revenue Collection) Rules, 1950.

- Irbiosakon Native Authority (Timber Revenue Collection) Rules, 1950.
Ezoko Native Authority (Timber Revenue Collection) Rules, 1950.
Okitipupa Federal Native Authority (Timber Revenue Collection) Rules, 1950.
Ekiti Federal Native Authority (Timber Revenue Collection) Rules, 1950.
Western Urhobo Area Native Authority (Timber Revenue Collection) Rules, 1950.
Urhobo-Isoko Federal Area Native Authority (Timber Revenue Collection) Rules,
1951.
Itsekiri Native Authority (Timber Revenue Collection) Rules, 1951.
Ndoni Clan Area Native Authority (Timber Revenue Collection) Rules, 1951.
Ukwuani District Native Authority (Timber Revenue Collection) Rules, 1951.
Aboh Native Authority (Timber Revenue Collection) Rules, 1951.
Western Ijaw Divisional Native Authority (Timber Revenue Collection) Rules, 1952.
Akure District Native Authority (Timber Revenue Collection) Rules, 1952.
Ishan Divisional Native Authority (Timber Revenue Collection) Rules, 1955.

MADE by the Governor in Council at Ibadan this 14th day of April, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 215 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

THE IBADAN (PROVISIONAL) DISTRICT COUNCIL
(SLAUGHTER) BYE-LAWS, 1957

DATE OF COMMENCEMENT : 15TH MAY, 1958

In exercise of the powers conferred on the Ibadan (Provisional) District Council under and by virtue of section 271 of the Local Government Law, 1957, and section 36 of the Public Health Law, 1957, and every other power hereunto enabling, the following Bye-laws are hereby made :—

1. These Bye-laws may be cited as the Ibadan (Provisional) District Council (Slaughter) Bye-laws, 1957, and shall apply to all persons subject to the jurisdiction of the Ibadan (Provisional) District Council whilst within the area of its jurisdiction.
2. In these Bye-laws :—
 - “the Council” means the Ibadan (Provisional) District Council ;
 - “public slaughterhouse” means a slaughterhouse established by the Council for the slaughter of animals intended for the food of man and includes a public slaughter slab ;
 - “slaughter” with its grammatical variations and cognate expressions means the killing of animals intended for sale for the food of man.
3. The slaughtering of animals shall be by the method or methods prescribed by the Health Officer appointed for the purpose.
4. No animal shall be slaughtered except in a public slaughterhouse.
5. (1) No person shall slaughter unless he first obtains a permit to slaughter the animal or animals mentioned therein from a person duly authorised in that behalf by the Council.
- (2) Such permit shall be issued upon the following conditions :—
 - (a) that the animal or animals have been inspected by a person duly authorised in that behalf by the Council upon the advice of a Health Officer and passed by such person or Health Officer as fit for slaughter ;
 - (b) that the fees prescribed in the Schedule to these bye-laws have been paid in respect of the animal or animals to be specified in the permit. Schedule.
6. (1) No person shall remove the meat of any animal slaughtered in a public slaughterhouse until such meat has been inspected by a person duly authorised in that behalf by the Council upon the advice of a Medical Officer of Health and passed by such person as fit for human food.
- (2) Any meat which a person so authorised considers unfit for human consumption shall be destroyed in such manner as the Council upon the advice of a Health Officer shall direct.
- (3) The method of dissecting and laying out the carcase for inspection shall be as advised by a Health Officer.
- (4) After the carcase has been quartered, no further cutting, boning or trimming shall take place in the slaughterhouse.

7. For the purpose of these bye-laws a public slaughterhouse shall only be opened from 5 a.m. to 9 a.m.

8. (1) No butcher shall have more than four assistants helping him in the slaughterhouse for any one bovine animal or pig or more than one assistant for any sheep or goat.

(2) No unauthorised person shall be allowed in the slaughterhouse. Authority may be given by the Council on the advice of a Health Officer, and may be withdrawn at any time.

(3) Each butcher shall see that the utensils used by him and his assistants are kept clean and in good condition and also that the clothing and persons of himself and his staff are clean.

(4) No meat shall be removed from the slaughterhouse except in a clean receptacle.

9. (1) Notwithstanding the provisions of bye-laws 4 and 7 in cases of emergency the Council may, on the advice of a Health Officer, permit slaughter at such place and at such time as may be recommended by a Health Officer.

(2) Notwithstanding the provisions of bye-law 4 the Council may issue on the advice of a Health Officer permits for animals to be killed at some other fit and proper place for private or public consumption on festive occasions :

Provided that the Health Officer shall be notified so as to enable any bovine animal to be inspected without any extra charge being made.

(3) Any person wishing to slaughter any sheep or goat for private consumption on a festive occasion shall not require any permit to do so.

10. Any person who slaughters at a public slaughterhouse or under special permit shall immediately afterwards clean away and dispose of, in such manner as may be directed by a Health Officer, all blood, offal and rubbish of any description and shall thoroughly wash and clean the slaughterhouse.

11. If a Health Officer considers that it is undesirable for any authorised person to work at a slaughterhouse by reason of failure to co-operate in the general measures for the sanitary maintenance of the slaughterhouse, he shall make representation to the Council to exclude such person or persons from the slaughterhouse for as long as he thinks fit.

12. Any person who fails to comply with any of the provisions of bye-laws 3 to 8, inclusive, or bye-law 10, shall be liable to a fine not exceeding twenty shillings or in default, to imprisonment not exceeding one month for the first offence and to a fine not exceeding five pounds or in default, to imprisonment not exceeding three months, for each of subsequent offence.

13. The Ibadan Divisional Native Authority (Slaughter) Rules 1941, as amended, are hereby revoked.

SCHEDULE

(BYE-LAW 5 (2) (b))

Cattle, per head	...	...	...	...	15s
Sheep, Goats, Swine, per head	...	...	...	...	4s

MADE by the Ibadan (Provisional) District Council this 3rd day of March, 1958.

The Common Seal of the Council having been hereunto affixed in the presence of :—

I. B. AKINYELE,
Chairman,
Ibadan (Provisional) District Council

WILLIAM S. A. WARREN,
Secretary,
Ibadan (Provisional) District Council

Signified in accordance with the Ibadan (Provisional) District Council Standing Orders dated the 13th March, 1956.

APPROVED at Ibadan this 23rd day of April, 1958.

J. OLA. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 216 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 15TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Mr Samson Sagay ...	} Warri Divisional Council Area.
Mr Peter Amiwero ...	
Mr Sunday Dortie ...	
Mr Robert Okito ...	
Mr Francis Amiwero ...	
Mr Phillip Oko ...	
Mr Erasmus Ifitihi ...	

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 5th May, 1958.

W.R.L.N. 217 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IJESHA DIVISIONAL COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 14TH JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law"), a Divisional Council entitled the Ijesha Divisional Council (hereinafter called "the Council") shall be established on the 14th day of June, 1958.

2. The Common Seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ijesha Divisional Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be the area comprising the Ilesha Administrative Division.

4. The President of the Council shall be the Owa of Ijesha-land and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of fifty-seven members, namely :

- The President ;
- Fourteen traditional members ;
- Forty-two elected members.

6. The quorum shall be nineteen members.

7. (1) Ten of the traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) the Obanla of Ilesha ;
- (ii) The Odole of Ilesha ;
- (iii) The Lejoka of Ilesha ;
- (iv) The Ogboni of Ibokun ;
- (v) The Ogboni of Ijebu-Ijesha ;
- (vi) The Ogboni of Ipole ;
- (vii) The Apetu of Ipetu-Ijesha ;

- (viii) The Loja-Oke of Imesi-Ile ;
- (ix) The Olufewara of Ifewara ;
- (x) The Loja of Esa-Oke.

(2) Two of the traditional members shall be the first two persons holding the titles set out in the list following in the order appearing therein who shall retire after one year, and shall be succeeded by the next two persons, and so on in rotation.

- (i) The Ogboni of Ilesha ;
- (ii) The Risawe of Ilesha ;
- (iii) The Loro of Ilesha ;
- (iv) The Oba-Odo of Ilesha ;
- (v) The Saloro of Ilesha ;
- (vi) The Lejofi of Ilesha ;
- (vii) The Arapate of Ilesha.

(3) One of the traditional members shall be elected annually by secret ballot by and from amongst the traditional members of the Ilesha Northern District Council.

(4) One of the traditional members shall be elected annually by secret ballot by and from amongst the traditional members of the Ilesha Southern District Council.

8. The forty-two elected members of the Council shall be elected by and from amongst the members, both elected and traditional, of the following District Councils in accordance with table hereunder :

Provided that a District Council may elect a person who is not one of its members to be a member of the Divisional Council if—

(a) such person has not been defeated as a candidate for election to a District Council at the most recent general election, or any bye-election subsequent to that election, held in respect of the District Council ; and

(b) he possesses the qualifications required for membership of that District Council.

<i>Name of District Council</i>	<i>Number of persons to be elected</i>
Ilesha Urban District Council	16
Ilesha Northern District Council	15
Ilesha Southern District Council	11

9. The first elections to the council shall be held on the 5th day of July, 1958 and the first meeting of the council shall be held on the 19th day of July, 1958.

10. The functions of the Council shall be as set out in Schedule to this Instrument :

Provided that :

(i) in any matter in which the Divisional Council and a District Council are, or hereafter shall be, empowered to exercise concurrent functions, the Divisional Council shall not make any bye-law to which the District Council objects, without the approval of the Minister.

(ii) in any matter in which the Divisional Council and a District Council are exercising concurrent functions, other than a matter for which provision is made by bye-laws, if the District Council objects to the exercise of those functions by the Divisional Council, they shall not be exercised by the Divisional Council without the approval of the Minister.

SCHEDULE

In addition to those functions conferred upon Councils (including Divisional Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF ANY OTHER COUNCIL

(i) *Obiligatory Functions*

The Council shall—

(a) be the "competent council" for the purposes of section 70 of the Customary Courts Law, 1957 ;

(b) in accordance with the provisions of section 111 (2) (a) (iii) of the Law establish, maintain and equip any school or institution which is maintained or assisted under the Education Law, 1954 ;

(c) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths within the council area as the Minister shall in writing declare to be the responsibility of the Council ;

(d) maintain the traditional office or customary title of the Owa of Ijjesha-land, and incur the necessary expenditure for such purpose, in virtue of section 111 (2) (a) (i) of the Law.

(ii) *Permissive Functions*

The Council may—

(a) establish, equip and maintain a Local Government Police Force in accordance with the provisions of the Local Government Police Law, 1955 ;

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain all public roads, bridges and paths within the Council area other than those roads, bridges and paths included in a declaration under paragraph A (i) (c) of this Instrument or which the Federal Government or Regional Government or the District Councils in Ilesha Division maintain ;

(c) establish, equip and maintain a Forestry Service and exercise or perform the functions of a local government council under the Forestry Ordinance.

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH THE DISTRICT COUNCILS IN ILESHA DIVISION

The Council may—

(a) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (7) to (14), (16), (21), (22), (24) to (31) ;

(b) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13), (14), (15), (18), (20), (21), (22), (23), (31) to (39) ;

(c) engage in any form of trade, commerce or industry ;

(d) incur expenditure for all or any of the functions specified in sub-sections (2) (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(e) exercise the powers of a competent local government council in accordance with provisions of section 11 of the Road Traffic Ordinance.

MADE by the Governor in Council at Ibadan this 19th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 218 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ILESHA URBAN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 14TH JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ilesha Urban District Council (hereinafter called "the Council") shall be established upon the 14th day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ilesha Urban District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be Ilesha Town, namely, the area covered by a circle, centre the Ilesha Town Hall (Obokungbusi) and radius 3 miles and Imo and Irojo village areas.

4. The President of the Council shall be the Owa of Ijesha and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of forty-nine members, namely :

- The President ;
- Twelve traditional members ;
- Thirty-six elected members.

6. The quorum shall be seventeen members.

7. (1) Eleven of the twelve traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) The Obanla of Ilesha ;
- (ii) The Ogboni of Ilesha ;
- (iii) The Oba-Odo of Ilesha ;
- (iv) The Odole of Ilesha ;
- (v) The Risawe of Ilesha ;
- (vi) The Lejoka of Ilesha ;
- (vii) The Loro of Ilesha ;
- (viii) The Saloro of Ilesha ;
- (ix) The Lejofi of Ilesha ;
- (x) The Arise of Ilesha ;
- (xi) The Arapate of Ilesha.

(2) The twelfth Traditional member who shall retire after one year shall be one of the following chiefs in annual rotation in the order given below :—

- (i) The Lemodu of Ilesha ;
- (ii) The Ejemo of Ilesha ;
- (iii) The Bamura of Ilesha ;
- (iv) The Lokiran of Ilesha ;
- (v) The Gbogi of Ilesha ;
- (vi) The Risa Ijoka of Ilesha.

8. The persons entitled to elect the elected members (hereinafter called "the voters") shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of this Instrument.

9. Each of the thirty-six elected members of the Council shall be elected by the registered voters of one of the following wards in accordance with the table set out below :

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
1. Upper Okesha (Ita Okesha-Erungbe)	1
2. Lower Okesha (Ita Asha-Okesha)	1
3. Oke-Esho... ..	1
4. Igbaye	1
5. Ifoshan-Imo	1
6. Upper Egbeedi (Idi-Ayan-Hospital)	1
7. Lower Egbeedi (Olulode Compound-Idi-Ayan)	1
8. Itishin-Ilemo	1
9. Upper Ijoka (Ita-B'Ogunloko-Agbede Ami)	1
10. Lower Ijoka (Otapete-Ita-B'Ogunloko)	1
11. Ijamo	1
12. Ibosinrin-Orikiran-Itakogun	1
13. Iwere	1
14. Isinkin	1
15. Upper Igbogi (Abitiri)	1
16. Lower Igbogi (Olomukogun)	1
17. Ishokun	1
18. Ikoti	1
19. Omofe	1
20. Idasa	1
21. Ikoyi-Oromu-Aragan	1
22. Ereja	1
23. Odo-Agbede-Isida-Eshira	1
24. Iroye	1
25. Anaye	1

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
26. Iloro	1
27. Idifi-Idio	1
28. Upper Ifofin-Padi-Irojo (southern part of Akata) Ilerin ...	1
29. Lower Ifofin (northern part of Akata Ifofin)	1
30. Isare-Oke-Oye	1
31. Ishona	1
32. Oke-Iro	1
33. Ijofi	1
34. Odo-Iro-Orogba	1
35. Ayesho	1
36. Oke-Iyin-Oke-Eshe	1

10. If, after the last date for receiving nominations, an election is required, the first election to the Council shall be held on the 14th day of June, 1958, and the first meeting of the Council shall be held on the 28th day of June, 1958.

11. The functions of the Council shall be as set out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council:—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF THE IJESHA DIVISIONAL COUNCIL.

(i) *Obligatory Functions*

The Council shall—

(a) be a “competent council” for the purposes of the Public Health Law, 1957.

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths as the Minister of Local Government shall in writing declare to be the responsibility of the Council.

(c) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction.

(ii) *Permissive Functions*

The Council may—

(a) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths other than those roads, bridges and paths included in a declaration under paragraph A (i) (b) of this Instrument or which the Federal Government or Regional Government, the Ijesha Divisional Council, or another District Council in Ilesha Division maintains ;

(b) perform all or any of the functions contained in the following paragraphs of section 65 of the Law:—

(2), (5), (6), (15), (17) to (20), (23) ;

(c) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(6), (12), (16), (17), (19), (24) to (30).

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH
THE IJESHA DIVISIONAL COUNCIL

The Council may—

(a) perform all or any of the functions contained in the following paragraphs of section 65 of the Law—

(1), (3), (4), (7) to (14), (16), (21), (22), (24) to (31) ;

(b) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13), (14), (15), (18), (20), (21), (22), (23), (31) to (39) ;

(c) exercise the powers of a competent local government council under the provisions of section 11 of the Road Traffic Ordinance.

(d) incur expenditure for all or any of the purposes prescribed in sub-sections (2) (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(e) engage in any form of trade, commerce or industry.

MADE by the Governor in Council at Ibadan this 19th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 219 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ILESHA NORTHERN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 14TH JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ilesha Northern District Council (hereinafter called the Council") shall be established upon the 14th day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ilesha Northern District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be the areas traditionally associated with the villages of the Ipetu-Ijesha, New Ikeji, Old Ikeji, Ibokun, Ipetu-Ibokun, Ikinyinwa, Ilahun, Ada-Owode, Itiya, Ijebu-Ijesha, Iwoye, Esa-Odo, Iloo, Imesi-Ile, Ilare, Otan-Ile, Erin-Odo, Erin-Oke, Omo, Esa-Oke, Ilashe, Iponda, Esun, Idoka, Ido-Oko, Ibala, Ilowa, Idominasi, Iregun, Ijana-Itarua, Ijaregbe, Igogo, Isagbe, Ere, Ijeda, Iloko, Erinmo, Iwaraja, Ijimo and Oke-Ana.

4. The President of the Council shall be the Owa of Ijesha and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of forty-nine members, namely :

- The President ;
- Twelve traditional members ;
- Thirty-six elected members.

6. The quorum shall be seventeen members.

7. (1) Five of the twelve traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) The Ogboni of Ibokun ;
- (ii) The Ogboni of Ijebu-Ijesha ;
- (iii) The Apetu of Ipetu-Ijesha ;
- (iv) The Oloja Oke of Imesi-Ile ;
- (v) The Loja of Esa-Oke.

(2) The remaining seven traditional members shall be the first seven persons holding the titles set out in the list following in the order appearing therein who shall retire after one year and shall be succeeded by the next seven persons, who shall themselves be succeeded by the next seven persons, and so on in rotation :—

- | | |
|-------------------------------------|----------------------------------|
| (i) The Apetu of Ipetu-Ibokun ; | (xii) The Alua of Erin-Oke ; |
| (ii) The Loja of Esa-Odo ; | (xiii) The Akeji of Old Ikeji ; |
| (iii) The Alare of Ilare ; | (xiv) The Aloko of Iloko ; |
| (iv) The Ado-Oko of Idoko ; | (xv) The Loja of Iponda ; |
| (v) The Akinla of Erin-Odo ; | (xvi) The Aloo of Iloo ; |
| (vi) The Akeji of New Ikeji ; | (xvii) The Obanla of Imesi-Ile ; |
| (vii) The Elerimo of Erinmo ; | (xviii) The Elere of Ere ; |
| (viii) The Akinyinwa of Ikinyinwa ; | (xix) The Ogboni of Esa-Oke ; |
| (ix) The Loja of Iwoye ; | (xx) The Olomo of Omo ; |
| (x) The Olotan of Otan ; | (xxi) The Loja of Ijeda. |
| (xi) The Loja of Ilase ; | |

8. The persons entitled to elect the elected members (hereinafter called "the voters") shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of this Instrument.

9. Each of the thirty-six elected members of the Council shall be elected by the registered voters of one of the following wards in accordance with the table set out below :

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
1. Imesi-Ile 1	1
2. Imesi-Ile 2	1
3. Imesi-Ile 3	1
4. Otan Ile	1
5. Ilare	1
6. Ibokun Itia 1	1
7. Ibokun Itia 2	1
8. Ibokun Itia 3	1
9. Ada Owode/Ipetu Ibokun	1
10. Ilahun/Ikinyinwa	1
11. Ijeda	1
12. Erinmo	1
13. Iloko/Iwaraja/Oke Ana/Ijimo	1
14. Odogo/Odo Eshe	1
15. Odo Oja	1
16. Okenisa/Iloro/Iloo	1
17. Ijelo/Aba/Ilumoko	1
18. Aregun/Iloro... ..	1
19. Iwoye... ..	1
20. Oke Esa	1
21. Erinjiyan	1
22. Odo Ese/Idofin	1
23. Ilashe/Oke	1

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
24. Ilashe/Odo	1
25. Ere/Idoko/Esun/Ibala	1
26. Idominasi/Iponda/Idoka-Isagbe/Ilowa	1
27. Iregun/Ijana Itarua/Igogo/Ijaregbe	1
28. Erin-Oke/Erin-Odo/Omo 1	1
29. Erin-Oke/Erin-Odo/Omo 2	1
30. Ipetu 1	1
31. Ipetu 2 and Bolorunduro	1
32. Ipetu 3 and Oko Apoti	1
33. Ipetu 4	1
34. Ipetu 5	1
35. Old Ikeji	1
36. New Ikeji/Owena/Temidire	1

10. If, after the last date for receiving nominations, an election is required, the first election to the Council shall be held on the 14th day of June, 1958, and the first meeting of the Council shall be held on the 28th day of June, 1958.

11. The functions of the Council shall be as set out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF THE IJESHA DIVISIONAL COUNCIL

(i) *Obligatory Functions*

The Council shall—

(a) be a “competent council” for the purposes of the Public Health Law, 1957.

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths as the Minister of Local Government shall in writing declare to be the responsibility of the Council.

(c) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction.

(ii) *Permissive Functions*

The Council may—

(a) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths other than those roads, bridges and paths included in a declaration under paragraph A (i) (b) of this Instrument or which the Federal Government or Regional Government, the Ijesha Divisional Council, or another District Council in Ilesha Division maintains ;

(b) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(2), (5), (6), (15), (17) to (20), (23) ;

(c) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(6), (12), (16), (17), (19), (24) to (30).

**B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH
THE IJESHA DIVISIONAL COUNCIL**

The Council may—

(a) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (7) to (14), (16), (21), (22), (24) to (31) ;

(b) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13), (14), (15), (18), (20), (21), (22), (23), (31) to (39) ;

(c) exercise the powers of a competent local government council under the provisions of section 11 of the Road Traffic Ordinance.

(d) incur expenditure for all or any of the purposes prescribed in sub-sections (2) (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(e) engage in any form of trade, commerce or industry.

MADE by the Governor in Council at Ibadan this 19th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 220 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ILESHA SOUTHERN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 14TH JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ilesha Southern District Council (hereinafter called "the Council") shall be established upon the 14th day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ilesha Southern District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be the areas traditionally associated with the villages of Iperindo, Odo, Ipole, Ise, Aiyegunle, Imogbara, Ida-Ado, Ilaye, Ijemba, Irogbo, Ikoromoja, Igbagiri, Iwara, Igangan, Imobi, Iyinta, Odo-Iwara, Iwikun, Oke-Agbede, Iloa, Irode, Oko-Igbo, Igbigbon Ode-Owe, Aiyegbaju, Ilora, Iloroke, Ijigun, Ifewara, Bowaje, Oke 'Bode, Iloro-Oko, Oke-Osin, Lala, Oko-Apara, Aba Prince, Ikoyi, Abebeyun, Aba Ajayi-Obe, Oko-Eshira, Kajola, Omirinmirin, Lufadeju, Jela, Sawe, Osoro, Araromi, Ogiriyanda, Oshu, Iloba, Iwaro, Longe, Akola, Otagiri, Abepe, Odesomi, Ayurunbo, Eleshu, Odewale, Oniyo, Adepoju, Akowe, Ajibodu, Apena, Aba Peter, Kajola, Ore-Ofero, Itamerin, Olodude, Ile-Igbo, Ikete, Ipa-Aruku, Odogbo, Owiji, Ogege, Alaye, Adigun, Ajido, Idi-Iroko, Faro, Ita-Apa, Onireke, Erudu I, Erudu II, Fegbejore, Olowu, Aladodo, Eti-Oni, Otokobo, Agbon, Illa, Ipoeye, Isolo, Oke-Omo, Oke-Awo, Iloya, Isireyun, Oko-Igbo, Iloringbon, Imaika, Ikebo, Odo-Ogidigbo, Oko-Saloro, Aba Olowu-Emu, Aba-Adanri, Oko Baba Ibadan, Odo-Iju, Ileki, Arikun, Saga, Iyemogun, Agbade, Ijana-Washare, Igbadae, Epe, Igun, Akola, Amuye, Ehin-Oke, Olowu, Ajobandele, Atorin, Agogo, Erinburo, Olorisa, Itagunmodi Oko-Salotun, Oko Risa-Ijoka, Oko Ogboni, Akoko Matthew, Araromi, Arigbabu, Okutu-Omo, Osokogbe, Amuta, Alaba, Ariyelepe, Arowa, Owena, Itagbon, Agun, Bamijogbin, Agbao, Oke-Ipa, Erinje, Aye, Imosan, Gadda-Eriperi, Imuo, Isaobi, Inisa, Ishotun, Oke-Inashin, Odo, Ijana, Ibodi, Igila, Isua, Iyere, Ile-Oko, Eisun and Aye.

4. The President of the Council shall be the Owa of Ilesha and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of forty-nine members, namely :

- The President ;
- Twelve traditional members ;
- Thirty-six elected members.

6. The quorum shall be seventeen members.

7. (1) Four of the twelve traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) The *Ogbori* of *Ipole* ;
- (ii) The *Oloja* of *Ibodi* ;
- (iii) The *Olufewara* of *Ifewara* ;
- (iv) The *Loja* of *Oké'Bode*.

(2) The remaining eight traditional members shall be the first eight persons holding the titles set out in the list following in the order appearing therein who shall retire after one year and shall be succeeded by the next eight persons, who shall themselves be succeeded by the next eight persons, and so on in rotation :—

- (i) The *Tirimi* of *Iperindo* ;
- (ii) The *Orunto* of *Ifewara* ;
- (iii) The *Alamuye* of *Amuye* ;
- (iv) The *Awara* of *Iwara* ;
- (v) The *Esemo* of *Iyemogun* ;
- (vi) The *Loja* of *Itangunmodi* ;
- (vii) The *Okomo* of *Oké-Omo* ;
- (viii) The *Asaobi* of *Isaobi* ;
- (ix) The *Loja* of *Oshu* ;
- (x) The *Onise* of *Ise* ;
- (xi) The *Lowa* of *Ifewara* ;
- (xii) The *Ala* of *Ila* ;
- (xiii) The *Ashotun* of *Ishotun* ;
- (xiv) The *Loja* of *Erinburo* ;
- (xv) The *Loye* of *Igangan* ;
- (xvi) The *Agbadac* of *Igbadae* ;
- (xvii) The *Bale* of *Araromi* ;
- (xviii) The *Alaba* of *Alaba* ;
- (xix) The *Aloba* of *Iloba* ;
- (xx) The *Olowu* of *Epe* ;
- (xxi) The *Loja* of *Odo*.

8. The persons entitled to elect the elected members (hereinafter called "the voters") shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of this Instrument.

9. Each of the thirty-six elected members of the Council shall be elected by the registered voters of one of the following wards in accordance with the table set out below :

<i>Name of Ward</i>	<i>Numbers of persons to be elected</i>
1. <i>Iwara/Oko Igbo</i>	1
2. <i>Igangan</i>	1
3. <i>Ona Iwara</i>	1
4. <i>Iperindo</i>	1
5. <i>Odo/Imogbara</i>	1
6. <i>Irogbo/Ikoromaja/Igbagiri/Ijemba/Ilaye</i>	1
7. <i>Ipole/Ise/Aiyegunle/Ida-Ado</i>	1
8. <i>Ibodi</i>	1
9. <i>Iyere/Igila/Ilotin/Aye</i>	1
10. <i>Ile-Oko/Isua/Eisun</i>	1
11. <i>Ifelodun 1</i>	1
12. <i>Ifelodun 2</i>	1
13. <i>Itangunmodi</i>	1

<i>Name of Ward</i>								<i>Number of persons to be elected</i>
14. Araromi							1	
15. Alaba							1	
16. Agbao							1	
17. Ajido/Odogbo							1	
18. Ita-Apa							1	
19. Eti-Oni							1	
20. Ifewara 1							1	
21. Ifewara 2							1	
22. Bowaje							1	
23. Odo Ode (Faforiji) Ehin Oke/Omi Odo Alukoloro/Senge/Erinsebiija							1	
24. Oke Ode (Faforiji)							1	
25. Atorin/Ogogo							1	
26. Lapaede/Erinburo/Olorisa							1	
27. Ayinrin							1	
28. Oshu 1							1	
29. Oshu 2							1	
30. Iwaro/Iloba							1	
31. Oyomesi 1							1	
32. Oyomesi 2							1	
33. Oke'Bode							1	
34. Oke'Bode Villages							1	
35. Isaobi							1	
36. Muroko							1	

10. If, after the last date for receiving nominations, an election is required, the first election to the Council shall be held on the 14th day of June, 1958, and the first meeting of the Council shall be held on the 28th day of June, 1958.

11. The functions of the Council shall be as set out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF THE IJESHA DIVISIONAL COUNCIL

(i) *Obligatory Functions*

The Council shall—

(a) be a "competent council" for the purposes of the Public Health Law, 1957.

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths as the Minister of Local Government shall in writing declare to be the responsibility of the Council.

(c) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction.

(ii) *Permissive Functions*

The Council may—

(a) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths other than those roads, bridges and paths included in a declaration under paragraph A (i) (b) of this Instrument or which the Federal Government or Regional Government, the Ijesha Divisional Council, or another District Council in Ilesha Division maintains ;

(b) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(2), (5), (6), (15), (17) to (20), (23) ;

(c) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(6), (12), (16), (17), (19), (24) to (30).

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH
THE IJESHA DIVISIONAL COUNCIL

The Council may—

(a) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (7) to (14), (16), (21), (22), (24) to (31);

(b) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13), (14), (15), (18), (20), (21), (22), (23), (31) to (39) ;

(c) exercise the powers of a competent local government council under the provisions of section 11 of the Road Traffic Ordinance.

(d) incur expenditure for all or any of the purposes prescribed in sub-sections (2) (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(e) engage in any form of trade, commerce or industry.

MADE by the Governor in Council at Ibadan this 19th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 221 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

DATE OF COMMENCEMENT : 14TH JUNE, 1958

In exercise of the powers conferred by section 8 (1) of the Local Government Law, 1957, the Governor in Council hereby revokes, in respect of each of the councils shown in column 1 of the Schedule hereto, the Instrument relating thereto of which the particulars are set out, opposite the name of such council, in column 2 of the said Schedule :

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
<i>Name of Council</i>	<i>Instrument relating to Council named in Column 1 published as :</i>
Ijesha Divisional Council	W.R.L.N. 113 of 1954
Ilesha Urban District Council	W.R.L.N. 114 of 1954
Ipetu-Ijesha/Ikeji Local Council	W.R.L.N. 115 of 1954
Ibokun Local Council	W.R.L.N. 116 of 1954
Ijebu-Ijesha Local Council	W.R.L.N. 117 of 1954
Kiriji Local Council	W.R.L.N. 118 of 1954
Irepodun Local Council	W.R.L.N. 119 of 1954
Iwara Local Council	W.R.L.N. 120 of 1954
Ifewara Local Council	W.R.L.N. 121 of 1954
Erin Local Council	W.R.L.N. 122 of 1954
Oke'Bode Local Council	W.R.L.N. 123 of 1954
Aiyetoro Local Council	W.R.L.N. 128 of 1954
Aiyegunle Local Council	W.R.L.N. 124 of 1954
Muroko Local Council	W.R.L.N. 125 of 1954
Esa-Oke Local Council	W.R.L.N. 126 of 1954
Ifelodun Local Council	W.R.L.N. 129 of 1954
Oshun Local Council	W.R.L.N. 127 of 1954
Aiyepeju Local Council	W.R.L.N. 134 of 1954
Ilupeju Local Council	W.R.L.N. 130 of 1954
Itangunmodi Local Council	W.R.L.N. 131 of 1954
Isaobi Local Council	W.R.L.N. 132 of 1954
Ibodi Local Council	W.R.L.N. 133 of 1954

MADE at Ibadan this 19th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 222 of 1958

The Local Government Police Law, 1955
(No. 21 of 1955)

THE ONDO PROVINCIAL CONSTABULARY COUNCIL.
INSTRUMENT, 1958

DATE OF COMMENCEMENT : [BY NOTICE]

In exercise of the powers conferred upon them by section 5 of the Local Government Police, Law, 1955, the following Instrument is made by the Akure Divisional Council, the Akoko Divisional Council, the Idanre District Council, the Oka District Council, the Ekiti Divisional Council, the Okitipupa Divisional Council, the Ondo Divisional Council and the Owo Divisional Council :—

1. This Instrument may be cited as the Ondo Provincial Constabulary Council Instrument, 1958, and shall come into force on a date to be fixed by the Minister and published in the Gazette. Short title.
2. In this Instrument—
 - “contributing councils” means the councils by which this Instrument is made ;
 - “the joint committee” means the committee established by paragraph 3 of this Instrument ;
 - “the Minister” means the Minister to whom responsibility for local government police is assigned in accordance with section 119 of the Nigeria (Constitution) Order in Council, 1954.Interpretation.
3. The contributing councils hereby establish a joint committee, to be known as the Ondo Provincial Constabulary Council, for the purpose of the joint operation of a force within the areas of the contributing councils. Establishment of joint committee.
4. The joint committee shall consist of twenty members of whom—
 - (a) three shall be appointed by the Akure Divisional Council ;
 - (b) two shall be appointed by the Akoko Divisional Council ;
 - (c) one shall be appointed by the Idanre District Council ;
 - (d) one shall be appointed by the Oka District Council ;
 - (e) four shall be appointed by the Ekiti Divisional Council ;
 - (f) two shall be appointed by the Okitipupa Divisional Council ;
 - (g) four shall be appointed by the Ondo Divisional Council ; and
 - (h) three shall be appointed by the Owo Divisional Council.Composition of committee.
5. Each member of the joint committee to be appointed by a contributing council shall be selected for appointment by the contributing council by ballot, and his appointment shall be subject to the approval of the Minister. Appointment of members.
6. Subject to the provisions of paragraph 7, a contributing council may appoint any person of full age to be a member of the joint committee, whether or not that person is a member of any contributing council, General qualification.

- Disqualifications. 7. The provisions of section 19 (relating to disqualification of elected members) of the Local Government Law, 1957, shall be deemed to apply to a candidate for appointment to the joint committee as they apply to a candidate for election to a council, and accordingly, references in that section to an election to a council shall be read as references to an appointment to the joint committee, and the said provisions shall be construed for the purposes of this Instrument with such other modifications as the circumstances may require.
- Tenure of office. 8. (1) Each member of the joint committee shall hold office for three years when he shall retire without prejudice to his reappointment under the provisions of this Instrument.
- (2) The seat of a member of the joint committee shall become vacant—
- (a) at the expiration of his term as provided by the preceding paragraph ;
- or
- (b) upon his death ; or
- (c) if he resigns by notice in writing addressed to the chairman ; or
- (d) upon a dissolution of the contributing council he represents ; or
- (e) if he is absent from four consecutive meetings of the joint committee ;
- or
- (f) where he is a member of the contributing council, if he ceases to be a member of that contributing council ; or
- (g) if he becomes subject to any of the disqualifications applicable to a candidate for appointment.
- Chairman. 9. (1) When the joint committee first meets and thereafter whenever the office of the chairman becomes vacant, the members of the joint committee shall elect a chairman from amongst their number.
- (2) The office of chairman shall become vacant—
- (a) at the commencement of the first meeting of the committee occurring more than twelve months after his election ;
- (b) if he ceases to be a member of the committee ;
- (c) If he dies ; or
- (d) If he resigns by writing under his hand addressed to the secretary of the committee.
- Establishment of joint force. 10. There shall be a joint force for the areas of the contributing councils, to be known as the Ondo Provincial Constabulary.
- Transfers to joint force. 11. The members of the local government police forces of the contributing councils shall, with effect from the commencement of this Instrument, be transferred to the joint force.
- Transfer of property. 12. There shall be transferred to and vested in the joint committee, with effect from the commencement of this Instrument—
- (a) all movable property then held by any contributing council for the purposes of a local government police force maintained by it ;
- (b) such land and buildings of any contributing council as are described in a list approved by the council and deposited with the Minister.
- Expenditure. 13. The approved expenditure incurred by the joint committee which falls to be met by the contributing councils shall be defrayed by the councils in such manner and proportions as the Minister may notify the contributing councils from time to time.

MADE by the Akoko Divisional Council at Ikare this 16th day of November, 1957, the Common seal of the Council being hereunto affixed in the presence of—

E. O. KOLADE,
Chairman

S. ADEDAYO AFERE,
Secretary

MADE by the Akure Divisional Council at Akure this 26th day of November, 1957, the Common seal of the Council being hereunto affixed in the presence of—

J. O. ADEDIPE,
Chairman

C. A. FALUSI,
Secretary

MADE by the Ekiti Divisional Council at Ise this 27th day of March, 1958, the Common seal of the Council being hereunto affixed in the presence of—

G. B. ADEYEMI,
Chairman

J. AROKODARE,
Secretary

MADE by the Idanre District Council at Idanre this 11th day of December, 1957, the Common seal of the Council being hereunto affixed in the presence of—

D. O. AKINTON,
Chairman

S. AGBO AKINTON,
Secretary

MADE by the Oka District Council at Oka this 7th day of December, 1957, the Common seal of the Council being hereunto affixed in the presence of—

J. T. OGIDAN,
Chairman

J. O. GBOGI,
Secretary

MADE by the Okitipupa Divisional Council at Okitipupa this 7th day of November, 1957, the Common seal of the Council being hereunto affixed in the presence of—

W. A. ADUN,
Chairman

R. O. ADEGBOYE,
Secretary

MADE by the Ondo Divisional Council at Ondo this 30th day of November, 1957, the Common seal of the Council being hereunto affixed in the presence of—

R. A. ADENRELE, OSHEMAWE OF ONDO,
Chairman

J. A. OSHIN,
Secretary

MADE by the Owo Divisional Council at Owo this 11th day of December, 1957, the Common seal of the Council being hereunto affixed in the presence of—

OLAGBEGI, OLOWO OF OWO,
Chairman

M. L. FAMAKINWA,
Secretary

APPROVED by me at Ibadan this 19th day of April, 1958.

ANTHONY ENAHORO,
Minister of Home Affairs

W.R.L.N. 223 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IBADAN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 21ST JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ibadan District Council (hereinafter called "the Council") shall be established upon the 21st day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ibadan District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be Ibadan Town and District.
4. The President of the Council shall be the Olubadan of Ibadan and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.
5. The Council shall consist of ninety-three members, namely,
The President ;
Nineteen traditional members ;
Seventy-three elected members.
6. The quorum shall consist of forty-six members.
7. The nineteen traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

The Balogun of Ibadan ;	The Iyalode of Ibadan ;
The Otun Olubadan of Ibadan ;	The Onijaiye of Ijaiye ;
The Otun Balogun of Ibadan ;	The Onikereku of Ikereku ;
The Osi Olubadan of Ibadan ;	The Oniroko of Iroko ;
The Osi Balogun of Ibadan ;	The Bale Lalupon ;
The Ashipa Olubadan of Ibadan ;	The Bale Erunmu ;
The Ashipa Balogun of Ibadan ;	The Bale Lagun ;
The Ekerin Olubadan of Ibadan ;	The Oloffo of Offa-Igbo ;
The Ekerin Balogun of Ibadan ;	The Oniddo of Iddo.
The Seriki of Ibadan ;	

8. The persons who are entitled to elect the elected members (hereinafter called "the voters") shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of this Instrument.

9. Each of the seventy-three elected members of the Council shall be elected in accordance with the provisions of the Parliamentary and Local Government Electoral Regulations, 1955, by the registered voters of one of the following wards in accordance with the table set out below :—

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
A.—IBADAN TOWN :	
1. Area C 1	1
2. Area C 2	1
3. Area N 1	1
4. Area N 2	1
5. Area N 3	1
6. Area N 4	1
7. Area N 5/A	1
8. Area N 5/B	1
9. Area N 6	1
10. Area NW 1	1
11. Area NW 2	1
12. Area NW 3	1
13. Area NW 4	1
14. Area NW 5	1
15. Area NW 6	1
16. Area S 1	1
17. Area S 2/A	1
18. Area S 2/B	1
19. Area S 3	1
20. Area S 4 and 5	1
21. Area S 6/A	1
22. Area S 6/B	1
23. Area S 7	1
24. Area SW 1	1
25. Area SW 2	1
26. Area SW 3/A	1
27. Area SW 3/B	1
28. Area SW 4	1
29. Area SW 5	1
30. Area SW 6	1
31. Area SW 7	1
32. Area SW 8	1
33. Area SW 9	1
34. Area E 1	1
35. Area E 2	1
36. Area E 3	1
37. Area E 4	1
38. Area E 5/A	1
39. Area E 5/B	1
40. Area E 6	1
41. Area E 7	1
42. Area E 8	1
43. Area E 9	1

	<i>Name of Ward</i>	<i>Number of persons to be elected</i>
B.—IBADAN DISTRICT :		
44.	Ijaiye	1
45.	Alabata and Olorisaoko	1
46.	Omi Adio	1
47.	Akufo and Apete	1
48.	Iddo	1
49.	Iroko	1
50.	Ika Parapo, Moniya and Akinyele	1
51.	Ikereku Town	1
52.	Ikereku District	1
53.	Erunmu	1
54.	Lalupon and Odo Oba	1
55.	Offa-Igbo and Adedokun	1
56.	Lagun and Ogburo	1
57.	Olorunda	1
58.	Ikumapayi and Olodo	1
59.	Akirisagbe and Pabiekun	1
60.	Apatere, Oyedeji and Olode	1
61.	Egbeda, Osengere and Ajia	1
62.	Ojoku, Gbadaefon and Badeku	1
63.	Odeyale and Olorunda	1
64.	Aroro	1
65.	Ojoh and Ajibode... ..	1
66.	Akanran, Amosu and Elese-Erin	1
67.	Araromi	1
68.	Abanla	1
69.	Olode and Sanusi... ..	1
70.	Lata, Obepi, Onipe, Dalley and Olubi	1
71.	Aiyegun	1
72.	Apadi and Olode	1
73.	Olojuoro, Ayorinde and Latunde	1

10. If, after the last date of receiving nominations, an election is required the first election to the Council shall be held on the 21st day of June, 1958, and the first meeting of the Council shall be held on the 5th day of July, 1958.

11. The functions of the Council shall be asset out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—(i) *Obligatory Functions*

The Council shall—

(a) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction ;

(b) be the "competent council" for the purposes of the Public Health Law, 1957 ;

(c) be the "competent council" for the purposes of section 70 of the Customary Courts Law, 1957 ;

(d) in accordance with the provisions of section 111 (2) (a) (iii) of the Law establish, maintain and equip any school or institution which is maintained or assisted under the Education Law, 1954 ;

(e) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths within the Council area as the Minister shall in writing declare to be the responsibility of the Council ;

(f) maintain the traditional office or customary title of the Olubadan of Ibadan and may incur the necessary expenditure for such purpose in virtue of section 111 (2) (a) (i) of the Law.

(ii) *Permissive Functions*

The Council may—

(a) establish, equip and maintain a Local Government Police Force in accordance with the provisions of the Local Government Police Law, 1955 ;

(b) establish, equip and maintain a Forestry Service and exercise or perform the functions of a local government council under the Forestry Ordinance ;

(c) exercise the powers of a "competent local government council" in accordance with the provisions of section 11 of the Road Traffic Ordinance ;

(d) engage in any form of trade, commerce or industry ;

(e) incur expenditure for all or any of the functions specified in sub-sections (2) (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(f) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain all public roads, bridges and paths within the Council area other than those roads, bridges and paths included in a declaration under A (i) (e) of this Instrument or which the Federal Government or Regional Government maintains ;

(g) perform all or any of the functions contained in the other paragraphs of section 65 of the Law ;

(h) make provision by bye-law in respect of those matters described in section 67 of the Law.

MADE by the Governor in Council at Ibadan this 21st day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 224 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE ILARO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH MAY, 1958

Amendment
of W.R.P.N.
142 of 1953.

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957, the Instrument establishing the Ilaro District Council is hereby amended as follows :—

1. By *deleting* paragraph 5 of the said Instrument and *substituting* therefor—

“5. The Council shall consist of forty-seven members, namely—
The President,
Eleven traditional members,
Thirty-five elected members”.

2. By *deleting* paragraph 6 of the Instrument and *substituting* therefor—

“6. The quorum shall be twenty-four”.

3. By *deleting* paragraph 7 of the Instrument and *substituting* therefor—

“7. The traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- | | |
|---------------------------|---------------------------|
| 1. Adele Olu of Ilaro ; | 7. The Balogun of Ilaro ; |
| 2. The Elemo of Ilaro ; | 8. The Oluwo of Ilaro ; |
| 3. The Ekerin of Ilaro ; | 9. The Bale of Ijanna ; |
| 4. The Are of Ilaro ; | 10. The Bale of Idogo ; |
| 5. The Agbakin of Ilaro ; | 11. The Bale of Iwoye”. |
| 6. The Ekarun of Ilaro ; | |

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

Ibadan, 12th May, 1958.

W.R.L.N. 225 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REVOCATION OF THE INSTRUMENTS OF THE IBADAN
DISTRICT COUNCIL AND THE IBADAN (PROVISIONAL)
DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST JUNE, 1958

In exercise of the powers conferred by section 8 (1) of the Local Government Law, 1957, the Governor in Council hereby revokes the Instrument establishing the Ibadan District Council published as Western Region Public Notice No. 159 of 1953, and the Instrument dissolving the Ibadan District Council and establishing the Ibadan (Provisional) District Council published as W.R.L.N. 26 of 1956.

MADE at Ibadan this 21st day of May, 1958.

S. O. BIOLAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 226 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
AKOKO-EDO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 22ND MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akoko-Edo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akoko-Edo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of April, 1958, that the Preparation and Sale of Palm Wine Adoptive W.R.L.N. Bye-laws, 1957, be adopted, substituting the following for the Second 357 of 1957. Schedule thereof :—

SECOND SCHEDULE

	£	s	d
Fee for a yearly licence (wine tapping)	1	5	0
Fee for a half-yearly licence (wine tapping)	0	12	6
Fee for a yearly licence (wine selling)	0	5	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th May, 1958.

W.R.L.N. 227 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*

THE PREPARATION AND SALE OF PALM WINE ADOPTIVE
BYE-LAWS ORDER, 1957 : IVBIOSAKON DISTRICT COUNCIL

DATE OF COMMENCEMENT : 22ND MAY, 1958

W.R.L.N.
357 of 1957.

Notice is hereby given that in exercise of the powers conferred upon the Ivbiosakon District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ivbiosakon District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 7th day of January, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

I. D. CAMERON,
*Acting Permanent Secretary,
Ministry of Local Government*

Ibadan, 1st May, 1958.

W.R.L.N. 228 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*

THE CONTROL OF MOTOR PARKS ADOPTIVE
BYE-LAWS ORDER, 1957 : IPOKIA DISTRICT COUNCIL.

DATE OF COMMENCEMENT : 22ND MAY, 1958

W.R.L.N. 55
of 1957.

Notice is hereby given that in exercise of the powers conferred upon the Ipokia District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ipokia District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 13th day of November, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

I. D. CAMERON,
*Acting Permanent Secretary,
Ministry of Local Government*

Ibadan, 15th May, 1958.

W.R.L.N. 229 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

UNIFIED LOCAL GOVERNMENT SERVICE (DECLARATION
OF SUPERIOR POSTS) REGULATIONS, 1958

DATE OF COMMENCEMENT : 12TH MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 95 of the Local Government Law, 1957, the following Regulations are hereby made :—

1. These Regulations may be cited as the Unified Local Government Service (Declaration of Superior Posts) Regulations, 1958. Citation.

2. It is hereby declared that all posts in the employment of Divisional and District Councils with a salary scale of which the minimum point is £300 or above are superior posts in the Unified Local Government Service : Declaration of Superior Posts.

Provided that this regulation shall not apply to the posts of Supervising Teacher and Supervisor.

MADE by the Governor in Council at Ibadan this 12th day of May, 1958.

S. O. BIÖBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 230 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
IKA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 22ND MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ika District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ika District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th May, 1958.

W.R.L.N. 231 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
IKA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 22ND MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ika District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ika District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 16th May, 1958.

W.R.L.N. 232 of 1958

The Waterworks Ordinance
(Cap. 227)

THE WATERWORKS (AGBOR GENERAL WATER RATE)
ORDER, 1958

DATE OF COMMENCEMENT : 8TH MAY, 1958

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

1. This Order may be cited as the Waterworks (Agbor General Water Rate) Order, 1958, and shall apply to the area served by the Agbor water supply. Short title and application.
2. Subject to paragraph 4 of this order an annual general water rate is hereby levied on all male and female persons of or over sixteen years of age resident in the area of the water supply. Levy of general water rate.
3. The said rate shall be as set forth in the Schedule. Schedule.
4. The following persons or classes of persons shall be exempt from the general water rate imposed by paragraph 2 of this order :— Exemptions.
 - (a) students in full time attendance at any school, college or training centre ;
 - (b) any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;
 - (c) owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that no more than eight persons shall be exempt in respect of any one tenement.

5. The general water rate imposed by this order shall be payable yearly in advance on or before the first day of April and the first payment shall be deemed to have become due on the first day of April, 1958. Rate to be payable in advance.

SCHEDULE

	<i>s</i>	<i>d</i>
For adult male	30	0
For adult female	15	0

MADE at Agbor this 1st day of April, 1958, by the Ika District Council's Order.

A. E. ISEDEH,
Chairman,
Ika District Council

G. C. OHEN,
Secretary,
Ika District Council

APPROVED by the Minister of Local Government this 8th day of May, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 233 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT: 1ST APRIL, 1958

Notice is hereby given under rule 40A of the Forestry (Southern Provinces Native Authorities) Rules, 1943, as made by the former Ibadan Native Authority that the Working Plan in the first column in the schedule hereto has been decided upon for the area in the second column of the schedule and is available for inspection at the places set out in the third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection</i>
Ejigbo Plantation Working Plan.	Ejigbo Fuel Plantation (Oshun Division).	(a) The office of the Chief Conservator of Forests at Ibadan. (b) The office of the Provincial Forest Officer at Ibadan.

Note.—A detailed description of the area set out in the second column of the schedule is given in the Working Plan.

GIVEN at Ejigbo this 23rd day of April, 1958.

A. A. TELLA,
Secretary,
Ejigbo District Council

D. A. OGUNLEYE,
Chairman,
Ejigbo District Council

APPROVED this 9th day of May, 1958.

H. B. BURGESS,
Chief Conservator of Forests,
Western Region

W.R.L.N. 234 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

'THE IJEBU DIVISIONAL COUNCIL INSTRUMENT'

DATE OF COMMENCEMENT : 21ST JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a Divisional Council entitled the Ijebu Divisional Council (hereinafter called "the Council") shall be established on the 21st day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ijebu Divisional Council" may be used until such time as a seal be procured.

3. The area of the authority of the Council shall be the Ijebu Administrative Division.

4. The President of the Council shall be the Awujale of Ijebu-land and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of sixty-one members, namely :

- The President ;
- Nine traditional members ;
- Fifty-one elected members.

6. The quorum shall be twenty-one members.

7. The nine traditional members shall be elected every three years by secret ballot by the following District Councils from amongst their traditional members in accordance with the table following :—

<i>Name of District Council</i>	<i>Number of persons to be elected</i>
Ijebu-Ode District Council	1
Ijebu Igbo District Council	1
Ijebu North-Western District Council	1
Ijebu Northern District Council	1
Ijebu Southern District Council	1
Ijebu Eastern District Council	1
Ijebu Western District Council	1
Ijebu Waterside District Council	1
Ijugun-Alaro District Council... ..	1

8. The fifty-one elected members of the Council shall be elected by and from amongst the members, both elected and traditional, of the following District Councils in accordance with the table following :

Provided that a District Council may elect a person who is not one of its members to be a member of the Divisional Council if—

(a) such person has not been defeated as a candidate for election to a District Council at the most recent general election, or any bye-election subsequent to that election, held in respect of the District Council ; and

(b) he possesses the qualifications required for membership of that particular District Council.

<i>Name of District Council</i>	<i>Number of persons to be elected</i>
The Ijebu-Ode District Council	10
The Ijebu-Igbo District Council	10
The Ijebu Northern District Council	2
The Ijebu North-Western District Council	4
The Ijebu Southern District Council	5
The Ijebu Eastern District Council	6
The Ijebu Western District Council	4
The Ijebu Waterside District Council	7
The Ilugun-Alaro District Council	3

9. The first election to the Council shall be held on the 12th day of July, 1958, and the first meeting of the Council shall be held on the 19th day of July, 1958.

10. The functions of the Council shall be as set out in the Schedule to this Instrument :

Provided that—

(i) in any matter in which the Divisional Council and a District Council are, or hereafter shall be, empowered to exercise concurrent functions, the Divisional Council shall not make any bye-law to which the District Council objects without the approval of the Minister.

(ii) in any matter in which the Divisional Council and a District Council are exercising concurrent functions, other than a matter for which provision is made by bye-laws, if the District Council objects to the exercise of those functions by the Divisional Council, they shall not be exercised by the Divisional Council without the approval of the Minister.

SCHEDULE

In addition to those functions conferred upon councils (including Divisional Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF ANY OTHER COUNCIL

(i) *Obligatory Functions*

The Council shall—

(a) be the "competent council" for the purposes of section 70 of the Customary Courts Law, 1957 ;

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths within the council area as the Minister shall in writing declare to be the responsibility of the Council.

(c) maintain the traditional office or customary title of the Awujale of Ijebu-land and may incur the necessary expenditure for such purpose in virtue of section 111 (2) (a) (i) of the Law.

(ii) *Permissive Functions*

The Council may—

(a) establish, equip and maintain a Local Government Police Force in accordance with the provisions of the Local Government Police Law, 1955 ;

(b) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain all public roads, bridges and paths within the Council area other than those roads, bridges and paths included in a declaration made under paragraph A (i) (b) of this Instrument or which the Federal Government or the Regional Government or the District Councils in Ijebu Division maintain ;

(c) establish, equip and maintain a Forestry Service and exercise or perform the functions of a Local Government Council under the Forestry Ordinance.

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH THE DISTRICT COUNCILS IN IJEBU DIVISION

The Council may—

(a) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (6), (7) to (14), (16), (21), (22), (24) to (31) ;

(b) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13) to (15), (18), (20), (21), (22), (23), (31) to (39) ;

(c) exercise the powers of a "competent local government council" under the provisions of section 11 of the Road Traffic Ordinance ;

(d) incur expenditure for all or any of the purposes prescribed in sub-sections 2 (a) (i), (ii), (iv), (v), and (vi) of section 111 of the Law ;

(e) engage in any form of trade, commerce or industry.

MADE by the Governor in Council at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council



W.R.L.N. 235 of 1958

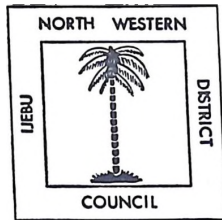
The Local Government Law, 1957
(No. 12 of 1957)

THE IJEBU NORTH-WESTERN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 21ST JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ijebu North-Western District Council (hereinafter called "the Council") shall be established upon the 21st day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ijebu North-Western District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be the area traditionally associated with the towns of Ago-Iwoye and Mamu.

4. The President of the Council shall be the Ebumawe of Ago-Iwoye and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of thirty-four members, namely :

- The President ;
- Eight Traditional Members ;
- Twenty-five elected members.

6. The quorum shall be twelve members.

7. The eight traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) The Otunba Obaruwa of Isamuro ;
- (ii) The Otunba Lewu of Idode ;
- (iii) The Otunba Ayandelu of Odosinusi ;
- (iv) The Otunba Mefu of Igan ;
- (v) The Otunba Sapenuwa of Imosu ;
- (vi) The Obamowo of Imere ;
- (vii) The Otunba Legbere of Ibipe.
- (viii) The Bale of Mamu ;

8. The persons entitled to elect the elected members (hereinafter called "the voters" shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of this Instrument.

9. Each of the twenty-five elected members of the Council shall be elected by the registered voters of one of the following wards in accordance with the table set out below :—

	<i>Name of Ward</i>	<i>Number of persons to be elected</i>
1.	Ibipe I	1
2.	Ibipe II	1
3.	Ibipe III	1
4.	Ibipe IV	1
5.	Isamuro I	1
6.	Isamuro II	1
7.	Isamuro III	1
8.	Idode I	1
9.	Idode II	1
10.	Idode III	1
11.	Odosinusi I	1
12.	Odosinusi II	1
13.	Odosinusi III	1
14.	Igan I	1
15.	Igan II	1
16.	Igan III	1
17.	Igan IV	1
18.	Igan V	1
19.	Igan VI	1
20.	Imosu I	1
21.	Imosu II	1
22.	Imere I	1
23.	Imere II	1
24.	Mamu I	1
25.	Mamu II	1

10. If, after the last date for receiving nominations, an election is required, the first election to the Council shall be held on the 21st day of June, 1958 and the first meeting of the council shall be held on the 5th day of July, 1958.

11. The functions of the Council shall be as set out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF THE IJEBU DIVISIONAL COUNCIL

(i) *Obligatory Functions*

The Council shall—

(a) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction ;

(b) be a "competent council" for the purposes of the Public Health Law, 1957 ;

(c) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths as the Minister of Local Government shall in writing declare to be the responsibility of the Council ;

(d) in accordance with the provisions of section 111 (2) (a) (iii) of the Law establish, maintain and equip any school or institution which is maintained or assisted under the Education Law, 1954.

(ii) *Permissive Functions*

The Council may—

(a) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths other than those roads, bridges and paths included in a declaration under paragraph A (i) (c) of this Instrument or which the Federal Government or Regional Government, the Ijebu Divisional Council or another District Council in Ijebu Division maintains ;

(b) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(2), (5), (15), (17) to (20), (23).

(c) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(6), (12), (16), (17), (19), (24) to (30).

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH THE
IJEBU DIVISIONAL COUNCIL

The Council may—

(a) exercise the powers of a "competent local government council" under the provisions of section 11 of the Road Traffic Ordinance ;

(b) engage in any form of trade, commerce or industry ;

(c) incur expenditure for all or any of the purposes prescribed in sub-sections 2 (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(d) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (6), (7) to (14), (16), (21), (22), (24) to (31) ;

(e) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13) to (15), (18), (20), (21), (22), (23), (31) to (39).

MADE by the Governor in Council at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council



W.R.L.N. 236 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IJEBU NORTHERN DISTRICT COUNCIL INSTRUMENT

DATE OF COMMENCEMENT : 21ST JUNE, 1958

1. In exercise of the powers conferred upon the Governor in Council by section 3 of the Local Government Law, 1957 (hereinafter called "the Law") a District Council entitled the Ijebu Northern District Council (hereinafter called "the Council") shall be established upon the 21st day of June, 1958.

2. The common seal of the Council shall be the following device :



Provided that a rubber stamp bearing the words "Ijebu Northern District Council" may be used until such time as a seal be procured.

3. The area of authority of the Council shall be the area traditionally associated with the towns of Oru, Awa and Ilaporu.

4. The President of the Council shall be the Olorilu of Oru ; the Bale of Awa and the Alaporu of Ilaporu in annual rotation in that order and a Chairman shall be elected in accordance with the provisions of section 30 of the Law.

5. The Council shall consist of fourteen members, namely :

- The President ;
- Two traditional members ;
- Eleven elected members.

6. The quorum shall be ten members.

7. The two traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- The Olorilu of Oru ;
- The Bale of Awa ;
- The Alaporu of Ilaporu.

Provided that the person for the time being holding office of the President of the Council shall not at the same time be a traditional member of the Council.

8. The persons entitled to elect the elected members (hereinafter called "the voters") shall be those persons whose names appear on the current register of voters for the wards set out in paragraph 9 of his Instrument.

9. Each of the eleven elected members of the Council shall be elected by the registered voters of one of the following wards in accordance with the table set out below :—

<i>Name of Ward</i>	<i>Number of persons to be elected</i>
1. Odogbe, Iganran, Abidagba	1
2. Odoladugba, Ajebe	1
3. Okealafon, Odoralusi, Ikansi	1
4. Ajebo, Ibosan, Oreta, Okcalagbe, Odosapo, Odoamusement... ..	1
5. Tireyin, Odoyangusen, Oriwu	1
6. Aiyetoro, Imota, Sagun	1
7. Itunaga	1
8. Itunla	1
9. Ilaporu, Okedemoku	1
10. Okeodu, Okealawa	1
11. Okesewon, Malete, Ajegunle, Aredi	1

10. If, after the last date for receiving nominations, an election is required, the first election to the Council shall be held on the 21st day of June, 1958 and the first meeting of the Council shall be held on the 5th day of July, 1958.

11. The functions of the Council shall be as set out in the Schedule to this Instrument.

SCHEDULE

In addition to any functions conferred upon Councils (including District Councils) by virtue of the provisions of the Law, the following functions are conferred upon the Council :—

A.—FUNCTIONS WHICH THE COUNCIL EXERCISES EXCLUSIVELY OF THE IJEBU DIVISIONAL COUNCIL

(i) *Obligatory Functions*

The Council shall—

(a) in accordance with the provisions of section 127 of the Law be the rating authority for its area of jurisdiction ;

(b) be a "competent council" for the purposes of the Public Health Law, 1957 ;

(c) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths as the Minister of Local Government shall in writing declare to be the responsibility of the Council ;

(d) in accordance with the provisions of section 111 (2) (a) (iii) of the Law establish, maintain and equip any school or institution which is maintained or assisted under the Education Law, 1954.

(ii) Permissive Functions

The Council may—

(a) in accordance with the provisions of paragraph (18) of section 65 of the Law maintain such public roads, bridges and paths other than those roads, bridges and paths included in a declaration under paragraph A (i) (c) of this Instrument or which the Federal Government or Regional Government, the Ijebu Divisional Council or another District Council in Ijebu Division maintains ;

(b) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(2), (5), (15), (17) to (20), (23) ;

(c) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(6), (12), (16), (17), (19), (24) to (30).

B.—FUNCTIONS WHICH THE COUNCIL MAY EXERCISE CONCURRENTLY WITH THE IJEBU DIVISIONAL COUNCIL.

The Council may—

(a) exercise the powers of a "competent local government council" under the provisions of section 11 of the Road Traffic Ordinance ;

(b) engage in any form of trade, commerce or industry ;

(c) incur expenditure for all or any of the purposes prescribed in sub-sections 2 (a) (i), (ii), (iv), (v) and (vi) of section 111 of the Law ;

(d) perform all or any of the functions contained in the following paragraphs of section 65 of the Law :—

(1), (3), (4), (6), (7) to (14), (16), (21), (22), (24) to (31) ;

(e) make provision by bye-law in respect of all or any of the matters described in the following paragraphs of section 67 of the Law :—

(1) to (5), (7) to (11), (13) to (15), (18), (20), (21), (22), (23), (31) to (39).

MADE by the Governor in Council at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council



W.R.L.N. 237 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

DATE OF COMMENCEMENT : 21ST JUNE, 1958

In exercise of the powers conferred by section 8 (1) of the Local Government Law, 1957, the Governor in Council hereby revokes the Instruments establishing the Ijebu Divisional Council and the Ijebu Northern District Council published as W.R.L.N. 10 of 1955 and W.R.L.N. 13 of 1955 respectively.

MADE at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 238 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(OYO DIVISIONAL COUNCIL AREA) EXTENSION
(REVOCATION) ORDER, 1958

DATE OF COMMENCEMENT : 26TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, and by paragraph (a) of sub-section (1) of section 19 of the Interpretation Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions (Oyo Divisional Council Area) Extension (Revocation) Order, 1958.

2. The Prohibition of Public Processions (Oyo Divisional Council Area) Extension Order, 1958 and the Prohibition of Public Processions (Oyo Divisional Council Area) Extension (Amendment) Order, 1958 are hereby revoked.

Revocation
of
W.R.L.N.
151 of 1958
and of
W.R.L.N.
196 of 1958.

MADE by the Governor at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 200 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(IWO DISTRICT COUNCIL AREA) EXTENSION
(REVOCATION) ORDER, 1958

DATE OF COMMENCEMENT : 26TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, and by paragraph (a) of sub-section (1) of section 19 of the Interpretation Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions (Iwo District Council Area) Extension (Revocation) Order, 1958.

2. The Prohibition of Public Processions (Iwo District Council Area) Extension Order, 1958, and the Prohibition of Public Processions (Iwo District Council Area) Extension (Amendment) Order, 1958, are hereby revoked.

Revocation
of W.R.L.N.
152 of 1958,
and of
W.R.L.N.
197 of 1958.

MADE by the Governor at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

W.R.L.N. 240 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(AIYEDADE DISTRICT COUNCIL AREA) EXTENSION
(REVOCATION) ORDER, 1958

DATE OF COMMENCEMENT : 26TH MAY, 1958

In exercise of the powers conferred upon the Governor by paragraph (c) of sub-section (2) of section 9 of the Public Order Law, 1957, and by paragraph (a) of sub-section (1) of section 19 of the Interpretation Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions (Aiyedade District Council Area) Extension (Revocation) Order, 1958.

2. The Prohibition of Public Processions (Aiyedade District Council Area) Extension Order, 1958, and the Prohibition of Public Processions (Aiyedade District Council Area) Extension (Amendment) Order, 1958, are hereby revoked.

Revocation
of
W.R.L.N.
154 of 1958,
and of
W.R.L.N.
197 of 1958

MADE by the Governor at Ibadan this 26th day of May, 1958.

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

W.R.L.N. 241 of 1958

*Parliamentary and Local Government Electoral
Regulations, 1955*

APPOINTMENT OF DATE OF ELECTION

IBADAN SOUTH CONSTITUENCY (No. 42)

DATE OF COMMENCEMENT : 29TH MAY, 1958

WHEREAS it is provided by section 31 of the Parliamentary and Local Government Electoral Regulations, 1955 that when a parliamentary election becomes necessary the Governor shall by notice in the Gazette appoint a date for the holding of the election : W.R.L.N.
266 of 1955.

AND WHEREAS a parliamentary election has become necessary because of the death of the Elected Member of the Western House of Assembly for the Ibadan South Constituency :

NOW THEREFORE, BE IT KNOWN that in exercise of the power conferred by regulation 31 of the Parliamentary and Local Government Electoral Regulations, 1955, the Governor, after consultation with the Executive Council, has appointed the 28th day of June, 1958, as the date for the holding of an election for the purpose of electing a candidate as an Elected Member of the Western House of Assembly for the Ibadan South Constituency.

DATED this 27th day of May, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 242 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ibadan Central	Mr S. O. Akinleye	Whole Constituency.
Ibadan South-West	Mr E. L. Adeniji	Whole Constituency.
Ibadan North-West	Mr S. O. Ajibola	Whole Constituency.
Ibadan North-East	Mr J. T. Akinola	Whole Constituency.
Ibadan South-East	Mr E. A. Amosun	Whole Constituency.
Ibadan South	Mr J. A. Adewusi	Whole Constituency.
Ibadan East	Mr S. A. Fatola	Whole Constituency.

The Appointments to these constituencies notified in Western Region Legal Notice 33 of 1958 are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th May, 1958.

W.R.L.N. 243 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made for the purpose of Local Government elections :—

<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Secretary, Benin Divisional Council	Benin Divisional Council Area

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 19th May, 1958.

W.R.L.N. 244 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF RETURNING OFFICER

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officer</i>	<i>Area of Responsibility</i>
Badagry East	E. J. Amosu	Ajeromi District Council Area.

2. The appointment of the Secretary/Treasurer, Ajeromi District Council, as notified in the Western Region Legal Notice 53 of 1958 is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 20th May, 1958.

W.R.L.N. 245 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICER

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Assistant Returning Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ilesha South-West ...	G. A. O. Abiola	Ilesha Southern District Council Area.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan 26th May, 1958.

W.R.L.N. 246 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ilesha South-West ...	J. Olukanni	Ilesha Northern District Council Area.
Ilesha South-West ...	G. O. Abiola	Ilesha Southern District Council Area.
Ilesha South-West ...	S. O. Makinwa	Ilesha Southern District Council Area.

2. The appointment of G. O. Abiola notified in Western Region Legal Notice 33 of 1958 is hereby revoked.

S. J. HENRY,
Electoral Commissioner
Western Region

Ibadan, 26th May, 1958.

W.R.L.N. 247 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Electoral Officers have been made :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Ibadan Central ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan South-West	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan North-West	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan North-East	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan East ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan South East	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan South ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.

The Appointments to these constituencies notified in Western Region Legal Notice 32 of 1958 are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th May, 1958.

W.R.L.N. 248 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointment as Electoral Officer has been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Badagry East ...	E. J. Amosu ...	Ajeromi District Council Area.

2. The appointment of the Secretary/Treasurer, Ajeromi District Council, as notified in Western Region Legal Notice 32 of 1958 is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 20th May, 1958.

W.R.L.N. 249 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF RETURNING OFFICERS

DATE OF COMMENCEMENT : 29TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officers</i>	<i>Area of Responsibility</i>
Ilesha Central ...	Secretary/Treasurer, Ilesha Urban District Council.	Ilesha Urban District Council Area.
Ilesha South-West ...	Secretary, Ilesha Divisional Council.	Ilesha Divisional Council Area.

2. The appointments of Returning Officers for the areas of the Ilesha Urban District Council Area and Ilesha Divisional Council Area notified in Western Region Legal Notice 216 of 1956 are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 26th May, 1958

W.R.L.N. 250 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE OSHOGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH MAY, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957, the instrument establishing the Oshogbo District Council is hereby amended as follows :—

(1) In paragraph 5 of the said instrument—

(a) *Delete* "fifty-six members" and *substitute* "fifty-seven members".

(b) *Delete* "thirteen traditional members" and *substitute* "fourteen traditional Members".

(2) In paragraph 7 of the said instrument—

(a) In line 1 *delete* "thirteen" and *substitute* "fourteen".

(b) After the titles named at (m), *add* "(n) The Esa of Oshogbo".

MADE by the Governor in Council this 12th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 251 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1958 : EPE DISTRICT COUNCIL

ERRATUM

Western Region Legal Notices 164 and 211 of 1958 published at pages B 240 and B 270 in the *Western Region of Nigeria Gazette* Nos. 28 of 24th April, 1958 and 33 of 15th May, 1958 are hereby cancelled.

W.R.L.N. 252 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS, 1958 : IWO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 29TH MAY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Iwo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Iwo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 29th day of March, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 14th May, 1958.

W.R.L.N. 253 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE ILISHAN LOCAL COUNCIL

DATE OF COMMENCEMENT : 12TH MAY, 1958

In exercise of the powers conferred by section 7 (1) of the Local Government Law 1957, the Governor in Council hereby amends the Instrument establishing the Ilishan Local Council as follows :—

In paragraph 7 of the said Instrument, *delete* "Chief Ladejobi" and *substitute* therefor "The Balogun".

MADE at Ibadan this 12th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 254 of 1958

The Land Registration (Amendment) Ordinance, 1954
(No. 3 of 1954)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 15TH JUNE, 1958

In exercise of the powers conferred by section 1 of the Land Registration (Amendment) Ordinance, 1954 (the same being construed as one with the Land Registration Ordinance (Chapter 108)), the Governor, after consultation with the Executive Council, has appointed the 15th day of June, 1958 as the date on which the said Land Registration (Amendment) Ordinance, 1954 shall come into operation in the Western Region.

Ibadan, 19th May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 255 of 1958

*The Dogs Ordinance (Cap. 56)*THE IBADAN (PROVISIONAL) DISTRICT COUNCIL
(DOG LICENCE FEE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST JANUARY, 1958

In exercise of the powers conferred on the Ibadan (Provisional) District Council under and by virtue of sections 2 and 11 of the Dogs Ordinance, the following Order is hereby made with the approval of the Minister of Health and Social Welfare, to whom the power of approval has been delegated under section 33A of the Interpretation Ordinance.

1. This Order may be cited as the Ibadan (Provisional) District Council (Dog Licence Fee) Order, 1958, and shall come into force on the 1st day of January, 1958.

2. From and after the date of commencement of this Order, the licence fee to be paid in respect of each dog within the jurisdiction of the Ibadan (Provisional) District Council and included in a licence shall be five shillings.

MADE by the Ibadan (Provisional) District Council this 8th day of April, 1958.

The Common Seal of the Ibadan (Provisional) District Council was hereto affixed in the presence of—

W. S. A. WARREN,
Secretary

I. B. AKINYELE,
Chairman

Signified in accordance with the Ibadan (Provisional) District Council's Standing Orders dated the 13th of March, 1956.

APPROVED this 19th day of May, 1958.

J. OLA. ADIGUN,
Minister of Health and Social Welfare

W.R.L.N. 256 of 1958

The Dogs Ordinance (Cap. 56)

AWORI DISTRICT COUNCIL (DOG LICENCE FEE) ORDER, 1958

DATE OF COMMENCEMENT : 1ST JANUARY, 1958

In exercise of the powers conferred on the Awori District Council under and by virtue of sections 2 and 11 of the Dogs Ordinance, the following Order is hereby made, with the approval of the Minister of Health and Social Welfare, to whom the power of approval has been delegated under section 33A of the Interpretation Ordinance :—

1. This Order may be cited as the Awori District Council (Dog Licence Fee) Order, 1958, and shall come into force on the 1st day of January, 1958.

2. From and after the date of commencement of this Order, the licence fee to be paid in respect of each dog within the jurisdiction of the Awori District Council and included in a licence shall be two shillings and six pence.

MADE by the Awori District Council this 15th day of March, 1958, the common seal of the Council being hereunto affixed in the presence of—

S. A. FADUN,
Chairman

J. A. OGBINNOWO,
Secretary

Approved this 9th day of April, 1958.

J. OLA ADENUN,
Minister of Health and Social Welfare

W.R.L.N. 257 of 1958

*Parliamentary and Local Government Electoral
Regulations, 1955*

APPOINTMENT OF DATE OF ELECTION

IBADAN SOUTH CONSTITUENCY (No. 42)

DATE OF COMMENCEMENT : 31ST MAY, 1958

WHEREAS it is provided by section 31 of the Parliamentary and Local Government Electoral Regulations, 1955, that when a parliamentary election becomes necessary the Governor shall by notice in the Gazette appoint a date for the holding of the election : W.R.L.N.
266 of 1955.

AND WHEREAS a parliamentary election has become necessary because of the death of the Elected Member of the Western House of Assembly for the Ibadan South Constituency :

NOW THEREFORE, BE IT KNOWN that in exercise of the power conferred by regulation 31 of the Parliamentary and Local Government Electoral Regulations, 1955, the Governor, after consultation with the Executive Council has appointed the 26th day of June, 1958, as the date for the holding of an election for the purpose of electing a candidate as an Elected Member of the Western House of Assembly for the Ibadan South Constituency.

Western Region Legal Notice 241 of 1958 published in the Supplement to the *Western Region of Nigeria Gazette* No. 37, Volume 7, of the 29th of May, 1958, is cancelled.

DATED this 31st day of May, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

Customary Courts Law, 1957
(No. 26 of 1957)

CUSTOMARY COURTS RULES, 1958

ARRANGEMENT OF RULES

ORDER I.—PRELIMINARY

Rules

1. Short title and commencement.
2. Interpretation.

ORDER II.—CONSTITUTION OF THE COURT

1. Quorum.
2. Attendance of members.

ORDER III.—INSTITUTION OF CAUSES AND MATTERS

1. Causes and matters : where commenced.
2. Causes and Matters : how commenced.
3. Application for summons.
4. Issue of warrant of arrest.
5. Persons arrested without warrant to be brought before the court without delay.
6. Court may dispense with issue and service of summons.

ORDER IV.—ISSUE, SERVICE AND EXECUTION OF SUMMONSES AND WARRANTS

1. Issue of summons or warrant.
2. Service of process or execution of warrant.
3. Modes of service.
4. Substituted service.
5. Proof of service.
6. Service on Sunday or Public Holiday.
7. No proceedings without proof of service.

ORDER V

Part 1.—SERVICE AND EXECUTION OUT OF JURISDICTION BUT WITHIN THE REGION

1. Process to be forwarded.
2. Procedure—Process and warrant.
3. Procedure—Judgments.
4. Document to be properly addressed.

Part 2.—PROCESS, ETC., FORWARDED FROM THE HIGH COURT AND MAGISTRATES' COURTS OF THE REGION

5. Process from High Court or Magistrates' Courts of the Region.

Part 3.—PROCESS, ETC., FORWARDED FROM COURTS OF THE FEDERAL TERRITORY OF LAGOS AND OTHER REGIONS

6. Process from courts outside the Region.

ORDER VI.—BAIL

Rules

1. Bail bond.
2. Conditions of bail.
3. Security in lieu of bail.
4. Forfeiture of bail.

ORDER VII.—NON-APPEARANCE OF PARTIES AT THE HEARING

1. Neither party appearing at the hearing.
2. If plaintiff or complainant does not appear.
3. If defendant does not appear (Civil).
4. If defendant does not appear (Criminal).

ORDER VIII.—INTERLOCUTORY APPLICATIONS

1. Definitions.
2. Interlocutory applications : when made.
3. Motions : how made.
4. Motions to be on notice.
5. Oral evidence may be taken.

ORDER IX.—PROCEEDING AT THE HEARING

1. Plea in civil and criminal matters.
2. Plea as to jurisdiction.
3. Consideration of plea as to jurisdiction.
4. Plea of liability or guilt.
5. Plea of non-liability or guilt.
6. Verdict.
7. Amendment of claim or charge.
8. Adjournments.
9. Presence of defendant at criminal trial.
10. When persons may be charged jointly.
11. Duration of adjournment in criminal cause or matter.
12. Public may be excluded.

ORDER X.—EVIDENCE

1. Evidence to be on oath or affirmation.
2. Evidence of a child.
3. Examination of witnesses.
4. Record of evidence.
5. Court may order deposit of witnesses expenses.
6. Non-appearance of witness.
7. Witnesses may be excluded from court.
8. Exhibits and documents to be kept by court.
9. Witnesses' allowances and fees.

ORDER XI.—COURT ORDERS

1. Orders.
2. Record of verdict.
3. Time within which to carry out orders.
4. Notice of court orders.

ORDER XII.—ENFORCEMENT OF INTERLOCUTORY ORDERS

1. Enforcement of interlocutory orders.
2. Failure to comply with orders.

ORDER XIII

Part 1.—ENFORCEMENT OF JUDGMENTS AND ORDERS*Rules*

1. Recovery of money payable under judgment.
2. Writ of attachment.
3. Details of applications to be recorded.
4. Writ not to issue until default made in payment of instalment.
5. Sums recoverable and fees to be endorsed on writ.
6. Where debt paid before execution.
7. Powers of bailiff.
8. Custody of goods seized.
9. Goods not to be sold before expiration of a period of ten days.
10. Sale of goods seized.
11. Claim by a third party against goods.
12. Bailiff to issue receipts.
13. Bailiff to give inventory.
14. Bailiff to pay over all moneys received to clerk.
15. Returns by the clerk.
16. Inspection of Bailiff's books.
17. Bailiff not to pay money to judgment creditor.
18. Clerk to pay money to judgment creditor.
19. Judgment summons.
20. Examination of judgment debtor.
21. Committal to prison in default of payment.
22. Imprisonment not to extinguish debt.

Part 2.—CONSECUTIVE SENTENCES

23. Consecutive sentences.

ORDER XIV.—APPEALS

1. Appeals : How commenced.
2. Court to specify conditions of appeal.
3. Appellant to be admitted to bail and execution stayed.
4. Appeals may be treated as discontinued for want of prosecution.
5. Procedure on receipt of notice of appeal.
6. Parties to be notified of hearing date.
7. Lower court to supply record.
8. Court may vary conditions.
9. Copy of proceedings.
10. Amendment of grounds of appeal.
11. Appearance of both parties.
12. Non-appearance of both parties.
13. Appeal struck out may be re-entered.

ORDER XV.—RECORDS OF PROCEEDINGS

1. Records of proceedings.
2. Copies of records.
3. Record books.
4. Preservation of records.
5. Fees for, and supervision of records.

ORDER XVI.—COSTS

Rules

1. Costs.
2. Costs at discretion of court.
3. Determination of costs.

ORDER XVII.—FEES AND FINES

1. Fees.
2. Time of payment of fees.

ORDER XVIII.—FORMS AND ACCOUNTS

1. Use of forms.
2. Record of forms issued.
3. Accounting.

ORDER XIX.—OBSERVANCE OF PROCEDURE IN MAGISTRATES' COURTS

W.R.L.N. 258 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

THE CUSTOMARY COURTS RULES, 1958

In exercise of the powers conferred by section 68 of the Customary Courts Law, 1957, upon the Regional Minister to whom responsibility for the administration of justice is assigned, the following Rules are hereby made :—

ORDER I.—PRELIMINARY

1. These Rules may be cited as the Customary Courts Rules, 1958, and shall come into operation in such part or parts of the Region and on such date or dates as may be specified in any notice under section 1 of the Law. Short title, commencement and application.

2. In these Rules, unless the context otherwise requires— Interpretation.

“appeal court” means a customary court of appeal established under or in pursuance of the Law or deemed to have been so established ;

“cause or matter” includes any legal proceeding between a plaintiff and a defendant or between a petitioner and a respondent in a matrimonial proceeding, and any criminal proceeding ;

“charge” means the statement of offence or statement of offences with which a defendant is charged before a court ;

“civil proceedings” means all civil actions triable in a court and all proceedings in relation to the making of an order for the payment of any sum of money or for the doing or abstaining from doing of any act or thing not enforceable by fine or imprisonment in the first instance ;

“claim” means any debt, demand or damage, or relief claimed or any claim for the recovery of any chattel or thing sought to be recovered in a court ;

“clerk” means any person appointed as a clerk for a customary court in accordance with section 12 of the Law ;

“complainant” means any person taking criminal proceedings in a court against any other person, or any person on whose behalf such proceedings are taken ;

“court” means a customary court established under or in pursuance of the Law or deemed to have been so established, and includes an appeal court ;

“criminal proceedings” include all proceedings other than civil proceedings ;

“decree” means an order in a matrimonial cause or matter ;

“defendant” means any person against whom civil or criminal proceedings are taken in a court ;

"felony" means any offence which is declared by law to be a felony, or is punishable, without proof of previous conviction, with imprisonment for three years or more ;

"judgment" includes the dismissal of any cause or matter, as well as any other decision of a court ;

"judgment creditor" means any person for the time being entitled to enforce a judgment ;

"judgment debtor" means a person liable under a judgment, and includes every person ordered by a judgment or order in a civil cause or matter to pay money or to do or abstain from doing an act ;

"the law" means the Customary Courts Law, 1957 ;

"misdemeanour" means any offence which is declared by law to be a misdemeanour, or is punishable by imprisonment for not less than six months but less than three years ;

"motion" means an application to a court for an order directing something to be done in the applicant's favour ;

"order" means a command or direction by a court in any proceedings before it ;

"plaintiff" means any person taking civil proceedings in a court against any other person ;

"president" includes a vice-president and a presiding member selected in accordance with section 6 (3) of the Law ;

"process" means formal written authority of a court for the purpose of giving compulsory effect to its jurisdiction and includes a summons, warrant or any other document issuing out of a court for such purpose ;

"return day" includes any day fixed for any proceeding before the court ;

"serious offence" means any offence which—

(a) is specified in the Second Schedule to the Law, or otherwise, as being within the criminal jurisdiction of a court ; and

(b) is either a felony or a misdemeanour ;

"summons" means a document issued by a court calling upon the person to whom it is directed to attend before the court or to produce any document or thing to the court at a certain time and place ;

"warrant" means a written command issued by a court for the arrest and production of any person before a court as a defendant or witness or otherwise for the purpose lawfully enforcing any judgment or order of a court.

ORDER II.—CONSTITUTION OF THE COURT

Quorum.

1. Where no number is specified in the warrant of appointment of a court which consists of three or more members, it shall be sufficient if, for the purpose of hearing any cause or matter, there be present three members of the court, including the President, Vice-President or presiding member selected in accordance with section 6 (3) of the Law, as the case may be :

Provided that once the trial of a cause or matter has commenced no other member of the court shall sit with those already sitting for the purposes of adjudicating upon the cause or matter.

2. Upon application by a party to a cause or matter the court may in its discretion direct the attendance of a member or members from the locality in which the cause or matter has arisen, and the court may adjourn the proceedings, if necessary, in order to enable him or them to attend.

Attendance of members from locality.

ORDER III.—INSTITUTION OF CAUSES AND MATTERS

1. (1) A civil cause or matter shall be instituted in the lowest court which has jurisdiction to entertain the particular cause or matter.

Causes and matters where commenced.

(2) A criminal cause or matter shall be instituted in such court as has jurisdiction to hear the particular cause or matter and as would appear to have power to inflict adequate punishment for the offence in the event of the accused person being convicted.

2. (1) Every civil cause or matter shall be commenced by a summons.

Causes and matters : how commenced.

(2) Every criminal cause or matter shall be commenced by a summons, a warrant of arrest or by bringing before the court any person arrested without a warrant.

3. (1) Application for a summons may be made by a written complaint or orally in person.

Application for summons.

(2) If application for summons is made in person the clerk shall record all the particulars of the claim or charge which are necessary for the completion of the proper summons.

4. A warrant of arrest shall be issued only upon a complaint of a serious offence made on oath before the court or the president, or where the court or the president is satisfied that there are grounds for fearing that the person to be arrested may abscond.

Issue of warrant of arrest.

5. A person arrested without a warrant shall be brought before the court at the first opportunity and in any case not later than seven days after his arrest, and the charge against him shall be recorded in a criminal record book to be kept for the purpose.

Persons arrested without warrant to be brought before the court without delay.

6. The court may in special cases dispense with the requirements of these Rules as to the issue and service of summons or as to any steps to be taken before any cause or matter is ready for trial, and may, if all the necessary parties are present, proceed forthwith to the trial of the cause or matter.

Court may dispense with issue and service of summons.

ORDER IV.—ISSUE, SERVICE AND EXECUTION OF
SUMMONSES AND WARRANTS

- Issue of summons or warrant.
- Forms A (i), A (ii), A (iii) and B. First Schedule.
- Form C First Schedule.
- Service of process or execution of warrant.
- Modes of service.
- Substituted service.
1. (1) Every civil or criminal summons to a defendant, and every summons to a witness, and every warrant of arrest issued by the court under these Rules or under any other written law shall be in the Forms A (i), A (ii), A (iii) and B respectively set out in the First Schedule.
 - (2) Every search warrant issued in accordance with the provisions of sub-section (1) of section 43 of the Law shall be in the Form C set out in the First Schedule.
 - (3) Any fees paid in respect of the issue of any process or other document by the court shall be entered on the process or other document by the clerk or such other person as the court may authorise in that behalf.
 - (4) Every process or other document (other than a search warrant) issued by the court under these Rules or any other written law, shall be signed by the president or such other member or officer of the court as the court may authorise in that behalf.
2. Any process or other document issued by the court and requiring service or execution shall be served or executed upon the person to whom reference is made therein by such officers as are authorised by law in that behalf.
3. (1) Service shall be effected by handing the process or other document to the person to whom it is addressed.
 - (2) In the case of a person employed in the public service of the Regional Government or a local government council, service may be effected by posting the process or other document to the head of the department in which the person is serving or the secretary of the local government council which the person is serving, as the case may be, and the head of the department or the secretary of the local government council shall arrange for service.
 - (3) A written statement from the head of department or the secretary of the local government council, as the case may be, that the person has been served shall be sufficient proof of service, unless the contrary is proved.
 - (4) For the purposes of paragraph (2) of this Rule the expression "head of department" includes any public officer in the administrative, professional or executive grade of the public service who is in charge of a section of a department.
4. (1) Where it appears to a court, either before or after a previous attempt at service in accordance with paragraph (1) of Rule 3, that for any reason personal service of any process or other document cannot be effected conveniently, the court, after being satisfied by affidavit that it is necessary so to do, may order that service be effected—

(a) by delivery of the process or other document to some person being an agent of the person to be served or to some other person, on its being proved that there is a reasonable probability that the copy of the process or other document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served ; or

(b) by advertisement in some newspaper circulating within the jurisdiction ; or

(c) by affixing the process or other document to the usual or last known place of abode or business of the person to be served ; or

(d) in such other manner as the court may direct, and upon compliance with such order such service shall be deemed to be good and sufficient service of the process or other document.

(2) The court may regard any process or other document as served if it is satisfied that the contents of such process or other document are known to the person to be served.

5. (1) Subject to the provisions of paragraph (2) of Rule 3 and paragraph (2) of this Rule, proof of service shall be by evidence on oath. Proof of service.

(2) In all cases where service of any process or other document has been effected by a bailiff, messenger or a member of a local government police force, a certificate of service signed by the bailiff, messenger or member of the local government police officer shall, on production and without proof of signature, be sufficient proof of service, unless the contrary is proved.

6. Service of any process or other document shall not be made on a Sunday or public holiday unless the court so directs by order endorsed on the process or other document to be served. Service on Sunday or public holiday.

7. The court shall not proceed to adjudicate upon any cause or matter which depends upon any process or other document having been served unless service is admitted by the person concerned or proved or deemed to have been effected. No proceedings without proof of service.

ORDER V

Part 1.—SERVICE AND EXECUTION OUT OF JURISDICTION BUT WITHIN THE REGION

1. When a court desires any process or other document to be served, or a warrant to be executed, or a decree or order to be enforced, outside the limits of its territorial jurisdiction, but within the Region, it shall forward such process or other document, warrant or decree or order to the court within whose jurisdiction the process or other document, warrant or decree or order is to be served, executed or enforced, as the case may be. Process to be forwarded.

2. (1) When a court receives any process or other document or warrant forwarded in accordance with Rule 1 of this Order, it shall forthwith endorse on the process or other document or warrant an order for its due service or execution, as the case may be, and shall arrange for such service or execution without delay. Procedure, process and warrant.

(2) A sum of money sufficient to cover the costs of transport and subsistence expenses in respect of the witness shall be forwarded with every witness summons.

(3) A sum of money sufficient to cover the costs of transport and subsistence expenses in respect of the person to be arrested and of any person required to escort him in custody to the jurisdiction of the court which issued the warrant, shall be forwarded with every warrant of arrest.

Procedure—
judgments.

3. (1) When a court receives a decree or order forwarded in accordance with Rule 1 of this Order, it shall—

(a) enter the decree or order as a civil cause in a civil record book to be kept for the purpose ;

(b) on the application of the person for whose benefit the decree or order exists, enforce it in the same manner as if the decree or order were that of the court so receiving it ;

(c) inform the court which issued the decree or order of any money or property recovered thereunder ;

(d) return the decree or order when satisfied, or, if not satisfied, immediately after the expiration of twelve months.

(2) Any court forwarding a decree or order to another court shall note thereon particulars of any payment already made to it in part satisfaction of the decree or order.

Document to
be properly
addressed.

4. Any process or other document, warrant, decree or order forwarded under the provisions of this Order shall contain the full address or whereabouts (as the case may be) of the person or property affected thereby.

*Part 2.—PROCESS, ETC., FORWARDED FROM THE HIGH COURT
AND MAGISTRATES' COURTS OF THE REGION*

Process from
High Court
or Magis-
trates' Courts
of the Region.

5. When the High Court desires any process or other document to be served, or a warrant to be executed, or a decree or order to be enforced anywhere within the Region, or when any magistrate's court desires any process or other document to be served, or a warrant to be executed, or decree or order to be enforced outside its territorial jurisdiction but within the Region, by a court, the High Court or the magistrate's court may forward the process or other document, warrant, decree or order, to the court within whose jurisdiction the process or other document, warrant, decree or order, is to be served, executed or enforced, as the case may be, in the same manner as any process or other document, warrant, decree or order, is forwarded in accordance with Rule 1 of this Order.

*Part 3.—PROCESS, ETC., FORWARDED FROM COURTS OF THE FEDERAL
TERRITORY OF LAGOS AND OTHER REGIONS AND FROM THE
FEDERAL SUPREME COURT*

Process from
Courts out-
side the
Region.

6. When any customary or native court, magistrate's court or High Court of any other Region or the Federal Territory of Lagos or the Federal Supreme Court, desires any process or other document to be

served, or a warrant to be executed, or a decree or order to be enforced within the Western Region by a court, such customary or native court, magistrate's court or High Court of another Region or the Federal Territory of Lagos, or the Federal Supreme Court may adopt the procedure set out in Part 1 of this Order as if it were a court within the Western Region forwarding such process or other document, warrant or decree or order to be so served, executed or enforced.

ORDER VI.—BAIL

1. (1) Any person who has been arrested with or without warrant and charged with a serious offence, may, in the discretion of the court before which he is brought be admitted to bail on such terms as the court thinks fit. Bail bond.
- (2) Any person who has been arrested with or without warrant and charged with any offence (other than a serious offence) shall be admitted to bail by the court before which he is brought on such terms as the court thinks fit.
- (3) A judge of the High Court (in the case of an accused person charged before a Grade "A" court) or a magistrate (in the case of an accused person charged before a Grade "B", "C" or "D" court) may, if he thinks fit, admit to bail any accused person, although the court before which he is charged has not thought it fit to do so.
- (4) A bail bond shall be in the Form D set out in the First Schedule. Form D
First
Schedule.
2. The amount of bail to be taken in any case shall be in the discretion of the court, and shall be fixed with due regard to the circumstances of the case and shall not be excessive. Conditions
of Bail.
3. When a court has granted bail, the accused person and his sureties (if any) may, instead of entering into a bond, secure bail by the deposit of a sum of money equivalent to the amount for which the bond is ordered. Security in
lieu of bail.
4. (1) When an accused person or appellant, as the case may be, who has been released on bail fails to surrender to his bail before the court on the proper day, the clerk shall record the fact and the details of the bond ; and the court may— Forfeiture of
bail.
- (a) in the case of a bond, order the accused person or any of his sureties to pay the amount of the bond or any part thereof, or call upon all or any of them to show cause why such amount or part thereof should not be paid ; or
- (b) in the case of a deposit, order the deposit or any part thereof to be forfeited, or call upon the person who made the deposit to show cause why the deposit or any part thereof should not be forfeited.
- (2) Any amount ordered to be paid under this Rule may, if unpaid, be recovered as a civil debt by attachment and sale, under a writ of attachment and sale, of the property of the person ordered to pay.

(3) If upon attachment and sale of any property the amount realised is insufficient to meet the amount ordered to be paid, or if there is no property to attach and sell, the court may order the issue of a warrant to imprison the person ordered to pay for a period not exceeding three months in respect of the unpaid amount, unless it be sooner paid.

ORDER VII.—NON-APPEARANCE OF PARTIES AT THE HEARING

Neither party appearing.

1. (1) If neither party to a cause or matter appears when it is called on the return day, the court, unless there is some good reason for keeping it on the list, shall strike out the cause or matter.

(2) If there is good reason for keeping the cause or matter on the list, the reason shall be recorded and a hearing date fixed.

If plaintiff or complainant does not appear.

2. (1) If the plaintiff or the complainant in a cause or matter does not appear when it is called on the return day, the court, unless there is some good reason for keeping the cause or matter on the list, shall strike it out.

(2) If there is good reason for keeping the cause or matter on the list, the reason shall be recorded and a hearing date fixed.

If defendant does not appear.

3. If the defendant in a civil cause or matter does not appear on the return day, the court, unless there is some good reason for adjourning the hearing (in which case the reason shall be recorded and a hearing date fixed) shall, on proof of service or if it is satisfied that the hearing date is known to the defendant, proceed in the absence of the defendant to hear and determine the cause or matter on the evidence of the plaintiff and his witnesses, if any.

If defendant does not appear.

4. (1) If the defendant in a criminal cause or matter fails to appear when the cause or matter is called on the return day (and does not comply with the provisions of paragraph (1) (b) of Rule 9, Order IX), the court shall consider whether it will adjourn the hearing or issue a warrant to arrest the defendant and bring him before the court to be dealt with according to law.

(2) A warrant to arrest a defendant shall be issued only where he fails to obey a summons without giving any or sufficient excuse for his absence, or where he fails to surrender himself to the court on the return day after he has been admitted to bail.

Form B First Schedule.

(3) Such a warrant shall be in the form of an ordinary warrant of arrest.

ORDER VIII.—INTERLOCUTORY APPLICATIONS

Definitions.

1. For the purposes of this Order the expression—

“interlocutory application” means an application made during the course of an action and incidental to the principal object of the action, namely, the judgement; and interlocutory applications include all steps taken for the purpose of assisting either party in the prosecution of his case; or of protecting or otherwise dealing with the action, or of executing the judgment when obtained.

2. Interlocutory applications may be made by way of motion at any stage of the proceedings in a cause. Interlocutory applications : when made.

3. No motion shall be entertained by the court until the applicant has filed a motion paper, or made oral application in open court, distinctly stating the terms of the order sought and the grounds upon which he relies therefor. Motions : how made.

4. Subject to the provisions of Order IV and except where the court considers it desirable and not unjust that a motion should be taken in the absence of any person likely to be affected, a motion shall be taken only after due notice has been served on other persons likely to be affected, or where the motion is made by oral application in open court in the presence of the person affected. Motions to be on notice.

5. At the hearing of any motion the court may receive oral evidence for or against the motion. Oral evidence may be taken.

ORDER IX.—PROCEEDINGS AT THE HEARING

1. (1) The subject matter of a claim or charge shall be read out by the clerk to the defendant, who shall be asked how he pleads to it, and his answer shall be recorded. Plea in civil and criminal matters.

(2) If, in any criminal cause or matter, the defendant cannot or will not answer directly when called upon to plead to the charge the court shall cause to be entered a plea of not guilty on behalf of the defendant and the plea so entered shall have the same effect as if the defendant actually pleaded the same.

2. Where a defendant wishes to plead—

(a) that the court has no jurisdiction ; or

(b) that the claim or charge does not disclose any cause of action or any offence ; or

(c) that the subject-matter of the claim has been previously adjudicated upon ; or

(d) that (in the case of a criminal cause or matter) he has been previously acquitted or convicted of the offence,

the defendant may make such a plea at any stage after he has been asked to answer to the claim or charge and such plea shall be recorded by the clerk. Plea as to jurisdiction.

3. (1) The court shall consider whether a plea made under Rule 2 is made out and shall give its decision which shall be recorded. Consideration of plea as to jurisdiction.

(2) If the court is satisfied that the plea has been made out, the claim shall be struck out, or the charge dismissed and the defendant acquitted and discharged.

(3) If the court is not satisfied that the plea has been made out, it shall order the defendant to plead in the ordinary way under Rule 1 of this Order, or that the hearing shall continue, as the case may be.

- Plea of liability or guilt. 4. Where the defendant admits the claim or the offence, as the case may be, the court shall hear the statements of the parties and give its judgment.
- Plea of non-liability or of not guilty. 5. (1) Where the defendant does not admit the claim or the charge, as the case may be, the plaintiff or the complainant shall adduce evidence in support of his case.
- Case for prosecution and defence. (2) In any criminal cause or matter—
(a) at the close of the case for the complainant, the court shall consider whether any case has been made out for the defendant to answer ;
(b) if no case has been made out, the charge shall be dismissed and the defendant acquitted and discharged ;
(c) where there is a case for the defendant to answer, the court shall call upon him to make his defence ; and he shall adduce evidence in support of his case.
- Case for plaintiff and defence. (3) In any civil cause or matter—
(a) at the close of the case for the plaintiff, the court shall consider whether any case has been made out for the defendant to answer ;
(b) if no case is made out, the court shall give judgment in favour of the defendant ;
(c) where there is a case for the defendant to answer the court shall call upon him to make his defence ; and he shall adduce evidence in support of his case.
- Verdict. 6. At the conclusion of the evidence on both sides, the court shall consider the whole evidence and give its judgment thereon and it shall issue an order in accordance with Order XI, Rule 2.
- Amendment of claim or charge. 7. (1) The court may, at any stage before judgment upon application by any party to the proceedings, amend the particulars of a claim or charge if the court is satisfied that no injustice will result : Provided that if such amendment is made in the absence of the other party a notice of the amendment shall be served on the other party.
(2) If the facts proved at the trial are substantially the same as the particulars of claim or charge and the court considers that there would be no substantial miscarriage of justice, the court may give judgment and issue an order on the evidence adduced before it without amending the claim or charge.
- Adjournment. 8. (1) At any stage in any proceedings the court may of its own motion adjourn the hearing until such time as may be convenient for the court.
(2) Any request by any party to the proceedings for an adjournment shall be considered by the court and, unless there be good reason for granting it, shall be refused.
(3) The court may grant an adjournment of the hearing on such terms as it thinks fit.

9. (1) Every defendant in a criminal trial shall be present in court during the whole of his trial except where—

Presence of defendant at criminal trial.

(a) he misconducts himself by so interrupting the proceedings or otherwise as to make their continuance in his presence impracticable ; or

(b) he is summoned in respect of any offence other than a serious offence in which case the court may dispense with his appearance provided he pleads guilty in writing or appears and so pleads by a person entitled to represent him before the court as the case may be.

(2) The court in any criminal trial in which the presence of the defendant has been dispensed with may, at any subsequent stage of the proceedings, direct the personal attendance of the defendant and, if necessary, enforce such attendance by means of the issue of a warrant to apprehend the defendant and bring him before the court.

(3) Where a defendant in a criminal trial appears before the court on a summons he may be required to enter the dock or to stand or sit nearby as the court may order.

10. When more persons than one are accused of the same offence or of different offences committed in the course of the same transaction or when a person is accused of committing an offence and another of abetting or being accessory to or attempting to commit such offence, they may be charged and tried together or separately as the court thinks fit.

When persons may be charged jointly.

11. (1) Any adjournment in a criminal cause or matter shall not exceed fifteen days, and when the defendant is to be kept in custody during an adjournment, it shall not exceed seven days.

Duration of adjournment in criminal cause or matter.

(2) When the defendant is to be kept in custody during an adjournment he shall be committed to, and produced from, the prison by warrant in the Form E in the First Schedule.

Form E First Schedule.

12. (1) When any person who in the opinion of the court has not attained the age of seventeen years is being tried for an offence, or is called as a witness in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, the court may direct that any persons, not being officers of the court or parties to the proceedings, their legal practitioners or other persons directly concerned in the proceedings, be excluded from the court during the trial or the taking of evidence of such person.

Public may be excluded from trial.

(2) The court may in its discretion exclude members of the public from the court at any stage of the proceedings in a cause or matter where the administration of justice so requires, provided that in any case an order made under this Rule shall not, unless specifically stated by the court, authorise the exclusion of representatives of the press.

ORDER X.—EVIDENCE

1. Every witness giving evidence before the court shall be put on such oath as he declares to be binding on him, but if he objects to the taking

Evidence to be on oath or affirmation.

of an oath he shall affirm that the evidence he is about to give is the truth ; and the fact that a witness has taken an oath or has affirmed shall be recorded.

Evidence of a child.

2. The evidence of a child who, in the opinion of the court, does not understand the nature of an oath, but understands the duty of speaking the truth, may be received by the court, although not given on oath.

Examination of witnesses.

3. (1) Every witness shall first be examined by the party calling him, and the other party shall then be at liberty to cross-examine such witness who may thereafter be re-examined by the party calling him as to matters arising out of the cross-examination.

(2) A witness may be questioned by the court at any stage of the proceedings.

Record of evidence.

4. The clerk shall record in the proper record book all oral evidence given before the court except in Grade A, Grade B and Appeal Courts where such record of evidence shall be kept by the president.

Court may order deposit of witnesses expenses.

5. Where a court, on the application of any party to the proceedings before it, directs that any person shall be summoned to give evidence or produce any document in his possession, the court may order a deposit of such amount of money before the issue of summons as will cover the expenses of such person in so attending.

Non-appearance of witness.

6. If a witness does not appear in answer to a summons, the court, upon proof of service of the summons, a note of which shall be recorded in the proper record book, may order the issue of a warrant to bring such witness before the Court at such time and place as may be convenient.

Witnesses may be excluded from court.

7. A court may, on the application of any party to a cause or matter, or of its own motion, order witnesses on any side to be kept out of court : Provided that the parties themselves and their respective legal practitioners shall not be so ordered, although it is intended that they should be called as witnesses.

Exhibits and documents to be kept by court.

8. (1) All documents and other exhibits admitted in evidence by the court shall be retained by the clerk until appeal is lodged or the time within which appeal should be lodged has elapsed, whichever is the earlier.

(2) Where no appeal is lodged within time the clerk shall return the documents and other exhibits to the parties who have tendered them in evidence, unless the court otherwise directs.

Witnesses' allowances and fees.

9. (1) Witnesses' allowances and fees shall not be paid to them until they have given evidence :

Provided that a witness in a civil cause or matter shall be entitled to be paid in advance through the court the cost of transport from his ordinary place of abode to the place where he is to give evidence and for his return journey.

(2) At the conclusion of the proceedings the court may order allowances and fees in accordance with the Second Schedule to be paid to the witnesses and these allowances and fees shall be paid by the party calling the witnesses and shall be included in any costs awarded to him.

Second
Schedule.

ORDER XI.—COURT ORDERS

1. A court may in its discretion make any order within its powers and jurisdiction which it considers the justice of the case demands whether or not the order has been asked for by the party who is entitled to the benefit thereof : Provided that in a civil cause or matter judgment shall not be given, except as to costs, for a greater sum of money than that claimed in the particulars of claim.

Orders.

2. Orders of a court shall be issued in open court by the president and shall be recorded by the clerk and signed by the president in the proper record book, except in Grade A, Grade B and Appeal Courts where such orders shall be recorded and signed by the president in the proper record book.

Record of
verdict.

3. When a court is making an order it may fix the time within which the order shall be carried out and in particular may direct that any sum of money ordered to be paid may be paid by instalments.

Time within
which to
carry out
orders.

4. (1) When a party affected by an order of a court has appeared in the proceedings it shall not be necessary to bring the terms of the order to his notice before execution.

Notice of
court orders.

(2) When a party affected by an order of a court has not appeared in the proceedings the terms of such order shall be brought to his notice by the service upon him of a certified true copy of such order before execution.

ORDER XII.—ENFORCEMENT OF INTERLOCUTORY ORDERS

1. Where a court has power to require any person to do or abstain from doing any act or thing, other than the payment of money, and no mode is otherwise than by these Rules provided for enforcing the requirement, the court may exercise the power by an order and may annex to the order such conditions as to the court may seem fit, and may suspend or rescind any such order on terms and may make such arrangements for carrying out such power as to the court may seem expedient.

Enforcement
of interlocu-
tory orders.

2. Any person who fails to comply with any order made in accordance with the provisions of Rule 1 of this Order for the space of fourteen days after the date of the order, may thereafter be ordered, upon proof of his failure to comply with the order, to pay a sum not exceeding one pound for each day during which such failure continues, or in default of payment thereof, to be imprisoned for a period not exceeding three months.

Failure to
comply with
orders.

ORDER XIII

Part 1.—ENFORCEMENT OF JUDGMENTS AND ORDERS

- Recovery of money payable under judgment. 1. Any sum of money payable under a judgment of a court may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the judgment debtor.
- Writ of attachment. 2. The clerk, on the application of the judgment creditor, shall cause to be issued a writ of attachment and sale whereby the bailiff of the court shall be empowered to levy or cause to be levied by distress and sale of goods and chattels, wherever they may be found within the Region, in respect of the money payable under the judgment and the costs of the execution.
- Details of application to be recorded. 3. The precise time of the making of an application to the clerk for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when two or more such writs are issued against the same goods and chattels they shall be executed in the order of the times so entered.
- Writ not to issue until default made in payment of instalment. 4. Where a court has made an order for payment of any sum of money by instalments, no writ of execution for the enforcement of the judgment shall be issued until after the default in payment of some instalment according to the order.
- Sums recoverable and fees to be endorsed on writ. 5. In or upon every writ of execution against the goods and chattels of any person, the clerk shall cause to be inserted or endorsed, the sum of money and costs adjudged, and the fees for the execution of the writ.
- Where debt paid before execution. 6. If the judgment debtor, before the actual sale of his goods and chattels, pays or causes to be paid to the bailiff of the court from which the writ issued, or to the bailiff of the court holding the writ, the sum of money and costs endorsed as aforesaid, or such part thereof as the judgment creditor agrees to accept in full satisfaction together with the fees inserted as aforesaid, the execution shall be superseded and the goods and chattels of the judgment debtor shall be discharged and returned to him.
- Powers of bailiff. 7. The bailiff of a court executing any writ of execution issued from the court against the goods or chattels of any person may by virtue thereof seize any of the goods and chattels of that person, except the wearing apparel and bedding of that person or of his family and the tools and implements of his trade which shall be protected from seizure.
- Custody of goods seized. 8. Goods and chattels seized in execution under this process of the court shall until sale thereof—
 (a) be deposited by the bailiff of the court in some fit place, or
 (b) remain in the custody of a fit person approved by the president of the court from which the writ was issued.

9. No goods and chattels seized in execution under process of a court shall be sold until the expiration of a period of at least ten days next following the day on which the goods are seized unless the goods are of a perishable nature. Goods not to be sold before expiration a period of ten days unless perishable.
10. (1) Subject to the provisions of paragraphs (2) and (3) of this Rule, the goods and chattels seized shall be set up for sale by auction by the bailiff in the court house where the writ was issued, or in such other place as the president may direct. Sale of goods seized.
- (2) No goods and chattels shall be set out for sale on a Sunday.
- (3) The bailiff shall, prior to the sale, inform the judgment debtor of the date, place and time of the sale.
11. (1) If a claim is made to or in respect of any property attached in execution by the bailiff, the clerk shall upon the direction of the president issue a summons calling before the court the party at whose instance the process was issued and the party making the claim. Claim by third party against goods.
- (2) On the hearing of the summons the court shall decide upon the claim and shall make such order in respect of any such claim and the cost of the proceedings as it thinks fit.
12. The court shall supply every bailiff with a receipt book which shall be furnished with counterfoils with successive numbers printed thereon ; and when a bailiff by virtue of his office, receives any money, he shall give to the person paying the same a receipt on one of the printed forms contained in such book, and shall note on the corresponding counterfoil of such book the name and date of the process, the title of the proceedings in which it was issued and the amount for which the receipt is given. Bailiff to issue receipts.
13. When goods and chattels are attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, immediately after the removal. Bailiff to give inventory.
14. Every bailiff shall pay to the clerk at the close of the day all moneys for the time being in his hands. Bailiff to pay over all moneys received to clerk.
15. At the close of every month the clerk shall— Returns by the clerk.
- (a) make a full return to the president of all writs, orders, and warrants which have not been fully executed by the bailiff at the end of the preceding month, and of all writs, orders, and warrants as have been entrusted to the bailiff for execution during the past month, and shall set against each such process a statement of what has been done thereunder ;
- (b) a return of all moneys received by him during the past month.

ORDER XIII

Part I.—ENFORCEMENT OF JUDGMENTS AND ORDERS

- Recovery of money payable under judgment. 1. Any sum of money payable under a judgment of a court may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the judgment debtor.
- Writ of attachment. 2. The clerk, on the application of the judgment creditor, shall cause to be issued a writ of attachment and sale whereby the bailiff of the court shall be empowered to levy or cause to be levied by distress and sale of goods and chattels, wherever they may be found within the Region, in respect of the money payable under the judgment and the costs of the execution.
- Details of application to be recorded. 3. The precise time of the making of an application to the clerk for the issue of the writ shall be entered by him in the book prescribed for the purpose and on the writ, and when two or more such writs are issued against the same goods and chattels they shall be executed in the order of the times so entered.
- Writ not to issue until default made in payment of instalment. 4. Where a court has made an order for payment of any sum of money by instalments, no writ of execution for the enforcement of the judgment shall be issued until after the default in payment of some instalment according to the order.
- Sums recoverable and fees to be endorsed on writ. 5. In or upon every writ of execution against the goods and chattels of any person, the clerk shall cause to be inserted or endorsed, the sum of money and costs adjudged, and the fees for the execution of the writ.
- Where debt paid before execution. 6. If the judgment debtor, before the actual sale of his goods and chattels, pays or causes to be paid to the bailiff of the court from which the writ issued, or to the bailiff of the court holding the writ, the sum of money and costs endorsed as aforesaid, or such part thereof as the judgment creditor agrees to accept in full satisfaction together with the fees inserted as aforesaid, the execution shall be superseded and the goods and chattels of the judgment debtor shall be discharged and returned to him.
- Powers of bailiff. 7. The bailiff of a court executing any writ of execution issued from the court against the goods or chattels of any person may by virtue thereof seize any of the goods and chattels of that person, except the wearing apparel and bedding of that person or of his family and the tools and implements of his trade which shall be protected from seizure.
- Custody of goods seized. 8. Goods and chattels seized in execution under this process of the court shall until sale thereof—
 (a) be deposited by the bailiff of the court in some fit place, or
 (b) remain in the custody of a fit person approved by the president of the court from which the writ was issued.

9. No goods and chattels seized in execution under process of a court shall be sold until the expiration of a period of at least ten days next following the day on which the goods are seized unless the goods are of a perishable nature.

Goods not to be sold before expiration a period of ten days unless perishable.

10. (1) Subject to the provisions of paragraphs (2) and (3) of this Rule, the goods and chattels seized shall be set up for sale by auction by the bailiff in the court house where the writ was issued, or in such other place as the president may direct.

Sale of goods seized.

(2) No goods and chattels shall be set out for sale on a Sunday.

(3) The bailiff shall, prior to the sale, inform the judgment debtor of the date, place and time of the sale.

11. (1) If a claim is made to or in respect of any property attached in execution by the bailiff, the clerk shall upon the direction of the president issue a summons calling before the court the party at whose instance the process was issued and the party making the claim.

Claim by third party against goods.

(2) On the hearing of the summons the court shall decide upon the claim and shall make such order in respect of any such claim and the cost of the proceedings as it thinks fit.

12. The court shall supply every bailiff with a receipt book which shall be furnished with counterfoils with successive numbers printed thereon ; and when a bailiff by virtue of his office, receives any money, he shall give to the person paying the same a receipt on one of the printed forms contained in such book, and shall note on the corresponding counterfoil of such book the name and date of the process, the title of the proceedings in which it was issued and the amount for which the receipt is given.

Bailiff to issue receipts.

13. When goods and chattels are attached by the bailiff and removed, the bailiff shall give to the judgment debtor a sufficient inventory thereof, immediately after the removal.

Bailiff to give inventory.

14. Every bailiff shall pay to the clerk at the close of the day all moneys for the time being in his hands.

Bailiff to pay over all moneys received to clerk.

15. At the close of every month the clerk shall—

Returns by the clerk.

(a) make a full return to the president of all writs, orders, and warrants which have not been fully executed by the bailiff at the end of the preceding month, and of all writs, orders, and warrants as have been entrusted to the bailiff for execution during the past month, and shall set against each such process a statement of what has been done thereunder ;

(b) a return of all moneys received by him during the past month.

Inspection of bailiff's receipt books.

16. The clerk shall submit to the president the receipt book used by the bailiff during the past month, and the president shall examine the counterfoils of the receipts used by the bailiff during the past month and see that there is an entry on a counterfoil to denote that a receipt from the said book has been given for each sum acknowledged to have been received and that all sums for which receipts appear from the counterfoils to have been given have been duly entered and accounted for; and the president, if satisfied with the entries shall certify accordingly.

Bailiff not to pay money direct to judgment creditor or his agent.

17. No money realised by any process shall be paid by the bailiff direct to the judgment creditor or to his agent.

Clerk to pay money to the judgment creditor or his agent.

18. The clerk shall pay out the money obtained by the bailiff from the enforced sale of the goods less expenses to the judgment creditor or his agent.

Judgment summons.

19. Where a judgment debtor makes default in payment of any sum recovered against him or any instalment thereof under a judgment, the judgment creditor may apply to any court for the issue of a summons (hereinafter called a judgment summons) requiring the judgment debtor to appear and to be examined on oath as to his means, and the clerk shall issue a judgment summons accordingly.

Examination of judgment debtor.

20. On the appearance of both parties before a court on the judgment summons the judgment debtor may be examined on oath by the judgment creditor and by the court respecting his ability to pay the money directed by the court to be paid to the judgment creditor.

Committal to prison in default of payment.

21. If the court is satisfied that the person making the default either has, or has had since the date of the judgment or order, the means to pay the debt in respect of which he has made default, then the court may commit him to prison for a period not exceeding six weeks unless he sooner pays the debt in full or in such instalments as the court may order; and failure to pay any such instalment on the date on which it is due shall render the judgment debtor liable to such imprisonment as the court may order.

Imprisonment not to extinguish debt.

22. No imprisonment shall operate as a satisfaction or extinguishment of any debt, demand or cause of action, or deprive any person of any right to take out execution against the goods or chattels of the person imprisoned in the same manner as if such imprisonment had not taken place.

Part 2.—CONSECUTIVE SENTENCES

Consecutive sentences.

23. Where a sentence of imprisonment is passed on any person by a court, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so, however, that where two or more sentences passed by a court are ordered to run consecutively, the aggregate term of imprisonment shall not exceed two years or the limit of jurisdiction of the court whichever is the greater.

ORDER XIV.—APPEALS

1. (1) An appeal from any court to an appeal court shall be commenced by the appellant giving oral notice of appeal in open court or filing in duplicate in the court whose judgment or order is being appealed from, a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule within the time prescribed by the Law.

Appeals :
how
commenced.
Form F (i) or
F (ii) First
Schedule.

(2) Where a notice of appeal is given orally in open court, the appellant shall, as soon as may be thereafter, file in duplicate a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule in the court whose judgment or order is being appealed from, within the time prescribed by the Law.

Form F (i) or
F (ii) First
Schedule.

2. Upon receiving the notice of appeal, the clerk of the court shall file the same, and the court shall order as the circumstances of the case may require—

Court to
specify
conditions of
appeal.

(a) a deposit of a sum of money by the appellant to cover the costs of making up and transmitting the record of appeal ;

(b) a deposit or the entering into a recognisance with or without sureties, for a sum of money to cover any costs which may have been awarded in the court or which may be awarded in the appeal court ;

(c) where the appellant is appealing against a conviction for wilful failure to pay the amount due in respect of a rate, the deposit of the amount which he has been ordered to pay pending the determination of the appeal ; and

(d) the filing by the appellant of particulars of grounds of appeal in the court in the Form F (iii) set out in the First Schedule.

Form F (iii)
First
Schedule.

3. (1) The court, having made an order under Rule 2 and being satisfied by the appellant that the order has been complied with, shall order bail in like manner as bail may be ordered under paragraphs (1) and (2) of Rule 1, Order VI, or order stay of execution on such terms as it thinks fit.

Appellant to
be admitted
to bail and
execution
stayd.

(2) Any court of higher jurisdiction than the court by which a person is convicted or a Judge of the High Court may, if either thinks fit, on application, admit to bail that convicted person if he has given notice of appeal and has complied with an order made under Rule 2, although the court by which he was convicted has refused bail.

(3) An application under the preceding paragraph may be made to more than one court, so, however, that on a refusal a further application may be made only to a court of higher jurisdiction.

4. If the court is satisfied that an order made under Rule 2 has not been complied with, the court shall, unless it extends the time within which to appeal, treat the appeal proceedings as discontinued, and may order the forfeiture of any deposits or recognisances in so far as it appears to the court to be necessary to do so.

Appeals may
be treated as
discontinued
for want of
prosecution.

Inspection of bailiff's receipt books.

16. The clerk shall submit to the president the receipt book used by the bailiff during the past month, and the president shall examine the counterfoils of the receipts used by the bailiff during the past month and see that there is an entry on a counterfoil to denote that a receipt from the said book has been given for each sum acknowledged to have been received and that all sums for which receipts appear from the counterfoils to have been given have been duly entered and accounted for; and the president, if satisfied with the entries shall certify accordingly.

Bailiff not to pay money direct to judgment creditor or his agent.

17. No money realised by any process shall be paid by the bailiff direct to the judgment creditor or to his agent.

Clerk to pay money to the judgment creditor or his agent. Judgment summons.

18. The clerk shall pay out the money obtained by the bailiff from the enforced sale of the goods less expenses to the judgment creditor or his agent.

19. Where a judgment debtor makes default in payment of any sum recovered against him or any instalment thereof under a judgment, the judgment creditor may apply to any court for the issue of a summons (hereinafter called a judgment summons) requiring the judgment debtor to appear and to be examined on oath as to his means, and the clerk shall issue a judgment summons accordingly.

Examination of judgment debtor.

20. On the appearance of both parties before a court on the judgment summons the judgment debtor may be examined on oath by the judgment creditor and by the court respecting his ability to pay the money directed by the court to be paid to the judgment creditor.

Committal to prison in default of payment.

21. If the court is satisfied that the person making the default either has, or has had since the date of the judgment or order, the means to pay the debt in respect of which he has made default, then the court may commit him to prison for a period not exceeding six weeks unless he sooner pays the debt in full or in such instalments as the court may order; and failure to pay any such instalment on the date on which it is due shall render the judgment debtor liable to such imprisonment as the court may order.

Imprisonment not to extinguish debt.

22. No imprisonment shall operate as a satisfaction or extinguishment of any debt, demand or cause of action, or deprive any person of any right to take out execution against the goods or chattels of the person imprisoned in the same manner as if such imprisonment had not taken place.

Part 2.—CONSECUTIVE SENTENCES

Consecutive sentences.

23. Where a sentence of imprisonment is passed on any person by a court, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so, however, that where two or more sentences passed by a court are ordered to run consecutively, the aggregate term of imprisonment shall not exceed two years or the limit of jurisdiction of the court whichever is the greater.

ORDER XIV.—APPEALS

1. (1) An appeal from any court to an appeal court shall be commenced by the appellant giving oral notice of appeal in open court or filing in duplicate in the court whose judgment or order is being appealed from, a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule within the time prescribed by the Law. Appeals :
how
commenced.
Form F (i) or
F (ii) First
Schedule.
- (2) Where a notice of appeal is given orally in open court, the appellant shall, as soon as may be thereafter, file in duplicate a notice of appeal in the Form F (i) or F (ii) set out in the First Schedule in the court whose judgment or order is being appealed from, within the time prescribed by the Law. Form F (i) or
F (ii) First
Schedule.
2. Upon receiving the notice of appeal, the clerk of the court shall file the same, and the court shall order as the circumstances of the case may require— Court to
specify
conditions of
appeal.
- (a) a deposit of a sum of money by the appellant to cover the costs of making up and transmitting the record of appeal ;
- (b) a deposit or the entering into a recognisance with or without sureties, for a sum of money to cover any costs which may be awarded in the court or which may be awarded in the appeal court ;
- (c) where the appellant is appealing against a conviction for wilful failure to pay the amount due in respect of a rate, the deposit of the amount which he has been ordered to pay pending the determination of the appeal ; and
- (d) the filing by the appellant of particulars of grounds of appeal in the court in the Form F (iii) set out in the First Schedule. Form F (iii)
First
Schedule.
3. (1) The court, having made an order under Rule 2 and being satisfied by the appellant that the order has been complied with, shall order bail in like manner as bail may be ordered under paragraphs (1) and (2) of Rule 1, Order VI, or order stay of execution on such terms as it thinks fit. Appellant to
be admitted
to bail and
execution
stayd.
- (2) Any court of higher jurisdiction than the court by which a person is convicted or a Judge of the High Court may, if either thinks fit, on application, admit to bail that convicted person if he has given notice of appeal and has complied with an order made under Rule 2, although the court by which he was convicted has refused bail.
- (3) An application under the preceding paragraph may be made to more than one court, so, however, that on a refusal a further application may be made only to a court of higher jurisdiction.
4. If the court is satisfied that an order made under Rule 2 has not been complied with, the court shall, unless it extends the time within which to appeal, treat the appeal proceedings as discontinued, and may order the forfeiture of any deposits or recognisances in so far as it appears to the court to be necessary to do so. Appeals may
be treated as
discontinued
for want of
prosecution.

Procedure on receipt of notice of appeal.

5. The clerk of the court who receives a notice of appeal shall—
- (a) attach to the notice a certified true copy of the judgment or order to which the notice refers ;
 - (b) endorse on the notice the cost of making up of the record of appeal ;
 - (c) within ten days of receiving the same, forward the notice so endorsed, with a certified true copy of the judgment or order attached, to the clerk of the appeal court named in the notice ; and the court shall take no further action in the appeal proceedings except by the direction of the appeal court.

Parties to be notified of hearing date.

6. The appeal court shall, as soon as may be after the receipt of a notice of appeal with a certified true copy of the judgment or order attached, fix a date for the hearing of the appeal, and shall notify the same and forward copies of the notice of appeal to all the parties directly affected by the appeal, at the expense of the appellant.

Lower court to supply record.

7. The court shall supply the record of proceedings in the cause or matter upon the direction of the appeal court and the court shall deduct the cost of preparing the record thereof from any deposit made by the appellant for that purpose, and shall pay to the appeal court the balance (if any) and any other sum of money which may have been deposited under an order made under Rule 2.

Court may vary conditions.

8. An order made by the court under Rule 2 may be varied or amended by a subsequent order.

Copy of proceedings. Second Schedule.

9. Any party to a cause or matter shall be entitled, upon payment of the appropriate fee prescribed in the Second Schedule, to receive a copy of the proceedings in the cause or matter.

Amendment of grounds of appeal.

10. The appeal court may upon such terms as it thinks fit, grant leave to the appellant to amend or add to his grounds of appeal at any stage of the proceedings.

Appearance of both parties.

11. Where both parties appear when an appeal is called on for hearing, each party shall be given the opportunity of a hearing by the appeal court : Provided that the appellant or his representative (if any) shall be entitled to be heard first.

Non-appearance of both parties.

12. If, when the appeal is called on for hearing—
- (a) the appellant fails to appear, the appeal may be struck out ; or
 - (b) the respondent fails to appear, the appeal court may, if satisfied that the hearing date is known to the respondent, proceed to hear and determine the appeal in the absence of the respondent.

Appeal struck out may be re-entered.

13. When an appeal has been struck out under Rule 12, the appeal court may, upon the application of the appellant made within fourteen days of the striking out order, direct the appeal to be re-entered for hearing upon such terms as it thinks fit.

ORDER XV.—RECORDS OF PROCEEDINGS

1. (1) All proceedings including notes of evidence given before the court shall be recorded in English or in the vernacular in the proper record books, by the clerk, in the case of Grade C and Grade D courts, and by the president in the case of Grade A, Grade Band Appeal Courts. Records of proceedings.

(2) The clerk or president, as the case may be, shall sign the record book at the end of the proceedings in each cause or matter and at the end of each day's business.

(3) In all cases where records of proceedings including notes of evidence are kept by the clerk, the president shall also sign the record book at the end of the proceedings in each cause or matter.

2. (1) Any person who is not a party to a cause or matter in a court shall not be entitled as of right to inspect the record of proceedings relating to such cause or matter, but such person may apply to the court to inspect or obtain a copy of such record ; and his application shall state what document it is desired to inspect or copy and the reasons for making the application. Copies of records.

(2) The court may, in its discretion, grant such application on such terms as it thinks fit.

3. (1) Every court shall keep cash books and record books. Record books.

(2) Every court shall keep receipt books from which receipts shall be issued for all sums paid into court funds.

4. The clerk or such other person as the competent council may, with the approval of the Local Government Service Board, appoint for the purpose, shall preserve all records of the court. Preservation of records.

5. (1) The fees to be paid in respect of inspection and for copies of records shall not exceed the appropriate fees prescribed in the Second Schedule. Fees for, and supervision of records. Second Schedule.

(2) All inspection of records, whether or not by a party to the cause or matter, shall be done under the supervision of the clerk or a member of the court.

ORDER XVI.—COSTS

1. The expression "costs" means the expenses necessarily and actually incurred by a party on account of the proceedings in a court, and shall include the expenses of summoning and attendance of parties and witnesses, and allowances and fees payable to any person both during the proceedings and for purposes of enforcing an order. Costs.

2. (1) A court may in its discretion order full or reduced costs to be awarded to the successful party in a cause or matter. Costs at discretion of court.

(2) Where in any cause or matter any costs awarded would be payable to the Regional Government or a local government council, or its agent or servant who has acted in the course of his duties as such agent

or servant, such costs, unless the court sees good and special reason to direct otherwise, shall be ordered to be paid into the Regional Government treasury or local government council treasury, as the case may be.

Determination of costs.

3. Any court awarding costs shall whenever possible assess the amount of such costs summarily and shall include such amount in its order.

ORDER XVII.—FEES AND FINES

Fees :
Second
Schedule.

1. The fees prescribed in the Second Schedule shall be payable in the circumstances specified therein and lists of such fees shall be exhibited to the public in suitable parts of the court offices, provided that—

(a) the court may, with the approval of the Minister, direct from time to time that such other fees, not exceeding the fees prescribed in the First Schedule, as it considers suitable in a particular class of cases, shall be payable ; and where the court has so directed that such other fees shall be payable, only such fees shall be payable ;

(b) the court may remit all or part of fees payable in particular cases where the court has reason to believe that a person has just cause for complaint and that he is unable, by reason of poverty or other sufficient cause, to bring the same before the court ;

Second
Schedule.

(c) no fees shall be payable in respect of any class of cases or by any persons, body or authority stated in the Second Schedule to be exempt from payment of fees ;

(d) no additional fee shall be payable on the issue of a summons or warrant by reason only of the names of more than one defendant appearing on such summons or warrant.

Time of pay-
ment of fees.

2. The fee payable upon the issue of any process or order of the court, or upon the doing of any act by the court, shall be paid into the court funds before the process or order is issued or the act is done.

ORDER XVIII.—FORMS AND ACCOUNTS

Use of
forms :
First
Schedule.

1. (1) The forms set out in the First Schedule or forms to the like effect, may be used in all proceedings to which they are applicable with such variations as the circumstances may require.

(2) In all proceedings relating to execution of the judgments or orders of any court, the forms in use in the Magistrates' Courts in similar proceedings may be used with such adaptations as may be necessary.

Record of
forms issued.

2. The clerk shall keep a record of every form issued by the court by retaining a counterfoil or duplicate of such form, and every such counterfoil or duplicate shall show accurately all the details contained in the form at the time of issue.

Accounting.

3. The clerk, or such other person as the competent council with the approval of the Local Government Service Board may appoint for the purpose, shall account for all moneys received by the court.

ORDER XIX.—OBSERVANCE OF PROCEDURE IN MAGISTRATES' COURTS

Where no other provision is expressly made by the Law or by these Rules, the provisions with respect to procedure, practice and process for the time being observed in magistrates' courts (except in so far as those provisions may be inconsistent with the Law or these Rules) shall be adopted and followed in customary courts so far as those provisions may be appropriate and with such variations as the circumstances may require :

Provided that no proceeding of a customary court shall be deemed to be invalid by reason only of failure to comply with any such provision.

FIRST SCHEDULE
FORMS

Form A (i)
CIVIL SUMMONS

ORDER IV

ORDER IV,
Rule 1

Form A (i)
CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Form A (i)
CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19
Plaintiff
and
Defendant

Customary Court of
Grade
Cause/Matter No 19
Plaintiff
and
Defendant

You are hereby summoned to appear at a court holden
at
on the day of 19
at o'clock a.m. to answer
the Plaintiff's claim as follows :—
Particulars of Claim

You are hereby summoned to appear at a court holden at
on the day of 195
at o'clock a.m. to answer
the Plaintiff's claim as follows :—
Particulars of Claim

Fees paid
Date
President or Member

Fees paid
Date
President or Member

Form A (ii)
CRIMINAL SUMMONS

ORDER IV

ORDER IV,
Rule 1

Form A (ii)
CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Form A (ii)
CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19
Complainant
and
Defendant

Customary Court of
Grade
Cause/Matter No 19
Complainant
and
Defendant

You are hereby commanded to appear before this court
at
on the day of 19
at o'clock a.m. to answer
a complaint of :—
Particulars of Offence

You are hereby commanded to appear before this court at
on the day of 195
at o'clock a.m. to answer
a complaint of :—
Particulars of Offence

Fees paid
Date
President or Member

Fees paid
Date
President or Member

Form A (iii)
WITNESSES' SUMMONS

ORDER IV

ORDER IV,
Rule 1

FORM A (iii)

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19
.....
and
.....
Defendant

Name of Witness
Address

Fees paid
Date

President or Clerk

FORM A (iii)

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19
.....
and
.....
Defendant

To
You are hereby commanded to attend before this court at
on the day of
day of 19 to testify all that you know in the above-
mentioned cause or matter.

You are summoned to behalf of the
Issued at the day of 19
Fees paid

President or Clerk

Form B

GENERAL WARRANT OF ARREST

ORDER IV

ORDER IV,
Rule 1

FORM B

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Charge No 19
.....
and
.....
Complainant

To Police Officer.
A complaint on oath/an order has been made on the
day of 19

by hereinafter
that
called the defendant, on the day
of 19 at
in the Province did

You are therefore hereby commanded to bring the defendant
before this court sitting at
forthwith to answer the said complaint and be dealt with
according to law.

Fees paid
Date

President or Member

FORM B

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Charge No 19
.....
and
.....
Complainant

To Police Officer.
A complaint on oath/an order has been made on the day
of 19, by
that hereinafter,
called the defendant, on the day of
19 at in the Province
did

You are therefore hereby commanded to bring the defendant before this court
sitting at
complaint and be dealt with according to law.

Fees paid
Date

President or Member

Form C
SEARCH WARRANT

ORDER IV

ORDER IV
Rule 1

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19_____

Complainant

and

Defendant

To _____

and _____

WHEREAS information in writing and upon oath has this day been made that there is reasonable ground for believing that there is in _____

(state the place to be searched and what is to be searched for).

You are hereby commanded, with proper assistance, to enter the said _____ (state the place to be searched) and there diligently search for the things aforesaid and if the same or any part thereof are found on search, to bring the things so found, and also the said _____ (name of the occupier of the place to be searched) before this court to be dealt with according to law.

This warrant shall be executed between the hours of six o'clock a.m. and eight o'clock at night* (and may also be executed at any hour during the day or night).

ISSUED at _____ this _____ day of _____ 19_____

Fees paid _____

President

* Strike out if not authorised.

Form D
BAIL BOND

ORDER VI

ORDER VI
Rule 1

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of _____
Grade _____
Cause/Matter No. _____ 19_____

Plaintiff/Complainant

and

Defendant

WHEREAS the undersigned principal party to this recognisance is charged with the offence of _____ the said principal party hereby binds himself to perform the following obligation : to appear before the court at _____ at _____

o'clock a.m. on the _____ day of _____ 19_____, and on any other or subsequent day required by the court to answer the said charge

and to be dealt with according to law, and the said principal party and the undersigned sureties hereby acknowledge themselves bound to forfeit to the court the sums following, namely, the said principal party the sum of £..... and the said sureties the sum of £..... each, in case the principal party fails to perform the obligation or part thereof.

Signed and delivered :

..... **Principal Party**
.....
..... } **Sureties**

Date

.....
President or Clerk

Form E
REMAND WARRANT

ORDER IX

B 366

FORM E

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19.....

Complainant

and

Defendant

Police Officer

To
and to prison,
hereinafter called the
defendant being brought before this court sitting at
.....
charged with having

The hearing of the case being adjourned : You the said Police Officer are hereby commanded to convey the defendant to the said prison, and thereby to deliver him to the Superintendent thereof, together with this warrant, and you, the Superintendent of the said prison, to receive him into your custody, and keep him until the day of 19....., and on that day to convey him before the court sitting at at o'clock a.m. to be further dealt with according to law.

DATED the day of 19.....

President or Member

FORM E

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of
Grade
Cause/Matter No 19.....

Complainant

and

Defendant

Police Officer

To
and to prison,
hereinafter called the defendant:
being brought before this court sitting at
.....
charged with having

The hearing of the case being adjourned : You the said Police Officer are hereby commanded to convey the defendant to the said prison, and thereby to deliver him to the Superintendent thereof, together with this warrant, and you, the Superintendent of the said prison, to receive him into your custody, and keep him until the day of 19....., and on that day to convey him before the court sitting at at o'clock a.m. to be further dealt with according to law.

DATED the day of 19.....

President or Member

Form F (i)
NOTICE OF APPEAL (CIVIL)
(by aggrieved party)

ORDER XIV

FORM F (i)

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Order IV,
Rule 1.

Customary Court of
Grade
Cause/Matter No. 19
..... Plaintiff Appellant/Respondent
and
..... Defendant Appellant/Respondent

TAKE NOTICE that the Plaintiff (or Defendant)
appeals from the decree or order dated the day of
19....., in the above-mentioned proceedings.

The address for service of the said Plaintiff/Defendant/Appellant within the
jurisdiction of the court is

DATED the day of 19.....
Fees paid

.....
Appellant or Legal Practitioner
acting for him

To
of

Notes.—The notice must be filled with the clerk of the court within thirty days of
the decree or order appealed from and served on all parties affected by the appeal.
Form of grounds of appeal is set out in Form F (iii).

Form F (ii)
NOTICE OF APPEAL (CRIMINAL)
(by aggrieved party)

ORDER XIV

FORM F (ii)

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Order XIV,
Rule 1.

Customary Court of
Grade
Cause/Matter No. 19
..... Complainant/Respondent
and
..... Defendant/Appellant

TAKE NOTICE that the Defendant appeals against the conviction/sentence by the
court pronounced on the day of 19.....,
in the above-mentioned proceedings.

PARTICULARS :

Offence convicted of
Date of conviction
Sentence and date
Prison where appellant is

Legal Practitioner representing appellant (if any) and his address

This notice of appeal is given by.....of.....
(who wishes to be present at the hearing)

DATED the.....day of.....19.....

Fees paid.....

.....
*Appellant or the Legal Practitioner
acting for him*

To the Clerk of the Court.

Notes.—This notice must be filed with the clerk of the court within thirty days of the decree or order appealed from and served on all parties affected by the appeal. Forms of grounds of appeal is set out in Form F (iii).

Form F (iii)
MEMORANDUM OF GROUNDS OF APPEAL ORDER XIV

Order XIV,
Rule 1.

FORM F (iii)

CUSTOMARY COURTS
WESTERN REGION OF NIGERIA

Customary Court of.....

Grade.....

Cause/Matter No.....19.....

.....Plaintiff Appellant/Respondent
and

.....Defendant Appellant/Respondent

This is my memorandum of grounds of appeal in connection with my Notice of Appeal dated.....19.....

GROUNDS OF APPEAL

.....
.....
.....
.....

DATED the.....day of.....19.....

To the clerk of the Court.

Fees paid.....

.....
*Appellant or the Legal Practitioner
acting for him*

SECOND SCHEDULE—(ORDER XXII)
FEES

A.—Civil Causes or Matters

	£	s	d
1. On issue of summons, where claim does not exceed £10	0	13	6
On issue of summons, where claim exceeds £10, but does not exceed £50	1	12	6
On issue of summons, where claim exceeds £50, for each £50 or part thereof in excess of the first £50	1	0	0
2. On issue of summons, where the claim is not for the recovery of money or goods but some other relief or assistance	2	7	6
3. If the claim arose more than five years before the application for summons, the fee in the case of each of the items above will be double of the fee specified in the item	—	—	—
4. On issue of Judgment Debtor Summons	0	16	6
5. On issue of Writ of Attachment and Sale	1	0	0
6. On issue of Writ to imprison a judgment debtor	0	16	6
7. On issue of Interpleader Summons	0	13	6
8. On grant of Certificate of Title	0	13	6
9. On drawing up of formal decree	0	7	0
10. Land Inspection Fees	3	12	6
11. On issue of Writ of Possession	1	7	0

B.—Criminal Causes or Matters

1 On issue of summons or warrant, unless issued by the court of its own motion ...	0	16	0
--	---	----	---

C.—Civil and Criminal Causes or Matters

1. On filing of a security bond	0	16	6
2. On issued of a summons for witness	0	5	6
3. On filing an interlocutory application	0	8	6
4. On granting and adjournment of hearing on application of a party	0	7	0
5. Service fees initial fee (cost of transport is to be charged at the rate of 6d per mile return journey)	per day or part thereof plus cost of transport.		
6. Inspection of record of proceedings	0	3	6
7. On supply of copy of proceedings per 100 words or part thereof	0	1	0
8. Witness fees and allowances :—			
(a) Professional men, mercantile agents, bank managers, surveyors and public officers whose salary is not below £624 per annum	1	8	0
(b) Merchants, captains of ships, mercantile assistants and public officers whose salary is £300 but less than £624 per annum.....from 14s to	1	8	0
(c) Auctioneers, native chiefs, master tradesmen, pilots, clerks and the like.....from 7s to	0	14	0
(d) Others in the public service whose salary is less than £200.....from 1s 6d to	0	10	0
(e) Artisans, journeymen and the like	0	4	0
(f) Servants, labourers, canoemen and the like	0	1	6
(g) Women according to station in life from 1s 6d to	1	8	0
(h) Travelling expenses of witness shall be allowed having regard to the sums reasonably and actually spent	—	—	—

D.—Appeals in Civil and Criminal Causes or Matters (to Customary Courts of Appeal and Magistrates' Courts only)

1. On filing notice and grounds of appeal :—			
(a) if within time	1	12	6
(b) if out of time	2	0	0
2. On making up and supplying record of appeal, for every 100 words	0	1	0
3. Fee for the transmission of the appeal, if sent by post, the amount paid therefor ; and if transmitted by special messenger or otherwise, a charge to be fixed by the court transmitting same	—	—	—

1.—Exemptions under *Order ZZH, Rule 1 (c)*

	£	s	d
The following are exempt from the payment of the fees specified in this Schedule:—			
(1) The various Finance Boards, Commissions and Local Loans Boards established under the Finance Commissions and Local Loans Boards Law, 1955			—
(2) All Departments of the Federal Government
(3) All State Government Departments

Made in London this 11th day of May, 1958.

F. R. A. WILLIAMS,
Minister of Justice

W.R.L.N. 259 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT : 1ST APRIL, 1957

Notice is hereby given under Rule 40A of the Forestry (Southern Provinces Native Authorities) Rules, 1943, as made by the former Benin Native Authority that the Working Plan in the first column in the schedule hereto has been decided upon for the area in the second column of the schedule and is available for inspection at the places set out in third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection</i>
Revised Working Plan for the Ogba Fuel Plantation for the period 1957-68.	Part of Ogba Forest Reserve (Benin Division).	(a) Office of the Chief Conservator of Forests in Ibadan. (b) Office of the Forest Officer, Benin City.

Note.—A detailed description of the area set out in the second column of the schedule is given in the Working Plan.

GIVEN at Benin City this 3rd day of April, 1958.

R. O. I. IYAMU,
Secretary,
Benin Divisional Council

V. I. AMADASUN,
Chairman,
Benin Divisional Council

APPROVED this 19th day of April, 1958.

H. B. BURGESS,
Chief Conservator of Forests,
Western Region

W.R.L.N. 260 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 30TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (1) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Electoral Officers have been made :—

<i>Constituency</i>	<i>Assistant Electoral Officer</i>	<i>Area of Responsibility</i>
Ibadan South ...	Mr J. A. Adewusi ...	Whole Constituency.

The appointment to Ibadan South Constituency notified in Western Region Legal Notice 242 of 1958 is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 30th May, 1958.

W.R.L.N. 261 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF ASSISTANT RETURNING OFFICERS

DATE OF COMMENCEMENT : 28TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Assistant Returning Officer have been made for the purpose of Local Government Elections :—

<i>Constituency</i>	<i>Assistant Returning Officer</i>	<i>Area of Responsibility</i>
Ibadan Central ...	Mr S. O. Akinleye ...	Whole Constituency.
Ibadan South West ...	Mr E. L. Adeniji ...	Whole Constituency.
Ibadan North West ...	Mr S. O. Ajibola ...	Whole Constituency.
Ibadan North East ...	Mr J. T. Akinola ...	Whole Constituency.
Ibadan South East ...	Mr E. A. Amosun ...	Whole Constituency.
Ibadan South... ..	Mr J. A. Adewusi ...	Whole Constituency.
Ibadan East ...	Mr S. A. Fatola ...	Whole Constituency.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 28th May, 1958.

W.R.L.N. 262 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF RETURNING OFFICERS

DATE OF COMMENCEMENT : 30TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Returning Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Returning Officer</i>	<i>Area of Responsibility</i>
Ijebu West ...	Mr A. A. Adesiyun ...	Ijebu Northern District Council Area.
	Secretary, Ijebu North-Western District Council	Ijebu North-Western District Council Area.

The appointment to Ijebu Northern District Council notified in Western Region Legal Notice 216 of 1956 is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 30th May, 1958.

W.R.L.N. 263 of 1958*Parliamentary and Local Government Electoral Regulations, 1955*

APPOINTMENT OF ELECTORAL OFFICERS

DATE OF COMMENCEMENT : 30TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Electoral Officers have been made for the purpose of Local Government elections :—

<i>Constituency</i>	<i>Electoral Officer</i>	<i>Area of Responsibility</i>
Ijebu West ...	Mr A. A. Adesiyun ...	Ijebu Northern District Council Area.
	Secretary, Ijebu North-Western District Council	Ijebu North-Western District Council Area.

The appointment to Ijebu Northern District Council notified in Western Region Legal Notice 32 of 1958, is hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 30th May, 1958.

W.R.L.N. 264 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF RETURNING OFFICERS

DATE OF COMMENCEMENT : 28TH MAY, 1958

In exercise of the powers vested in the Governor by Regulation 5 (2) of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments as Returning Officers have been made.

<i>Constituency</i>	<i>Returning Officer</i>	<i>Area of Responsibility</i>
Ibadan Central ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency
Ibadan South-West	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan North-West	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan North-East...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan East ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan South-East...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.
Ibadan South ...	Secretary, Ibadan (Provisional) Council.	District Whole Constituency.

2. The Appointments to these constituencies notified in Western Region Legal Notice 78 of 1956 are hereby revoked.

S. J. HENRY,
Electoral Commissioner,
Western Region

Ibadan, 28th May, 1958.

W.R.L.N. 265 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
IKALE IDAPOMARUN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikale-Idapomarun District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikale-Idapomarun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of September, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted, substituting the following Schedule for the First Schedule thereof :—

W.R.L.N.
10 of 1956

FIRST SCHEDULE

	Monthly	Yearly
(a) Permanent stall built and maintained by the Council	3s 6d	40s
(b) Temporary stall built and maintained by the Council	2s	21s
(c) Stall built and maintained by private persons ...	6d	5s
(d) In respect of any vacant space (not occupied by stalls) used for exposing goods for sale or carrying on any trade or business : for each market day	3d	

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 29th May, 1958.

W.R.L.N. 266 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
THE IKALE IDAPOMARUN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikale Idapomarun District Council by section 273 (1) and (2) of the Western Region Local Government Law, 1957, the Ikale Idapomarun District Council has resolved in its meeting held on the 12th of September, 1957 to revoke and has revoked its resolution as published in the Western Region Legal Notice 104 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 29th May, 1958.

W.R.L.N. 267 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR-PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : EGBA OBAFEMI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

W.R.L.N.
55 of 1957.

Notice is hereby given that in exercise of the powers conferred upon the Egba Obafemi District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba Obafemi District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of May, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 30th May, 1958.

W.R.L.N. 268 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1956 : EGBA OBAFEMI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

W.R.L.N.
15 of 1956.

Notice is hereby given that in exercise of the powers conferred upon the Egba Obafemi District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba Obafemi District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of May, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 30th May, 1958.

W.R.L.N. 269 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
MUSHIN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Mushin District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Mushin District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 30th day of July, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted substituting the following Schedule for the First Schedule thereof :—

W.R.L.N.
10 of 1956.

FIRST SCHEDULE

STALLAGES	£ s d
In respect of each stall owned or maintained by the Council per quarter	0 15 0
In respect of any other stall (including a stall erected by the person selling or trading) :	
Big stall per quarter	0 9 0
Small stall per quarter	0 4 6
In respect of any vacant space (not occupied by stalls) used for exposing goods for sale or carrying on any trade or business—for each market day	0 0 2

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 30th May, 1958.

W.R.L.N. 270 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
IFEDORE DISTRICT COUNCIL

Notice is hereby given that in exercise of the powers conferred upon the Ifedore District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ifedore District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 25th day of January, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

Ibadan, 26th May, 1958.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

W.R.L.N. 271 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
ILESHA URBAN DISTRICT COUNCIL

Notice is hereby given that in exercise of the powers conferred upon the Ilesha Urban District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ilesha Urban District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 17th day of February, 1958, that the Markets Adoptive Bye-laws, 1956, be adopted substituting the following Schedule for the First Schedule thereof :—

W.R.L.N.
10 of 1956.

FIRST SCHEDULE

CENTRAL MARKET STALLAGES

		<i>s</i>	<i>d</i>	
Type A—Open Stalls ... ..	...	6	0	per stall per month.
Type B—Lock up Produce Stores ...	...	15	0	per stall per month.
Type C—Open for Casual Marketers ...	...	0	1	per day.
Type D—Lock up Stalls ... ..	...	12	0	per stall per month.
Type E—Meat Stalls accommodating twenty-eight butchers ...	...	70	0	per month.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 26th May, 1958.

W.R.L.N. 272 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
EGBA-OBAFEMI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 5TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egba-Obafemi District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba Obafemi District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of May, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted, substituting the following Schedule for the First Schedule thereof :—

W.R.L.N.
10 of 1956.

FIRST SCHEDULE

STALLAGES	s	d
On application for a plot or stall	2	6
In respect of each stall owned or maintained by the Council :		
for each market day	0	1
for one month	2	0
for one year	22	0
In respect of any other stall (including a stall erected by the person selling or trading) :		
for one month	0	6
for one year	5	0
In respect of any vacant space (not occupied by stalls) used for exposing goods for sale or carrying on any trade or business :		
for each market day	0	1

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 30th May, 1958.

W.R.L.N. 273 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST JULY, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of July, 1958, as the date on which the Customary Courts Law, 1957 shall come into operation in the following parts of the Region :—

Egba Division ;
Epe Division ;
Ibadan Division ;
Remo Division ; and
Benin Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 274 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 24TH MAY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Lands and Labour) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Lands and Labour.	Minister of Local Government.

GIVEN at Ibadan this 4th day of June, 1958.

By His Excellency's Command.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 275 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : THE IKALE IDAPOMARUN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikaile Idapomarun District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikaile Idapomarun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of September, 1957, that the Control of Motor Parks Adoptive Bye-laws, 1957 be adopted.

W.R.L.N.
55 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 6th June, 1958.

W.R.L.N. 276 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
IVBIOSAKON DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ivbiosakon District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ivbiosakon District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 10th day of May, 1958, that the Markets Adoptive Bye-laws, 1956, Parts I, II and VI be adopted.

W.R.L.N.
10 of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 28th May, 1958.

W.R.L.N. 277 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : THE IKORODU DIVISIONAL COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikorodu Divisional Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikorodu Divisional Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of August, 1957 that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd June, 1958

W.R.L.N. 278 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
(AMENDMENT) ORDER, 1957
THE EGUN-AWORI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred under and by virtue of sections 82 (3) (e) and 271 of the Local Government Law, 1957, the Egun-Awori District Council in accordance with section 82 (3) (a) of the Local Government Law, 1957, has resolved at its meeting held on the 12th day of November, 1957, that the amendment provided for by the Control of Drumming Adoptive Bye-laws (Amendment) Order, 1957 be adopted.

W.R.L.N.
297 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 3rd June, 1958.

W.R.L.N. 279 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : IJERO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijero District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijero District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 29th day of March, 1958 that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted, substituting the following for the Schedule thereof :—

W.R.L.N.
55 of 1957.

SCHEDULE

BYE-LAW 4

Type of Vehicle	per day		
	£	s	d
Private Car	0	0	6
Kit-Car	0	0	9
Lorries	0	1	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 4th June, 1958.

W.R.L.N. 280 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957 : EGUN-AWORI DISTRICT COUNCIL
ERRATUM

Western Region Legal Notices 15 and 90 of 1958 published at pages B 15 and B 93 in the *Western Region of Nigeria Gazette* Nos. 3 of 9th January, 1958 and 14 of 13th March, 1958 are hereby cancelled.

W.R.L.N. 281 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957: CENTRAL URHOBO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Central Urhobo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Central Urhobo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 21st day of October, 1957 that the Control of Motor Parks Adoptive Bye-laws, 1957, b: adopted, substituting the following for the Schedule thereof :—

SCHEDULE

BYE-LAW 4

<i>Type of Vehicle</i>	<i>per day</i>		
	<i>£</i>	<i>s</i>	<i>d</i>
Motor Vehicle (Private Cars)	0	0	6
Public Transport Vehicle (All Lorries)	0	2	0
Kit Cars and Buses	0	1	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 4th June, 1958.

W.R.L.N. 282 of 1958

The Public Health Law, 1957
(No. 25 of 1957)
The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1958
IBADAN (PROVISIONAL) DISTRICT COUNCIL

DATE OF COMMENCEMENT : 12TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ibadan (Provisional) District Council by section 82 (2) and 271 of the Local Government Law, 1957, the Ibadan (Provisional) District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 8th day of April, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws Order, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 31st May, 1958.

W.R.L.N. 283 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS (IBADAN
(PROVISIONAL) DISTRICT COUNCIL AREA) EXTENSION
(AMENDMENT No. 2) ORDER, 1958

DATE OF COMMENCEMENT : 15TH JUNE, 1958

In exercise of the powers conferred upon the Governor by sub-section (3) of section 9 of the Public Order Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Prohibition of Public Processions Title. (Ibadan (Provisional) District Council Area) Extension (Amendment No. 2) Order, 1958.

2. Paragraph 2 of the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension Order, 1958 as amended by the Prohibition of Public Processions (Ibadan (Provisional) District Council Area) Extension (Amendment) Order, 1958, is hereby amended by *deleting* the words "are hereby prohibited until the 16th day of June, 1958" and *inserting* instead the words "or its successor, the Ibadan District Council are hereby prohibited until the 30th day of June, 1958".

Further
amendment
of W.R.L.N.
153 of 1958.

MADE at Ibadan this 10th day of June, 1958.

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 284 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT TO MAKE PROVISION FOR ADMINISTRATIVE
ARRANGEMENTS NECESSITATED BY THE REVOCATION OF
EKITI DIVISIONAL COUNCIL

DATE OF COMMENCEMENT : 2ND JUNE, 1958

1. In exercise of the powers conferred on the Governor in Council by section 10 of the Local Government Law, 1957, there is hereby established a Provisional Authority for the purpose of providing for the transfer of the assets of the Ekiti Divisional Council and for the making of the necessary administrative arrangements consequent on the revocation of its Instrument.

2. The Provisional Authority shall be known as the Ekiti Division Provisional Authority.

3. The Provisional Authority shall consist of the eight chairmen of the following Councils—

Council

Ekiti Southern District Council ;
Ekiti Western District Council ;
Ekiti Northern District Council ;
Ondo District Council ;
Ijero District Council ;
Ikole District Council ;
Iddo-Osi District Council ;
Otun District Council.

4. No meeting of the Provisional Authority shall be held unless at least six members are present.

5. The term of office of the members shall expire on such date as the Minister of Local Government may determine.

6. The Chairman of the Provisional Authority shall be elected by a majority vote by and from among the members of the Provisional Authority.

7. There shall be transferred to the Provisional Authority all staff, assets, property and liabilities and contracts formerly belonging to Ekiti Divisional Council.

8. The Provisional Authority may, with the approval of the Minister of Local Government transfer, distribute or dispose of such assets, liabilities or staff.

9. The Provisional Authority shall have power to administer the services which the Ekiti Divisional Council was empowered to perform until such time as the Minister of Local Government may otherwise direct. The liability for the cost of operation of such services shall be allocated between the District Councils concerned in such proportions as the Provisional Authority may, with the approval of the Minister of Local Government, determine.

10. The following provisions of the Local Government Law, 1957, shall apply in relation to the Provisional Authority as they apply in relation to a Council :—

- (a) Sections 72-76 inclusive.
- (b) Sections 114-125 inclusive.
- (c) Parts XVI and XXI.

MADE at Ibadan, this 2nd day of June, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 285 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT REVOKING THE INSTRUMENT OF APPOINTMENT
OF THE EKITI DIVISIONAL COUNCIL

DATE OF COMMENCEMENT : 2ND JUNE, 1958

In exercise of the powers conferred upon the Governor in Council by section 8 (1) of the Local Government Law, 1957, the Instrument establishing the Ekiti Divisional Council published as W.R.L.N. 1 of 1955 is hereby revoked.

MADE by the Governor in Council at Ibadan this 2nd day of June, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 286 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF PIGS ADOPTIVE BYE-LAWS
ORDER, 1958 : ADO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 19TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ado District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ado District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 13th February, 1958, that the Control of Pigs Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 12
of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 16th June, 1958.

W.R.L.N. 287 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE
BYE-LAWS ORDER, 1956 : EGBADO-KETU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 19TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egbado-Ketu District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egbado-Ketu District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 10th day of May, 1958, that the Registration of Marriages Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 4
of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 6th June, 1958.

W.R.L.N. 288 of 1958

The Change of Titles Ordinance (Cap. 30)

THE CHANGE OF TITLE (DIRECTOR OF GOVERNMENT
LOTTERIES TO PRINCIPAL GOVERNMENT LOTTERIES
OFFICER) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by section 4 of the Change of Titles Ordinance, the following Order is hereby made :—

Title and
effective
date.

1. This Order may be cited as the Change of Title (Director of Government Lotteries to Principal Government Lotteries Officer) Order, 1958, and shall have effect from the 1st day of April, 1958.

Addition to
First Sched-
ule of
Change of
Titles Ord-
inance.

2. There shall be added to the First Schedule of the Change of Titles Ordinance the following titles under column 1 and column 2 respectively, as set out hereunder :—

Column 1
Director of Government
Lotteries.

Column 2
Principal Government
Lotteries Officer.

MADE by the Governor in Council at Ibadan this 12th day of May, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 289 of 1958

The Western Region Housing Corporation Law, 1958
(No. 12 of 1958)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 20TH JUNE, 1958

In exercise of the powers conferred by section 1 of the Western Region Housing Corporation Law, 1958 (No. 12 of 1958) the Governor, after consultation with the Executive Council has appointed the 20th day of June, 1958, as the date on which the said Western Region Housing Corporation Law, 1958, shall come into operation in the Western Region.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 9th June, 1958.

W.R.L.N. 290 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST JULY, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of July, 1958, as the date on which the Customary Courts Law, 1957, shall come into operation in the following parts of the Region—

Egbado Division ;
Badagry Division ;
Ikeja Division ; and
Ijebu Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 291 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 19TH JUNE, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Lands and Labour to the Minister of Local Government, notified by the Delegation of Functions (Minister of Lands and Labour) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

LIST OF ORDERS

1. Title and Interpretation.
2. Form and Commencement of Action.
3. Summons and Procedure.
4. Service of Process.
5. Parties.
6. Confessing and Entering up Judgment.
7. Applications and Directions in the Course of Proceedings.
8. Payment into Court.
9. Procedure at Hearing.
10. Judgment.
11. Costs.
12. Custody of Money.
13. Miscellaneous Provisions.

W.R.L.N. 292 of 1958

The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)THE MAGISTRATES' COURTS (CIVIL PROCEDURE)
RULES, 1958

DATE OF COMMENCEMENT : [BY NOTICE]

In exercise of the powers conferred on the Chief Justice by section 122 of the Magistrates' Courts (Western Region) Law, 1954, the following Rules are hereby made :—

ORDER 1

TITLE AND INTERPRETATION

1. These Rules may be cited as the Magistrates' Courts (Civil Procedure) Rules, 1958, and shall come into force on such date as the Chief Justice may by notice in the Gazette appoint. Title.

2. In the construction of these rules, unless there is something in the subject-matter or context repugnant thereto, the several words and expressions hereinafter mentioned or referred to shall have the following meanings :— Definitions.

“action” means a civil proceeding commenced by writ of summons, but does not include a criminal proceeding ;

“appeal court” means the High Court of Justice of the Western Region of Nigeria ;

“cause” includes any action, suit or other original proceeding between plaintiff and defendant ;

“the Court” means a Magistrate's Court established in any area under the Magistrates' Courts (Western Region) Law, 1954 ;

“the prescribed form” means and includes any form now in use in the Court, with such modifications and adaptations as the circumstances may require, and any form which may hereinafter be provided by Rules of Court ;

“the Registrar” means the Registrar of the Court in the appropriate magisterial district, as the circumstances may require, and includes any person authorised to act in that capacity.

ORDER 2

FORM AND COMMENCEMENT OF ACTION

1. On the application of any person desirous of instituting civil proceedings and on payment of the prescribed fees, the Registrar of the Court shall enter in a Book to be kept for this purpose in his office and called the Civil Cause Book a statement in writing, hereinafter called a plaint, stating the names and last known places of abode of the parties and the substance of the action intended to be brought, and every one of such plaints shall be numbered in every year, according to the order in which it shall be entered, and the Registrar shall deliver to the applicant a plaint note. Proceedings to be by plaint.

Plaint disclosing no cause of action.

2. (1) The Court shall refuse to entertain a plaint where such plaint, on the face of it, discloses no cause of action, or is in respect of a matter not within the jurisdiction of the Court, or where the complainant fails to state his address, and the Registrar shall enter such refusal together with the grounds thereof in the Civil Cause Book.

(2) Any person aggrieved by a decision of the Court under this rule may appeal against such decision as if it were an order of the Court.

(3) The refusal to entertain a plaint under this rule shall not by reason only of such refusal preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

Causes of action may be joined.

3. A plaintiff may unite in the same suit several causes of action, but the Court, if it thinks that such causes of action or some of them cannot be conveniently tried together, may order separate trials.

Causes of action not to be split.

4. A plaintiff may not split or divide any cause of action for the purpose of bringing two or more actions in any Court.

Abandonment of part of claim.

5. (1) When the debt, damage or demand exceeds the amount in respect of which the Magistrate has jurisdiction, the plaintiff may abandon the excess and thereupon the Court shall have jurisdiction to hear and determine the action, so however, that the plaintiff shall not recover in the action an amount exceeding the amount of the jurisdiction of the Magistrate concerned.

(2) Where a Court has jurisdiction to hear and determine an action by virtue of this rule, the judgment of the Court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

Loss of plaint note.

6. In the event of any plaint note being lost or destroyed a duplicate thereof may be issued from time to time upon proof by affidavit to the satisfaction of the Court of the loss or destruction.

ORDER 3

SUMMONS AND PROCEDURE

Summons to issue.

1. After a plaint has been entered, the Magistrate or (if the Magistrate so directs) the Registrar shall issue a summons in the prescribed form directed to the defendant requiring him to appear at a certain time, being not less than seven days from the date of service of such summons, and at a certain place, before the Court to answer to the plaint.

Service not effected within one year.

2. In case a summons issued for the commencement of a cause or matter is not served within a year from the date thereof, the same shall become void ; but the Court may, at any time before the expiration of the current period, from time to time renew the same for a further period not exceeding six months at any one time.

Address for service.

3. Where a plaintiff taking out a summons, either alone or jointly with any other person, is ordinarily resident out of the particular jurisdiction of the Court, or only temporarily therein, he shall inform the Court of an address within the district of the Court where notices and other papers issuing from the Court may be served upon him.

4. No misnomer or inaccurate description of any person or place in any plaint or summons shall vitiate the same, if the person or place is therein described so as to be commonly known :

Effect of misnomer in plaint or summons.

Provided that if any such misnomer or inaccurate description appears to the Court at the hearing to be such that the defendant has thereby been deceived or misled, the Court may make any necessary amendments, and, if it is expedient to do so, adjourn the further hearing of the case, upon such terms as it may think fit.

ORDER 4

SERVICE OF PROCESS

1. All summonses or other process of whatever description shall be sufficiently addressed for execution by being directed—

Manner of addressing process for execution.

- (a) to the sheriff ; or
- (b) to a person by name ; or
- (c) to any police officer ; or
- (d) to officers of the High Court or Magistrates' Courts ; or
- (e) to a Native Authority or to a Local Government Council ; or
- (f) to a customary court.

2. The Court may in any case, for reasons which shall seem to it sufficient, direct any summons to be served or process to be executed by a special bailiff, who for the time being shall have the privileges and liabilities of an officer of court. The expenses of such special bailiff shall be defrayed by the party on whose application he is appointed, unless the Court in any case sees reason to order otherwise.

Special bailiff.

3. (1) Subject to the provisions of the Magistrates' Courts Law and of any other written law, service of a summons shall be effected by delivering the summons together with a copy of the plaint annexed thereto—

Normal mode of service.

- (a) if on an individual to him personally ;
- (b) if on a firm or corporation to one of the partners, or to a director, or to the secretary, or to the chief agent within the jurisdiction or by leaving the same at the principal place of business of the firm or corporation, or to anyone having, at the time of service, control of the business of the firm or corporation.
- (c) if on a prisoner in a prison, or on a lunatic in an asylum, to the superintendent or person appearing to be the head officer in charge of such prison or asylum.

(2) Where service has been effected by leaving a summons to be served at an address given by the plaintiff and the Court is doubtful that the defendant has actual knowledge of such summons the Court may require the plaintiff to satisfy it that the summons has in fact come to the knowledge of the defendant.

Plaint disclosing no cause of action.

2. (1) The Court shall refuse to entertain a plaint where such plaint, on the face of it, discloses no cause of action, or is in respect of a matter not within the jurisdiction of the Court, or where the complainant fails to state his address, and the Registrar shall enter such refusal together with the grounds thereof in the Civil Cause Book.

(2) Any person aggrieved by a decision of the Court under this rule may appeal against such decision as if it were an order of the Court.

(3) The refusal to entertain a plaint under this rule shall not by reason only of such refusal preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

Causes of action may be joined.

3. A plaintiff may unite in the same suit several causes of action, but the Court, if it thinks that such causes of action or some of them cannot be conveniently tried together, may order separate trials.

Causes of action not to be split.

4. A plaintiff may not split or divide any cause of action for the purpose of bringing two or more actions in any Court.

Abandonment of part of claim.

5. (1) When the debt, damage or demand exceeds the amount in respect of which the Magistrate has jurisdiction, the plaintiff may abandon the excess and thereupon the Court shall have jurisdiction to hear and determine the action, so however, that the plaintiff shall not recover in the action an amount exceeding the amount of the jurisdiction of the Magistrate concerned.

(2) Where a Court has jurisdiction to hear and determine an action by virtue of this rule, the judgment of the Court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

Loss of plaint note.

6. In the event of any plaint note being lost or destroyed a duplicate thereof may be issued from time to time upon proof by affidavit to the satisfaction of the Court of the loss or destruction.

ORDER 3

SUMMONS AND PROCEDURE

Summons to issue.

1. After a plaint has been entered, the Magistrate or (if the Magistrate so directs) the Registrar shall issue a summons in the prescribed form directed to the defendant requiring him to appear at a certain time, being not less than seven days from the date of service of such summons, and at a certain place, before the Court to answer to the plaint.

Service not effected within one year.

2. In case a summons issued for the commencement of a cause or matter is not served within a year from the date thereof, the same shall become void ; but the Court may, at any time before the expiration of the current period, from time to time renew the same for a further period not exceeding six months at any one time.

Address for service.

3. Where a plaintiff taking out a summons, either alone or jointly with any other person, is ordinarily resident out of the particular jurisdiction of the Court, or only temporarily therein, he shall inform the Court of an address within the district of the Court where notices and other papers issuing from the Court may be served upon him.

4. No misnomer or inaccurate description of any person or place in any plaint or summons shall vitiate the same, if the person or place is therein described so as to be commonly known :

Effect of misnomer in plaint or summons.

Provided that if any such misnomer or inaccurate description appears to the Court at the hearing to be such that the defendant has thereby been deceived or misled, the Court may make any necessary amendments, and, if it is expedient to do so, adjourn the further hearing of the case, upon such terms as it may think fit.

ORDER 4

SERVICE OF PROCESS

1. All summonses or other process of whatever description shall be sufficiently addressed for execution by being directed—

Manner of addressing process for execution.

(a) to the sheriff ; or

(b) to a person by name ; or

(c) to any police officer ; or

(d) to officers of the High Court or Magistrates' Courts ; or

(e) to a Native Authority or to a Local Government Council ; or

(f) to a customary court.

2. The Court may in any case, for reasons which shall seem to it sufficient, direct any summons to be served or process to be executed by a special bailiff, who for the time being shall have the privileges and liabilities of an officer of court. The expenses of such special bailiff shall be defrayed by the party on whose application he is appointed, unless the Court in any case sees reason to order otherwise.

Special bailiff.

3. (1) Subject to the provisions of the Magistrates' Courts Law and of any other written law, service of a summons shall be effected by delivering the summons together with a copy of the plaint annexed thereto—

Normal mode of service.

(a) if on an individual to him personally ;

(b) if on a firm or corporation to one of the partners, or to a director, or to the secretary, or to the chief agent within the jurisdiction or by leaving the same at the principal place of business of the firm or corporation, or to anyone having, at the time of service, control of the business of the firm or corporation.

(c) if on a prisoner in a prison, or on a lunatic in an asylum, to the superintendent or person appearing to be the head officer in charge of such prison or asylum.

(2) Where service has been effected by leaving a summons to be served at an address given by the plaintiff and the Court is doubtful that the defendant has actual knowledge of such summons the Court may require the plaintiff to satisfy it that the summons has in fact come to the knowledge of the defendant.

(3) The provisions of this rule shall, with the necessary modifications as to the document, apply to any process of whatever description.

Substituted
service.

4. Where it appears to the Court, either with or without an attempt at service in accordance with the provisions of rule 3, of this Order, that for any reason such service in respect of any process whatsoever cannot conveniently be effected, the Court, after being satisfied by affidavit that it is necessary so to do, may order that service be effected—

(a) by delivering thereof of some person being an agent to the person to be served, or to some other person on it being proved that there is reasonable probability that the document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served ; or

(b) by advertisement in the Gazette or in some newspaper circulating within the jurisdiction; or

(c) by notice put up at the Court-house or some other place of public resort of the district wherein the proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or of business, of the person to be served ; or

(d) by affixing the document to the usual or last known place of abode or business of the person to be served ; or

(e) in such other manner as the Court may direct ; and upon compliance with such order such service shall be deemed to be good and sufficient service of the said document upon the person to be served.

Service out
of the
jurisdiction.

5. (1) No summons for service on a defendant out of the district of the Court issuing the summons shall issue without the leave of that Court.

(2) Every application for such leave to issue may be made either in open court or in chambers and where an application is granted an entry to that effect shall be made by the Registrar in the Civil Cause Book.

(3) Every application shall be supported by affidavit or other evidence showing :—

(a) that the plaintiff has *prima facie* a good cause of action ;

(b) in what place the defendant is or may probably be found ;

(c) the grounds on which the application is made ;

(d) that the proceedings have been commenced in the nearest Court within the district in which the defendant or one of the defendants resided or carried on his business at the time of commencing the action ; or the cause of action or claim arose wholly or in part ; or the land, person or thing that is the subject-matter of the proceedings is.

(4) In dealing with any such application the Court shall consider whether it has jurisdiction in respect of the case and shall also consider whether it will be proper to report the case to a Judge for transfer by him, and, if it thinks fit, adjourn the application pending the decision of the Judge.

(5) Leave shall not be granted unless it appears to the Court that the case is a proper one for service out of the district of the Court issuing the summons.

(6) Where leave is granted the time and place for the defendant's appearance shall be appointed for insertion in the summons to issue, such time, to depend upon the place where the summons is to be served.

6. (1) When an application for service out of the district of the Court issuing the summons has been granted the Court granting such application shall cause a copy of the plaint and the summons and a copy thereof directed to the defendant to be sent for service to a Court within the district in which service is to be effected.

Mode of
service out
of the
jurisdiction.

(2) When any order as to any particular form of service has been made a copy of such order shall be sent with the summons.

(3) The Court effecting service shall after having effected service endorse the summons for service and return the copy to the issuing Court duly endorsed in accordance with the provisions of rule 9 of this Order and countersigned by the Magistrate.

7. An order for service may be varied from time to time with respect to the mode of service directed by the order.

Varying
order.

8. A book shall be kept at every Court for recording service of process, in such form as may be prescribed, in which shall be entered by the officer serving the process, or by the Registrar, the names of the plaintiff or complainant and defendant, the particular Court issuing the process, the method, whether personal or otherwise, of the service, and the manner in which the person serving ascertained that he served the process on the right person, and where any process shall not have been duly served, then the cause of failure shall be stated; and every entry in such book or an office copy of any entry shall be *prima facie* evidence of the several matters therein stated.

Record and
evidence of
service.

9. Where any summons or other process issued from a Court is served by the sheriff or such other person as is appointed by the Court, the service may be proved by endorsement on a copy of the summons or process or by affidavit, in either case under the hand of the sheriff or such other person showing the fact and the mode of service.

Proof of
service.

ORDER 5

PARTIES

1. (1) All persons may join as plaintiffs in whom the right to any relief claimed is alleged to exist whether jointly, severally or in the alternative.

Joinder of
plaintiffs.

(2) Where a person file jointly with other persons a ground for instituting a suit, all those other persons ought ordinarily to be made parties to the suit.

2. (1) All persons may be joined as defendants against whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative.

Joinder of
defendants.

(2) Where judgment is given against two or more defendants jointly and severally they shall be entitled to contribution among themselves and any defendant who satisfies the judgment may apply to the Court by motion on notice for an order of contribution against any other or others of the defendants.

(3) The provisions of this rule shall not affect the rights and liabilities between joint tortfeasors.

- Procedure when persons jointly liable. 3. Where a plaintiff has a demand recoverable against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the Court.
- Partners. 4. Any person claiming or being liable as partners may sue or be sued in the name of their respective firms and any party to a suit may in such case apply to the Court for a statement of the names of the persons who are partners in any such firm, and the Court may order such names to be given.
- Representative proceedings. 5. (1) Where more persons than one have the same interest in one suit, one or more of such persons may, with the approval of the Court, be authorised by the other persons interested to sue or to defend in such suit, for the benefit of or on behalf of all parties so interested.
(2) If the plaintiff sues, or any defendant is sued in any representative capacity, it shall be expressed in the summons.
- Misjoinder and non-joinder. 6. The Court may at any stage strike out the names of any parties improperly or unnecessarily joined, and may, after due notice given to the parties affected, add the names of parties whose presence is essential to a just decision of the matter in dispute, and on proof of such notice the parties so served, whether they shall have appeared or not, shall be bound by the proceedings in the action.
- Suits by infants and persons of unsound mind. 7. An infant may sue by his next friend and may defend by his guardian *ad litem*; a lunatic so found may sue and defend by his committee, or if not so found, may sue by his next friend and defend by his guardian *ad litem* on such terms as to liability for costs as the Court shall deem just.
- Court may appoint guardians *ad litem*. 8. (1) Where on default having been made by a defendant in answering or otherwise defending the suit after service of the summons, it appears to the Court that he is an infant or a person of weak or unsound mind so that he is unable of himself to defend the suit, the Court may, if it thinks fit, on the application of the plaintiff or of its own motion, appoint by order some fit person to be guardian of the defendant for the purposes of the suit.
(2) Before such an order is made the Court shall cause such notice as it thinks reasonable to be served on, or left at the dwelling-house of the person with whom, or under whose care, the defendant is, and also, unless the Court sees good reason to the contrary, in the case of an infant not residing with or under the care of his guardian to be served on or left at the dwelling-house of his guardian.
- Action by infant for wages. 9. Notwithstanding the provisions of this Order any person under the age of twenty-one years may bring an action in the Court for any sum of money which may be due to him for wages or piece work or for work as a servant, in the same manner and in all respects as if he were of full age.
- Alteration of parties. 10. (1) Where after action brought any change or transmission of interest or liability occurs in relation to any party to the suit, or any party to the suit dies or (being a woman) marries, or the suit in any other way becomes defective or incapable of being carried on, any person interested may apply to the Court for any order requisite for curing the defect, or enabling or compelling the proper parties to carry on the proceedings.
(2) Any person served with such an order may, within such time not exceeding fourteen days as the Court in the order or otherwise directs, apply to the Court to discharge the order.

ORDER 6

CONFESSING AND ENTERING UP JUDGMENT

1. Any person against whom a plaint has been entered may, after the summons has been served upon him, file a written statement signed by himself admitting in whole or in part the claim in respect of which such plaint has been entered ; and it shall be the duty of the Registrar of the Court in which the plaint was entered forthwith to send notice thereof to the plaintiff by post, or by causing the same to be delivered at the address furnished in the plaint or at his usual place of abode or business, and thereupon it shall not be necessary for the said plaintiff to prove the claim admitted as aforesaid ; but the Court, at the next sitting thereof, whether the parties or either of them attend such Court or not, shall, if satisfied of the signature of the party filing such statement, enter up judgment for the claim so admitted.

Confession of debts or parts of debts and judgment thereon.

2. If the person against whom a plaint has been entered agrees with the person on whose behalf such plaint has been entered upon the amount of the claim in respect of which such plaint has been entered, and upon the terms and conditions upon which the same shall be paid and satisfied, such persons respectively may, in the presence of the Registrar of the Court in which such plaint has been entered, sign a statement of the amount of the claim so agreed upon between such persons respectively, and of the terms and conditions upon which the same shall be paid or satisfied, and such Registrar shall receive such statement, and the Court shall at its next sitting enter up judgment for the plaintiff for the amount of the claim so agreed on, and upon the terms and conditions mentioned in such statement ; and such judgment shall to all intents and purposes be the same and have the same effect, and shall be enforced and enforceable in the same manner as if it had been a judgment of the Magistrate of the said Court.

Agreement as to amount of debt and conditions of payment.

ORDER 7

APPLICATIONS AND DIRECTIONS IN THE COURSE OF PROCEEDINGS

1. Interlocutory applications may be made orally to the Magistrate in whose Court a cause or matter is pending :

Interlocutory applications.

Provided that the Magistrate shall have power—

- (a) to direct the application to be reduced to writing ;
- (b) to direct notice thereof to be given to any person affected thereby ;
- (c) to direct in what manner evidence relating to the application shall be given by the applicant or any person affected thereby.

2. Where an application is not summarily disposed of, the Magistrate or Registrar shall appoint a day for the hearing thereof, and where notice of the application is to be given to another person such notice shall specify the date on which the application will be heard and the manner in which evidence relating thereto shall be given by the applicant or any person affected thereby.

Notice of application.

3. (1) In all cases in which it may appear necessary the Court may appoint a receiver or manager of any property in dispute in a suit, and, if need be commit the same to his possession or custody and grant him power to manage or preserve and improve the same and to collect the rents and profits thereof and to apply or dispose of them as may seem fit, and may grant him power to sell perishable goods.

Appointment of receiver of property in dispute.

(2) The Court may authorise any person to enter upon or into any land or building in the possession of any party for the purposes of any appointment or order made as aforesaid.

Injunctions, etc., may be granted on terms.

4. (1) In making an injunction or order under paragraph (d) (1) of section 18 of the Magistrates' Courts Law, the Court may grant the same on such terms as to its duration, the keeping of an account, the giving of security or otherwise, as may seem just.

(2) Where application is made for an interlocutory injunction or order as aforesaid, the Court may direct notice thereof to be given to any person affected thereby.

(3) Any such interlocutory injunction or order made *ex parte* shall be for a limited time only, to be therein stated, and be served on the person affected thereby, but the Court may extend the time if service has not been possible within such time.

Variation of interlocutory injunctions, etc.

5. Where an interlocutory injunction or order is made *ex parte* the same may be discharged or varied by Court at any time on application made by any person aggrieved thereby after notice given to the party who obtained the injunction or order.

ORDER 8

PAYMENT INTO COURT

Payment into Court.

1. (1) The defendant may, at any time before the hearing, pay into Court an amount in full satisfaction of the plaintiff's claim or of part thereof, together with costs incurred up to the time of such payment in.

(2) The Registrar shall cause notice of such payment in to be served upon the plaintiff in the prescribed form.

Admission of liability.

2. Payment into Court, whether made in satisfaction of the plaintiff's claim generally or of some part thereof, shall operate, unless the defendant in his defence denies liability, as an admission of liability to the extent of the amount paid in, and no more, and for no other purpose.

Procedure.

3. (1) The plaintiff may accept any sum paid into Court in full satisfaction and discharge of the claim in respect of which it was paid in, and may apply by motion for payment of the money out of Court to him, whereupon the Court shall make such order as to stay of further proceedings and as to costs and other matters as may be just.

(2) If the plaintiff does not so apply, and, having proceeded with claim, recovers an amount not more than that paid into Court—

(a) the judgment shall be satisfied out of the amount paid into Court, and the balance repaid to the defendant ;

(b) the Court may in its discretion award to the defendant costs incurred after payment in, together with a sum not exceeding £5 by way of compensation, and may make an order against the plaintiff to this effect in like manner as if judgment had been given against him.

ORDER 9

PROCEDURE AT HEARING

I.—General

Sitting of court.

1. The sittings of the Court for the hearing of causes shall ordinarily be public ; but the Court may, for special reasons, hear any particular cause or matter in the presence only of the parties, the legal practitioners representing them, if any, and the officers of the Court.

2. Either of the parties to any cause or matter may obtain from the Registrar summonses to witnesses, with or without a clause requiring the production of the books, deeds, papers and writings in the possession or control of the person summoned as a witness and such summons shall be served in accordance with the provisions of Order 4.

Summonses to witnesses.

3. Immediately prior to the hearing of any cause or matter in which witnesses are to be examined the Magistrate shall direct that all witnesses shall leave the Court : provided that the Magistrate may in his discretion permit professional and technical witnesses to remain in Court ; and provided further that failure to comply with the provisions of this rule shall not invalidate the proceedings.

Witnesses in general to be out of hearing.

4. (1) If on the day of hearing both parties appear the plaint shall be read to the defendant, and the Magistrate shall require him to make his answer or defence thereto, and, on such defence or answer being made, the Magistrate shall immediately record the same and shall, except where the Court considers it necessary to order otherwise, proceed in summary way to hear and determine the cause, without further pleading or formal joinder of issue.

Procedure when both parties appear.

(2) The Court may, if it considers it necessary, order the parties to state more fully their respective cases and may thereupon frame issues before hearing and determining the cause ; and in cases in which, owing to their difficult or complicated nature or the important points of law involved, pleadings are required, the Court shall adjourn the matter and report to the Chief Justice with a view to the cause being transferred to the High Court.

5. Subject to the power of amendment conferred by these rules, no evidence of any claim shall be given by the plaintiff on the trial or hearing, except of such claim as shall be stated in the summons or other proceeding under the Magistrates' Courts Law or these rules directed to be issued or taken.

No evidence to be given of any claim which is not in summons.

6. (1) If, on the day of hearing or at any continuation or adjournment of the Court or cause, the plaintiff shall not appear or sufficiently excuse his absence, the cause shall, unless the Court sees good reason to the contrary, be struck out except as to any counter-claim by the defendant ; and if the plaintiff appears but does not make proof of his claim to the satisfaction of the Court, the Magistrate may non-suit him or give judgment for the defendant ; and in either case, where the defendant appears and does not admit the claim, the Magistrate may award the defendant, in addition to costs, such further sum, not exceeding five pounds, by way of compensation for his trouble and attendance, as the Magistrate in his discretion may think just. Such sum shall be recoverable from the plaintiff in like manner as any debt or damage ordered to be paid by the Court can be recovered ; and no action shall be brought by the plaintiff in respect of the same cause of action until such sum and costs have been paid.

Procedure when plaintiff fails to appear or to prove his case.

(2) If the plaintiff does not appear when called upon, but the defendant appears and admits the cause of action to the full amount claimed, the Magistrate may, if he thinks fit, proceed to give judgment, with or without costs, as if the plaintiff had appeared.

7. Where the defendant to a cause which has been struck out under rule 6 of this Order has a counter-claim, the Court may, on due proof of service on the plaintiff of notice thereof proceed to hear the counter-claim and give

Counter-claim where plaintiff does not appear.

judgment on the evidence adduced by the defendant, or may postpone the hearing of the counter-claim and direct notice of such postponement to be given to the plaintiff.

Costs of defendant where plaintiff does not appear.

8. In every case where the plaintiff shall not appear on the day of hearing, or at any continuation or adjournment of the Court or cause, and the defendant shall appear, the Court may award the defendant such sum as the Court shall think just such sum to include an amount by way of costs and may include a further amount not exceeding five pounds by way of compensation for the defendant's trouble and attendance, and the sum so awarded shall be recoverable from the plaintiff in like manner as any debt or damage ordered to be paid by the Court can be recovered.

Procedure when defendant fails to appear.

9. (1) If on the day of hearing or at any continuation or adjournment of the Court or cause the plaintiff appears and the defendant does not appear or sufficiently excuse his absence or neglects to answer when called in court the Magistrate may, on due proof of service of the summons, and upon his being satisfied that the time between the date of service and the date of hearing was sufficient for the defendant to have appeared had he wished so to do, proceed to the hearing and determination of the cause on the part of the plaintiff only, and the judgment thereon shall be as valid as if both parties had appeared.

(2) When the Magistrate is not so satisfied that the defendant has had such reasonable time the Magistrate shall adjourn the hearing to a convenient date, of which the defendant shall be notified.

(3) When the Magistrate has heard and determined any cause or matter in the absence of the defendant under the provisions of paragraph (1) of this rule and the defendant has filed a counter-claim, the counter-claim shall, unless the Court sees good reason to the contrary, be struck out.

Powers of amendment.

10. (1) A Magistrate may at all times before judgment amend all defects and errors in any proceeding in the Court, whether the defect or error is that of the party applying to amend or not, and upon due application being made, may make all such amendments as may be necessary for the purpose of determining the real question in issue between the parties.

(2) All such amendments may be made with or without costs and upon such terms as the Magistrate may think just.

II.—Recording of Proceedings

Magistrate to keep notes of evidence and minutes of proceedings.

11. (1) At the hearing of any proceedings the Magistrate shall take notes in writing—

- (a) of any question of law or equity raised at the hearing ; and
 - (b) of any legal submission made, together with any authorities quoted in support of the same ; and
 - (c) the purport of all relevant oral evidence given before the Court ; and
 - (d) of his decision thereon and of his determination of the proceedings ;
- in a book to be kept for that purpose, and such book shall be signed by the Magistrate at the conclusion of each day's proceedings.

(2) Where such a note has been taken, the Registrar shall, whether notice of appeal has been given or not, on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed, furnish him with a copy of the note, and shall certify the copy to be a true copy and the copy so certified shall be admitted as evidence of such proceedings and of the statements made by the witnesses.

(3) The Registrar shall enter into a book to be kept for this purpose in his office and called the Civil Cause Book, particulars of all proceedings heard and determined by the Magistrate. Such particulars shall include the number of the plaint, the date of filing the plaint, the name of the plaintiff, the name of the defendant, the substance of the plaint, the date of the judgment, a minute of the judgment, the name of the Magistrate adjudicating and the costs and such book shall be checked and signed by the Magistrate.

III.—Affidavits and Documentary Evidence

12. (1) The Magistrate may at any time order that—

(a) any particular fact or facts may be proved by affidavit ; or

(b) the affidavit of any witness may be read at the hearing on such conditions as the Magistrate thinks reasonable.

Power to
order proof
by affidavit.

(2) The provisions of section 77 of the Evidence Ordinance, Cap. 63, shall apply where an order has been made under this rule.

13. All affidavits shall be made by some person who has knowledge of the facts stating—

(a) the deponent's residence and occupation ; and

(b) what facts are within his own knowledge and his means of knowledge ; and

(c) what facts are deposed to on information derived from other sources and what the sources are.

Contents of
affidavits.

14. Where a party desires to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party the following provisions shall apply :—

(a) he may serve on the opposite party a notice requiring the production of the deponent for cross-examination at the hearing ;

(b) if the party served with the notice does not produce the deponent at the hearing, he shall not be entitled to use the affidavit as evidence without the leave of the Court ;

(c) a witness summons may be issued on the application of the party served with the notice for the purpose of summoning the deponent to attend for cross-examination.

Cross-
examination
of deponent.

15. (1) At any time after a cause or matter is begun and before the trial, the Court may take the evidence of a witness who is about to leave the district, or who, from illness or old age or any other sufficient cause, is not likely to be able to be present at the trial.

(2) The note of the evidence shall be signed at the time by the Magistrate taking the same.

(3) The evidence so taken and recorded may not, except for special reasons to be recorded in the Magistrate's notes, be admitted as evidence at the trial unless it is shown that the party against whom it is offered had an opportunity of cross-examining the deponent.

Evidence of
witness
about to
leave
district.

16. Every document admitted in evidence shall be put in and read or taken as read by consent and shall be marked by the court, or registrar, with a distinguishing mark or letter, and a note of the date and character of all material documents admitted in evidence shall be made by the Court in the record of the case, and each document admitted shall be retained by the Court until the end of the proceedings, or in the case of an appeal until the

Documents
admitted in
evidence.

final determination of the cause or matter, when it shall be returned to the party who put it in, or from whose custody it came, unless the Court, for any reason, orders it to be detained in the custody of the Court.

Documents not admitted in evidence. 17. Where a document is produced and tendered in evidence, and rejected by the Court, the document shall be marked as having been so tendered and rejected.

ORDER 10

JUDGMENT

Giving of judgment. 1. On the conclusion of the hearing the Court shall either at the same or at a subsequent sitting deliver judgment in the cause and formal judgment shall be entered in the appropriate form, and shall, if so required by the plaintiff or defendant and on payment of the prescribed fee, cause to be delivered to the plaintiff or defendant, as the case may be, a certified copy of the judgment so delivered.

Notice of judgment. 2. (1) Where the Court reserves judgment the parties shall be served with notice to attend and hear judgment, unless the Court at the hearing has stated the day on which judgment will be delivered.

(2) All parties are deemed to have notice of the judgment if pronounced at the hearing.

(3) All parties served with notice to attend and hear judgment are deemed to have notice of the judgment when pronounced.

What orders may be made. 3. Subject to particular rules, the Court may in all causes and matters make any order which it considers necessary for doing justice, whether such order has been expressly asked for by the person entitled to the benefit of the order or not.

Payment and suspension of judgments and orders. 4. (1) When a judgment is given or an order is made by a Court under which a sum of money of any amount is payable whether by way of satisfaction of the claim or counter-claim in the proceedings or by way of costs or otherwise, the Court may, as it thinks fit, order the money to be paid either in one sum, whether forthwith or within such period as the court may fix, or by such instalments payable at such times as the Court may fix.

(2) If at any time it appears to the satisfaction of the Magistrate that any party to any proceedings is unable from any cause to pay any sum recovered against him, whether by way of satisfaction of the claim or counter-claim in the proceedings or by way of costs or otherwise, or any instalment thereof, the Magistrate may in his discretion suspend or stay any judgment or order given or made in the proceedings for such time and on such terms as the Magistrate thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Non-suit. 5. The Court shall have power to non-suit the plaintiff in every case in which satisfactory proof shall not be given entitling either the plaintiff or defendant to judgment.

Setting aside of judgment. 6. The Magistrate, at the same or any subsequent sitting of the Court, may set aside any judgment or order given or made against any party in the absence of such party, and the execution thereupon, and may grant a new trial or hearing upon such terms, if any, as he may think fit, on application and on sufficient cause shown to him for that purpose.

Re-listing of causes. 7. Any cause struck out may, by leave of the Court, be replaced on the cause list on such terms as to the Court may seem fit.

ORDER 11

Costs

1. Subject to the provisions of these rules and of any other written law, the costs of civil proceedings in the Court shall be in the discretion of the Court. Costs in direction of court.
2. Where the Court orders costs to be paid, or security to be given for costs by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding or connected therewith to be stayed until the costs are paid or security given accordingly but such order shall not supersede the use of any other lawful method of enforcing payment. Stay of proceedings.
3. The provisions of the Western Region High Court Law, 1954, and the rules made thereunder regulating the fees of solicitors, the taxation and recovery of such fees and disbursements and the payment out to them of money which has been paid into Court, shall, in so far as they are not incompatible with the provisions of this Order, apply *mutatis mutandis* to any solicitor engaged in a proceeding in a Magistrate's Court. Application of High Court rules as to solicitors.
4. (1) Any agreement made by a solicitor with his client for an inclusive fee for the conduct of a case shall, if the client is illiterate, be null and void unless it shall have been made in duplicate and the solicitor and his client shall have signed and made their mark, or sign or signature, respectively on both copies in one and the same transaction and in the presence of a witness, other than an employee or casual employee of the solicitor, who understood the language and script in which the agreement was written and explained its terms to the client and was present at the transaction of the signing and marking thereof and set his signature also to the agreement ; and unless one of the copies so signed shall also have been given to the client in the presence of the same witness and as part of the same single transaction of signing and marking them. Agreements between solicitors and illiterate persons.
- (2) The onus of proof that the requirements of this rule have been complied with shall be on the solicitor seeking to enforce any such agreement.
- (3) For the purpose of this rule the word "illiterate" shall include any person who may be able to read but may nevertheless not be able to understand the purport of such an agreement, and the onus of proof that a person is not illiterate in this sense shall be upon the solicitor.
5. When any solicitor has conducted a case under an agreement for an inclusive fee, or has conducted a case not under an inclusive charge but has presented his bill and the fee or bill has been paid in full and costs awarded to his client by the Court are subsequently paid to the solicitor, the solicitor shall refund to the client an amount equal to the costs received ; if the fee or bill has not been paid in full but the receipt of the costs awarded causes an excess, an amount equal to the excess shall be refunded to the client. When no excess is caused, the amount of costs received shall be deducted in computing the balance due from his client under the agreement or on the bill. Duty of solicitors in relation to costs.
6. In any suit brought by a solicitor to recover from his client any sum of money due under an inclusive agreement for conducting a proceeding in the Court, the Court may reduce the amount claimed if it thinks the same or any part thereof to be harsh and unreasonable but before doing so shall have regard to the degree of skill, labour and responsibility involved and to the nature of the practice of the solicitor. Suits by solicitors to recover fees.

Solicitors to be officers of the court.

7. Every solicitor while retained for a cause in a Magistrate's Court shall be an officer of the Court and when retained for a matter other than a proceeding in Court, which subsequently develops into a proceeding in Court, he shall be deemed to have been an officer of the Court from the date of his original retainer.

Security for costs.

8. (1) In all proceedings the Court may either of its own motion or on the application of any defendant, if it sees fit require any plaintiff to any suit, either at the commencement or at any time during the progress thereof, to give security for costs to the satisfaction of the Court, by deposit or otherwise, or to give further or better security and may likewise require a defendant to give security or further and better security, for the costs of any particular proceeding undertaken in his interest.

(2) A defendant shall not be ordered to furnish security for costs except in special circumstances to be recorded by the Magistrate.

ORDER 12

CUSTODY OF MONEY

Registrar to take charge of fees and other payments.

1. All fees payable in respect of civil proceedings under the Magistrate's Court Law, and all penalties, forfeitures and fines imposed thereunder or under any other written law, if not by such laws directed to be otherwise applied, shall be paid to the Registrar and accounted for by him to the Accountant-General of the Western Region.

Registrar to account to Accountant-General.

2. The Registrar of every Court from time to time, as often as he shall be required so to do by the Accountant-General of the Western Region, shall account in full to the said Accountant-General for all moneys which have been received by him under these rules and shall produce for examination all books and papers which the said Accountant-General shall consider necessary for the elucidation of such accounts and the proper checking thereof.

Audit.

3. All accounts kept by a Registrar shall be audited at such time and in such manner as the Director of Audit may direct.

Registrar to enter all moneys in cash book.

4. All moneys coming into the hands of the Registrar of every Court in the course of the business of the Court shall be entered into a book to be kept for that purpose, to be called the Cash Book, which shall record the number of the plaint in respect of which each sum is paid, together with the folio of such plaint in the Civil Cause Book. Every entry therein shall show whether the payment is made by plaintiff or defendant, and whether for fees on process into Court, award, or costs as the case may be.

Registrar to comply with financial instructions.

5. All moneys coming into the hands of the Registrar of every Court in the course of the business of the Court shall be retained, deposited and paid out in accordance with the provisions of the Government financial instructions or regulations for the time being in force.

ORDER 13

MISCELLANEOUS PROVISIONS

Filing.

1. No document shall be filed unless it bears the reference number of the proceedings and the names of the parties and unless the prescribed fee has been paid.

2. All forms used in civil proceedings in the Court shall be in the prescribed form as defined in rule 2 of Order 1. Forms.
3. The fees prescribed in Part I of the Schedule shall be payable by the party prosecuting a proceeding or asking for a service as therein provided in respect of the proceedings or services to which they relate and such fees may afterwards be recovered as costs of cause if so ordered. Fees of court.
4. Persons required to attend or be examined as witnesses may where the Court so orders be allowed expenses and compensation for loss of time at the rates set out in Part II of the schedule. Allowances to witnesses.
5. Actions or matters pending in the same Court may be consolidated by order of a Magistrate of his own motion or on the application of any party on notice whether or not such Magistrate be the Magistrate who finally adjudicates thereon : Consolidation of actions.
- Provided that actions or matters may not be consolidated if the effect of such consolidation is to bring the total of the consolidated actions or matters above the jurisdiction of the Magistrate adjudicating.
6. The Court may, as often as it thinks fit, and either before or after the expiration of the time appointed by any judgment, order or the rules, extend or adjourn the time for doing any act or taking any proceedings. Enlargement of time.
7. Where no other provision is made by any written law or by these rules the present practice and procedure shall remain in force : provided that no practice which is inconsistent with any of these rules shall apply in any Court. Saving.

SCHEDULE

PART I.—FEES PAYABLE IN THE MAGISTRATES' COURTS

Commencement of causes and matters

	Fees		
	£	s	d
1. For the recovery of a specified sum :			
(a) Not exceeding £5	0	7	6
(b) Exceeding £5 but not £10	0	15	0
(c) Exceeding £10 but not £25	1	0	0
(d) Exceeding £25 but not £50	1	10	0
(e) Exceeding £50 per £50 or part thereof	1	10	0
2. For possession of property, as between landlord and tenant : at the rates under item 1 reckoned on the annual rent or value.			
3. For the appointment of a guardian <i>ad litem</i>	0	7	6
4. For an injunction or order to stay waste or alienation or for the detention and preservation of any property the subject of a suit, or to restrain breach of contract or tort, if an ancillary claim in the suit : three-fifths of the fee payable on the primary claim but not exceeding £2.			
5. For any other relief or assistance not specially provided for	1	10	0

Notes on Items 1-5

(a) *Item 1.*—The sum claimed as debt or damages shall be specified.

(b) *Item 2.*—The annual rent or value to be specified shall be that which is payable under the lease granted to the tenant sued or the lease last granted to any person before the bringing of the action, whichever be the greater. If it is something other than money, whether wholly or in part, its nature and annual value shall be specified. If the annual rent or value was understated, the court may order the balance of the fee chargeable to be paid; and if it was understated knowingly or negligently, the court may also order a sum equal to such balance to be paid as penalty. In either case the court may direct that the proceedings shall not continue until the balance and penalty (if any) are paid.

(c) *General*—

(i) Where two or more claims are joined the highest fee under any relevant item shall be charged and in addition three-fifths of the fee under any other: provided however that no reduction shall be made in the fee chargeable under item 4.

(ii) A set-off or counter-claim shall be charged as if an action therefor were taken.

(iii) If before the hearing begins the claims are admitted or settled, the court may order two-fifths of the fees charged under items 1 to 5 be refunded.

(iv) Where a case is adjourned through a party's fault, such party may be ordered to pay three-fifths of the fees charged under items 1 to 5 before the case is set down again.

(v) Paragraph (iv) shall apply to the setting down of a case which was struck out or to the reopening of a case in which judgment was given by default.

Applications, Affidavits, Judgments, Orders, Security Bonds, Warrants and Writs

	£	s	d
6. On application for warrant to arrest an absconding defendant or for interim attachment of property	0	15	0
7. On filing any other application	0	5	0
8. On filing a security bond	0	12	6
9. On filing any other paper	0	2	0
10. On justification of sureties: for each surety	0	2	0
11. For the drawing up of any order or judgment	0	7	6
12. For the issue of a warrant to detain an absconding defendant	0	15	0

Miscellaneous Services

13. For a special interpreter of a language not in common use: per day or part thereof, as the court may order but not exceeding	1	15	0
14. For an inquiry by a court officer where so ordered: for each sitting	1	15	0
15. For an account taken by a court officer where so ordered: per £50 or part thereof found to have been received	0	10	0
16. For taking down a person's statement where so ordered: as the court may direct but not exceeding	1	5	0
17. For searching the archive: for each period of six months or part thereof	0	5	0
18. For drawing up a bill of costs where so directed per folio of 72 words	0	1	0
19. For taking costs where so ordered: per £5 or part thereof	0	6	0

	£	s	d
20. For preparing a copy where authorised : per folio of 72 words ...	0	1	0
21. For every subpoena	0	3	0
22. On warrant for prisoner to give evidence	0	5	0
23. For attesting the execution or signature of an instrument (other than an agreement under the Labour Ordinance or any instrument regarding payment of pension by the Imperial or a Colonial Government) not otherwise provided for	0	3	0
24. For swearing an affidavit or making a declaration (other than under section 20 of the Sales by Auction Ordinance or the Marriage Ordinance or one required by the regulations of a Government Department) per deponent	0	5	0
25. For marking any paper annexed to an affidavit or declaration ...	0	1	0
26. For sealing any document not in a proceeding	0	15	0
27. For certifying a copy as a true copy : per folio of 72 words or part thereof	0	0	6
28. For payment into Court (except when ordered by the court or proceeds of execution)—			
(a) Not exceeding £50 : per £10 or part thereof	0	2	0
(b) Exceeding £50 : per £50 or part thereof	1	5	0
29. On every petition to a magistrate or his registrar (not being an application otherwise provided for) unless waived by the magistrate... ..	0	3	0
30. For the service of any document or process :			
Initial fee (plus mileage)	0	2	0
(a) If within an English mile from the court	0	2	0
(b) If beyond one mile but not beyond five—			
(i) for the first mile	0	2	0
(ii) for every subsequent mile or part thereof (one way) ...	0	1	0
(c) If beyond five miles : per day or part thereof of the time needed for travelling	0	6	0

Notes.—Where an officer serves more than one document or writ on the same route one mileage rate only is to be charged, and apportioned upon the documents or writs.

Where the sheriff, deputy sheriff or a registrar executes any duty in person by direction of the court he is entitled, instead of mileage fees to his actual expenses and such travelling allowance as the court may allow.

When a service is rendered by a person who is not an officer of the court or in the service of the Government or of a native authority or native tribunal the court may direct that the fee paid for such service be paid out of revenue to the person who has rendered the service.

In addition to the above fees, the party on whose behalf such services are to be performed shall be liable to pay such expenses of transport as the court may think reasonable.

For the performing of any other duty not herein expressly provided for the officer may receive such fee as the court may allow.

PART II.—ALLOWANCES TO WITNESSES

Professional men, mercantile agents, bank managers, surveyors, and any officer of the public service whose salary is not less than £600 a year		1	10	0
Merchants, captains of ships, mercantile assistants and officers in the public service whose salary is £300 but less than £600 ... from		0	15	0
	to	1	10	0
Auctioneers, chiefs, master tradesmen pilots, clerks and the like from		0	0	6
	to	0	15	0
Officers in the public service whose salary is less than £200 ... from		0	2	6
	to	0	10	0
Artisans, journeymen and the like		0	5	0
Servants, labourers, canoe men and the like		0	2	6
Women, if not included in the above categories from	from	0	2	6
	to	1	10	0

Note.—The travelling expenses of witnesses shall be allowed according to the sums reasonably and actually paid.

No allowance, other than those authorised by General Orders, is made to an officer of the public service who is summoned as a witness by the Crown or by any department of the Government. In all other cases he is allowed costs and travelling expenses as if he were not in the public service.

Fees, costs and expenses payable to an officer in the public service shall be paid into revenue unless otherwise ordered.

The court shall have the authority to disallow in proper cases the payment of any of the allowances to witness aforesaid.

MADE this 4th day of April, 1958.

A. ADE. ADEMOLA,
Chief Justice

APPROVED by the Governor in Council at Ibadan this 9th day of June, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

LIST OF ORDERS

1. Title and Interpretation.
2. Form and Commencement of Action.
3. Service of Process.
4. Service out of the Jurisdiction.
5. Service in the Western Region for Foreign Tribunals.
6. Place of Instituting and of Trial of Suits.
7. Parties.
8. Alteration of Parties.
9. Joinder of Causes of Action.
10. Interlocutory Applications.
11. Applications in Chambers.
12. Settlement of Issues.
13. Pleadings.
14. Amendment.
15. Computation of Time.
16. Admissions.
17. Discovery and Inspection.
18. Payment into Court.
19. Interlocutory Orders as to Injunctions or Interim Preservation of Property.
20. Equitable Relief, Counter-claim and Set-off.
21. Interpleader
22. Proceedings in Lieu of Demurrer
23. Arrest of Absconding Defendant.
24. Proceedings in *Forma Pauperis*.
25. Court Sittings and Vacations.
26. Trial.
27. Evidence.
28. Discontinuance and Non-suit.
29. Judgment.
30. Costs between Party and Party.
31. Solicitors and the Preparation of Legal Documents.
32. Recovery of Costs by Solicitors.
33. Probate and Administration.
34. Proceedings under the Legitimacy Ordinance.
35. Miscellaneous Provisions.

W.R.L.N. 293 of 1958

The Western Region High Court Law, 1954
(No. 3 of 1955)

THE HIGH COURT (CIVIL PROCEDURE) RULES, 1958

DATE OF COMMENCEMENT : [BY NOTICE]

In exercise of the powers conferred on the Chief Justice by sub-section (1) of section 55 of the Western Region High Court Law, 1954, the following Rules are hereby made :—

ORDER 1

TITLE AND INTERPRETATION

1. These Rules may be cited as the High Court (Civil Procedure) Rules, 1958, and shall come into force on such date as the Chief Justice may by notice in the Gazette appoint. Title and commencement.

2. In the construction of these Rules, unless there is something in the subject-matter or context repugnant thereto, the several words and expressions hereinafter mentioned or referred to shall have the following meanings :— Definitions.

“action” means a civil proceeding commenced by writ or in such other manner as may be prescribed by Rules of Court, but does not include a criminal proceeding ;

“cause” includes any action, suit or other original proceeding between plaintiff and defendant.

“judicial division” means any judicial division of the Court provided for by direction of the Chief Justice under section 35 of the High Court Law ;

“matter” includes every proceeding in Court not a cause ;

“party” includes every person served with notice of or attending any proceeding, although not named on the record ;

“probate actions” include actions and other matters relating to the grant or recall of probate or of letters of administration other than common form business ;

“the court” means the High Court of Justice of the Western Region of Nigeria and includes the Chief Justice and Judges thereof sitting together or separately ;

“the High Court Law” means the Western Region High Court Law, 1954 ;

“the prescribed form” means and includes any form now in use in the Court, with such modifications and adaptations as the circumstances may require, and any form which may hereinafter be provided by rules of Court ;

“the Registrar” means the Registrar of the Court in the appropriate Judicial Division, as the circumstances may require, and includes any person authorised to act in that capacity.

ORDER 2

FORM AND COMMENCEMENT OF ACTION

- Every action to be commenced by writ. 1. Every action shall be commenced by writ of summons, which shall show the cause of action and be indorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action.
- Indorsement to show representative capacity. 2. If the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, the indorsement shall show in what capacity the plaintiff or defendant sues or is sued.
- Probate action. 3. In probate actions the indorsement shall show whether the plaintiff claims as creditor, administrator, legatee, next-of-kin, heir-at-law, successor under native law, devisee, or in any and what other character.
- Account. 4. In all cases in which the plaintiff desires, in the first instance, to have an account taken, the writ of summons shall be indorsed with a claim that such account be taken.
- Libel. 5. In actions for libel the indorsement on the writ shall state sufficient particulars to identify the publications in respect of which the action is brought.
- Indorsement of address. 6. The solicitor of a plaintiff suing by a solicitor shall indorse upon the writ of summons the address of the plaintiff and also his own name or firm and his own place of business within the jurisdiction which shall be an address for service where notices, pleadings, orders, summonses, warrants and other documents, proceedings and written communications, if not required to be served personally, may be left for him.
- Plaintiff suing in person. 7. (1) A plaintiff suing in person shall indorse upon the writ of summons his place of residence and his occupation.
(2) If his place of residence is within the jurisdiction it shall be an address for service, and, if his place of residence is not within the jurisdiction, or if he has no place of residence, the plaintiff shall indorse on the writ of summons a proper place within the jurisdiction, which shall be an address for service where notices, pleadings, orders, summonses, warrants and other documents, proceedings and written communications, if not required to be served personally, may be left for him.
- Form of writ of summons. 8. (1) A writ of summons shall be in the form provided in the First Schedule to these Rules and shall bear such duty stamp as may be prescribed by law.
(2) Blank forms shall be obtainable at every Registry and no other form may be used.
- Preparation of writs. 9. A writ of summons shall be prepared by the plaintiff or his solicitor: provided that where a plaintiff suing in person is illiterate and unable to prepare the writ himself, the writ may be prepared by the Registrar from the dictation of the plaintiff, and any duplicates required may also be made by the Registrar.
- Sealing of writs. 10. Every writ of summons issued out of the Registry shall be signed and sealed by the Registrar of the Court issuing the writ and shall thereupon be deemed to be issued.
- Date. 11. Every writ of summons shall bear the date of the day on which it is issued,

12. (1) The plaintiff or his solicitor shall, on presenting any writ of summons for sealing, leave with the Registrar an original copy of such writ and all indorsements thereon, and such copy, which shall bear such duty stamp as may be prescribed by law, shall be signed by or for the solicitor leaving the same or by the plaintiff himself if he sues in person. Procedure on sealing.

(2) The officer receiving such copy shall file the same, and an entry of the filing thereof shall be made in the Cause Book.

(3) The plaintiff or his solicitor shall also leave with the Registrar as many additional unstamped copies of the writ as there are defendants.

13. The issue of a writ of summons in probate actions shall be preceded by the filing of an affidavit made by the plaintiff or one of the plaintiffs in verification of the indorsement on the writ. Probate actions affidavit required.

14. No writ of summons shall be in force for more than twelve months from the day and date thereof, including the day of such date ; but if any defendant therein named shall not have been served therewith, the plaintiff may, before the expiration of the twelve months, apply to the Court or a Judge for leave to renew the writ ; and the Court or Judge, if satisfied that reasonable efforts have been made to serve such defendant, or for other good reason, may order that the writ of summons be renewed for six months from date of such renewal inclusive, and so from time to time during the currency of the renewed writ. Renewal of writ.

15. Where a writ, of which the production is necessary, has been lost, the Court or a Judge, upon being satisfied of the loss, and of the correctness of a copy thereof, may order that such copy be sealed and served in lieu of the original writ. Lost writ.

16. No writ of summons for service outside the jurisdiction shall be signed or sealed without the leave of the Court or a Judge. Leave to seal a writ ; when necessary.

ORDER 3

SERVICE OF PROCESS

1. Service of a petition, notice, summons, order, or other document of which service is required, shall be made by the sheriff or a deputy sheriff, or by an officer of the Court, or by a constable, or by a person appointed therefor, either specially or generally, by a Local Government Council, or a Customary Court ; unless in any case the Court otherwise directs. By whom effected.

2. (1) The Court may in any civil case, for reasons which shall seem to it sufficient, appoint any process to be executed by a special bailiff, who for the time being shall have the privileges and liabilities of an officer of Court. Special bailiff.

(2) The expense of such special bailiff shall be defrayed by the party on whose application he is appointed, unless the Court in any case sees reason to vary this rule.

3. Unless in any case the Court thinks it just and expedient otherwise to direct, service shall be personal ; that is to say, the document to be served shall be delivered to the person to be served himself : Personal service.

Provided that where a party is represented by a solicitor, service of any document may be effected on such solicitor unless the Court otherwise orders.

4. Service shall be completely effected by the delivery of a duplicate or attested copy of any document without the exhibition of any original. Original need not be shown.

- Substituted service. 5. Where it appears to the Court (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either :—
- (a) by delivery of the document to some adult inmate at the usual or last known place of abode or business of the person to be served ; or
 - (b) by delivery thereof to some person being an agent of the person to be served, or to some other person, upon it being proved that there is reasonable probability that the document will, through the agent or other person, come to the knowledge of the person to be served ; or
 - (c) by advertisement in the *Gazette*, or in some newspaper circulating within the jurisdiction, or
 - (d) by notice put up at the principal Court-house of, or some other place of public resort in, the Judicial Division wherein the proceeding in respect of which the service is made is instituted, or at the usual or last known place of abode or business of the person to be served ; or
 - (e) by prepaid registered letter addressed to the defendant at the address indicated in the affidavit filed by the plaintiff in support of his application for substituted service, whereat there is reasonable ground for believing that it will reach him.
- Varying order. 6. An order for service may be varied from time to time with respect to the mode of service directed by the order.
- Application to be supported by affidavit. 7. Every application to the Court or a Judge for an order for substituted or other service shall be supported by an affidavit setting forth the grounds upon which the application is made.
- Service on employee of Government, etc. 8. When a party to be served is in the service of any Department of Government or of a local Government Council the Court may transmit the document to be served to the senior officer of such Department or Council or Authority in the place where the party to be served works or resides, and such officer shall cause the same to be served on the proper party accordingly.
- Husband and wife. 9. When husband and wife are both defendants to the action they shall both be served unless the Court or a Judge otherwise orders.
- Infants. 10. When an infant is a defendant to an action, service on his father or guardian, or if none then upon the person with whom the infant resides or under whose care he is, shall, unless the Court or a Judge otherwise orders, be deemed good service on the infant :
- Provided that the Court or a Judge may order that service made or to be made on the infant shall be deemed good service.
- Prisoners and lunatics. 11. When the person on whom service is to be effected is a prisoner in a prison, or a lunatic in an asylum, service on the person appearing to be the head officer in charge of such prison or asylum shall, unless the Court or a Judge otherwise orders, be deemed good service on such prisoner or lunatic.
- Actions by and against firms within the jurisdiction. 12. Where persons are sued as partners in the name of their firm, the writ shall be served either upon any one or more of the partners or at the principal place, within the jurisdiction, of the business of the partnership upon any person having at the time of service the control or management of the partnership business there ; and, subject to these rules, such service shall be deemed good service upon the firm so sued, whether any of the members thereof are out of the jurisdiction or not, and no leave to issue a writ against them shall be necessary :

Provided that in the case of a partnership which has been dissolved to the knowledge of the plaintiff before the commencement of the action, the writ of summons shall be served upon every person within the jurisdiction sought to be made liable.

13. Subject to the provisions of any law regulating service on a company carrying on business in Nigeria or on any society or fellowship in Nigeria whether corporate or incorporate, service may be effected by sending the writ, or other document to be served, by prepaid registered post to the secretary or other corresponding officer at the head office in Nigeria of such company, society or fellowship, as the case may be, or by serving the writ or document on such secretary or corresponding officer personally at such head office as aforesaid.

Service on corporate bodies, etc.

For the purpose of this rule, "society or fellowship" includes any registered trade union or co-operative society.

14. When the person on whom service is to be effected is living or serving on board any ship, it shall be sufficient service to deliver the writ or other document to the person on board who is at the time of the service apparently in charge of the ship.

Service on board ship.

15. Service shall not be made on a Sunday or public holiday, unless the Court or a Judge otherwise directs by order indorsed on the document to be served.

Service on Sunday or public holiday.

16. Where the officer of Court or person charged with the service of any writ or document on any person is prevented by the violence or threats of such person, or any other person in concert with him, from personally serving the writ or document, it shall be sufficient to inform the person to be served of the nature of the writ or document as near such person as practicable.

Where violence threatened.

17. In all cases where service of any writ or document shall have been effected by a bailiff or other officer of Court a certificate of service signed by such bailiff or other officer shall upon production, without proof of signature, be *prima facie* evidence of service.

Certificate of service.

18. The costs of and incidental to the execution of any process in a suit shall be paid in the first place by the party requiring such execution, and the sheriff shall not (except by order of the Court) be bound to serve or execute any process unless the fees and reasonable expenses thereof have been previously paid or tendered to him.

Expenses of service.

19. A book shall be kept at every Court for recording service of process, in such form as the Chief Justice may direct, in which shall be entered by the officer serving the process, or by the Registrar, the names of the plaintiff or complainant and defendant, the particular Court issuing the process, the method, whether personal or otherwise, of the service, and the manner in which the person serving ascertained that he served the process on the right person, and where any process shall not have been duly served, then the cause of failure shall be stated; and every entry in such book or an office copy of any entry shall be *prima facie* evidence of the several matters there in stated.

Recording of service.

ORDER 4

SERVICE OUT OF THE JURISDICTION

- When service allowed outside jurisdiction.
1. Service out of the jurisdiction of a writ of summons or notice of a writ of summons may be allowed by the Court or a Judge whenever :—
- (a) the whole subject-matter of the action is land situate within the jurisdiction (with or without rent or profits), or the perpetuation of testimony relating to land within the jurisdiction ; or
 - (b) any act, deed, will, contract, obligation or liability affecting land situate within the jurisdiction is sought to be construed, rectified, set aside or enforced in the action ; or
 - (c) any relief is sought against any person domiciled or ordinarily resident within the jurisdiction ; or
 - (d) the action is one for the administration of the personal estate of any deceased person who at the time of his death was domiciled within the jurisdiction, or for the execution (as to property situate within the jurisdiction) of the trusts of any written instrument, of which the person to be served is trustee, which ought to be executed according to the law of Nigeria ; or
 - (e) the action is brought against a defendant to enforce, rescind, dissolve, annul or otherwise effect a contract or to recover damages or other relief for or in respect of the breach of a contract—
 - (i) made within the jurisdiction, or
 - (ii) made by or through an agent trading or residing within the jurisdiction on behalf of a principal trading or residing out of the jurisdiction, or
 - (iii) by its terms or by implication to be governed by the law of Nigeria, or is one brought in respect of a breach within the jurisdiction of a contract wherever made, even though such breach was preceded or accompanied by a breach out of the jurisdiction which rendered impossible the performance of the part of the contract which ought to have been performed within the jurisdiction ; or
 - (f) the action is founded on a tort committed within the jurisdiction ; or
 - (g) any injunction is sought as to anything to be done within the jurisdiction, or any nuisance within the jurisdiction is sought to be prevented or removed, whether damages are or are not also sought in respect thereof ; or
 - (h) any person out of the jurisdiction is a necessary or proper party to any action properly brought against some other person duly served within the jurisdiction.
- Court to have regard to comparative cost.
2. Where leave is asked from the Court or a Judge under rule 1 of this Order to serve a writ in the United Kingdom, if it shall appear to the Court or Judge that there may be a concurrent remedy in the United Kingdom, the Court or Judge shall have regard to the comparative cost of proceeding in Nigeria or in the place of residence of the defendant or person sought to be served.
- Probate actions.
3. In probate actions service of a writ of summons or notice of a writ of summons may by leave of the Court or of a Judge be allowed out of the jurisdiction.

4. Every application for leave to serve a writ or notice on a defendant out of the jurisdiction shall be supported by affidavit or other evidence stating that in the belief of the deponent the plaintiff has a good cause of action, and showing in what place or country such defendant is or properly may be found, and whether such defendant is a British subject or British protected person or not, and the grounds upon which the application is made ; and no such leave shall be granted unless it shall be made sufficiently to appear to the Court or Judge that the case is a proper one for service out of the jurisdiction under this Order. Application to be supported by affidavit.
5. Any order giving leave to serve a writ or notice out of the jurisdiction shall limit a time after such service within which the defendant shall give notice of his intention to defend, such time to depend on the place or country where or within which service is to be effected, and or whether airmail is available to such defendant ; and the Court may receive an affidavit or statutory declaration of such service having been effected as *prima facie* evidence thereof. Order to fix time for notice of intention to defend.
6. When the defendant is neither a British subject or British protected person nor in the British Dominions, notice of writ and not the writ itself shall be served upon him. Notice of writ.
7. (1) The rules of this Order shall apply *mutatis mutandis* to any other documents which may require to be served out of the jurisdiction in any civil cause or matter. Application of rules.
- (2) Nothing contained in this Order shall allow service out of the jurisdiction where it involves service in the Federation of Nigeria.

ORDER 5

SERVICE IN THE WESTERN REGION FOR FOREIGN TRIBUNALS

1. Where in any civil or commercial matter pending before a court or tribunal of a foreign country a letter of request from such court or tribunal for service on any person within the jurisdiction of any process or citation in such matter is transmitted to the Court by one of Her Majesty's Secretaries of State or the Governor, with an intimation that it is desirable that effect should be given to the same, the following procedure shall be adopted :— Request for service of foreign process.
- (a) the letter of request for service shall be accompanied by a translation thereof in the English language, and by two copies of the process or citation to be served, and two copies thereof in the English language ;
- (b) service of the process or citation shall be effected by an officer of the Court, unless in any case the Court thinks fit otherwise to direct ;
- (c) such service shall be effected by delivering to and leaving with the person to be served one copy of the process or citation to be served, and one copy of the translation thereof, in accordance with the rules and practice of the Court regulating service ;
- (d) after service has been effected the officer of Court or other person who has effected the same shall make an affidavit of service before a Magistrate to whom he shall also furnish particulars of charges for the cost of effecting such service. The Magistrate after verifying such affidavit under his seal of office shall transmit the particulars of charges and the affidavit with one copy of the process thereto annexed to the Chief Registrar ;

(e) the particulars of charges for the costs of effecting service shall be examined in his capacity as a taxing master of the Court by the Chief Registrar, who shall have power to direct the same to be verified in such manner as he may think necessary. The Chief Registrar shall certify the correctness of the charges or such other amount as shall be properly payable for the cost of effecting such service, and a copy of such charges and certificate shall be forwarded by the Chief Justice to the Governor ;

(f) the Chief Registrar shall send to the Chief Justice and the Chief Justice shall transmit to the Governor the letter of request for service received from the foreign country, together with the evidence of service, with a certificate appended thereto duly sealed with the seal of the Court.

Service for
foreign
tribunals.

2. Where in any civil or commercial matter pending before a court or tribunal in any foreign country with which a convention on that behalf has been or shall be made and applied to the Federation of Nigeria, a request for service of any document on a person in Nigeria is received by the Chief Justice from the consular or other authority of such country the following procedure shall subject to any special provisions contained in the convention be adopted :—

(a) the service shall be effected by the delivery of the original or a copy of the document, as indicated in the request, and the copy of the translation, to the party or person to be served in person by an officer of the Court ;

(b) no Court fees shall be charged in respect of the service. The particulars of charges of the officer employed to effect service shall be submitted to a taxing master of the Court who shall certify the amount properly payable in respect thereof ;

(c) the Chief Justice shall transmit to the consular or other authority making the request a certificate establishing the fact and the date of the service in person, or indicating the reasons for which it has not been possible to effect it, and at the same time shall notify to the said consular or other authority the amount of the charges certified under clause (b) hereof.

Substituted
service.

3. Upon the application of the Attorney-General with the consent of the Governor, the Court or a Judge may make all such orders for substituted service or otherwise as may be necessary to give effect to the preceding rules of this Order.

ORDER 6

PLACE OF INSTITUTING AND OF TRIALS OF SUITS

Place of
trial.

1. Subject to the provisions of the High Court Law respecting transfer, the place for the trial of any suit or matter shall be regulated in accordance with the following rules.

Suits relating
to land, and
personalty
distrained or
eized.

2. All suits relating to land, or any mortgage or charge thereon, or any other interest therein, or for any injuries thereto, and also all actions relating to personal property, distrained or seized for any cause, shall be commenced and determined in the Judicial Division in which the land is situated, or the distress or seizure took place.

Suits for
penalties.

3. All actions for recovery of penalties and forfeitures, and also all actions against public officers, shall be commenced and tried in the Judicial Division in which the cause of action arose.

4. All suits for the specific performance, or upon the breach of any contract, may be commenced and determined in the Judicial Division in which such contract ought to have been performed or in which the defendant resides. Suits upon contract.
5. All other suits may be commenced and determined in the Judicial Division in which the defendant resides or carries on business. If there are more defendants than one resident in different Judicial Divisions, the suit may be commenced in any one of such Judicial Divisions ; subject, however, to any order which the Court may, upon the application of any of the parties, or on its motion, think fit to make with a view to the most convenient arrangement for the trial of such suit. Other suits
6. In case any suit shall be commenced in any other Judicial Division than that in which it ought to have been commenced, the same may, notwithstanding, be tried in the Judicial Division in which it shall have been so commenced, unless the Court shall otherwise direct, or the defendant shall plead specially in objection to the jurisdiction before or at the time when he is required to state his answer or to plead in such cause. Suits commenced in wrong Judicial Division.
7. No proceedings which may have been taken previously to such plea in objection shall be in any way affected thereby ; but the Judge shall order that the cause be transferred to the Judicial Division to which it may be proved to his satisfaction to belong, or, failing such proof, that it be retained and proceed in the court in which it has been commenced, and such order shall not be subject to appeal. Transfer of proceedings.

ORDER 7

PARTIES

1. All persons may be joined in one action as plaintiffs, in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally or in the alternative, where if such persons brought separate actions any common question of law or fact would arise ; provided that, if upon the application of any defendant it shall appear that such joinder may embarrass or delay the trial of the action, the Court or a Judge may order separate trials, or make such other order as may be expedient, and judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who shall not be found entitled to relief unless the Court or a Judge in disposing of the costs shall otherwise direct. Persons claiming jointly, severally or in the alternative may be plaintiffs.
2. Where an action has been commenced in the name of the wrong person as plaintiff or where it is doubtful whether it has been commenced in the name of the right plaintiff, the Court or a Judge may, if satisfied that it has been so commenced through a *bona fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as may be just. Action in name of wrong plaintiff
3. Where in an action any person has been improperly or unnecessarily joined as a co-plaintiff, and a defendant has set up a counter-claim or set-off, he may obtain the benefit thereof by establishing his set-off or counter-claim as against the parties other than the co-plaintiff so joined, notwithstanding the misjoinder of such plaintiff or any proceeding consequent thereon. Counter-claim and misjoinder.

All persons may be joined as defendants.

4. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative ; and judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment.

Defendant need not be interested in all the relief claimed.

5. It shall not be necessary that every defendant shall be interested as to all the relief prayed for, or as to every cause of action included in any proceeding against him ; but the Court or a Judge may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he may have no interest.

Joinder of persons severally, or jointly and severally liable.

6. The plaintiff may at his option join as parties to the same action all or any of the persons severally, or jointly and severally liable on any one contract, including parties to bills of exchange and promissory notes.

Plaintiff in doubt as to persons from whom redress is to be sought.

7. Where the plaintiff is in doubt as to the persons from whom he is entitled to redress, he may, in such manner as hereinafter mentioned, or as may be prescribed by any special order, join two or more defendants, to the intent that the question as to which, if any, of the defendants is liable, and to what extent, may be determined as between all parties.

Representatives suing on behalf of estate.

8. Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the persons beneficially interested in the trust or estate, and shall be considered as representing such persons ; but the Court or a Judge may, at any stage of the proceedings, order any of such persons to be made parties, either in addition to or in lieu of the previously existing parties.

Numerous persons.

9. Where there are numerous persons having the same interest in one cause or matter, one or more of such persons may sue or be sued, or may be authorised by the Court or a Judge to defend in such cause or matter, on behalf or for the benefit of all persons so interested.

Misjoinder and non-joinder.

10. (1) No cause or matter shall be defeated by reason of the misjoinder or non-joinder of parties, and the parties may in every cause or matter deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

(2) The Court or a Judge may, at any stage of the proceedings, either upon or without the application of either party, and on such terms to the Court or a Judge may seem just, order that the names of any parties improperly joined, whether as plaintiffs or as defendants, be struck out and that the names of any parties, whether plaintiffs or defendants who ought to have been joined or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions.

Application to add or strike out.

11. Any application to add or strike out or substitute a plaintiff or defendant may be made to the Court or a Judge at any stage of the proceedings.

Where defendant added.

12. Where a defendant is added or substituted, the writ of summons shall be amended accordingly and the plaintiff shall, unless otherwise ordered by the Court or a Judge, file a copy of the writ as amended, and serve the new defendant with such amended writ or notice in lieu of service thereof in the same manner as original defendants are served, and the proceedings shall be continued as if the new defendant had originally been made a defendant.

13. Where on default made by a defendant in answering or otherwise defending the suit, after service of the writ, it appears to the Court that he is an infant, or a person of weak or unsound mind, so that he is unable of himself to defend the suit, the Court may, if it thinks fit, on the application of the plaintiff, or of its own motion appoint by order some fit person to be guardian *ad litem*.

Court may appoint guardians to infant defendants and persons of weak mind.

14. Infants or persons of weak or unsound mind may sue as plaintiffs by their next friend or committee, on such terms as to the liabilities for costs and otherwise of such next friend or committee as to the Court may seem just.

Suit by infants and persons of weak mind.

15. In every cause or matter pending before the Court, in case it shall appear to the satisfaction of the Court that any plaintiff or defendant who may not be represented by a solicitor is prevented by some good or sufficient cause from attending the Court in person, the Court may in its discretion permit any master, servant, clerk, or member of the family, of such plaintiff or defendant, who shall satisfy the Court that he has authority in that behalf, to appear for such plaintiff or defendant.

Court may permit party to appear by proxy.

ORDER 8

ALTERATION OF PARTIES

1. (1) A cause or matter shall not become abated by reason of the marriage, death or bankruptcy of any of the parties, if the cause of action survive or continue, and shall not become defective by the assignment, creation or devolution of any estate or title *pendente lite*.

Action not abated where cause of action continues.

(2) In case of an assignment, creation or devolution of any estate or title *pendente lite*, the cause or matter may be continued by or against the person to or upon whom such estate or title has come or devolved.

2. In case of the marriage, death or bankruptcy, or devolution of estate by operation of law, of any party to a cause or matter, the Court or a Judge may, if it be deemed necessary for the complete settlement of all the questions involved, order that the husband, personal representative, trustee or other successor in interest, if any, of such party be made a party, or be served with notice in such manner and form as hereinafter prescribed and on such terms as the Court or Judge may think just, and shall make such order for the disposal of the cause or matter as may be just.

Court may order successor to be made a party or served with notice.

3. Where by reason of marriage, death or bankruptcy or any other event occurring after the commencement of a cause or matter, and causing a change or transmission of interest or liability, or by reasons of any person interested coming into existence after the commencement of the cause or matter, it becomes necessary or desirable that any person not already a party should be made a party, or that any person already a party should be made a party in another capacity, an order that the proceedings shall be carried on between the continuing parties, and such new party or parties, may be obtained *ex parte* on application to the Court or a Judge, upon an allegation of such change, or transmission of interest or liability, or of any such persons interested having come into existence.

Order carry on proceedings.

4. An order obtained as in rule 3 of this Order shall, unless the Court or Judge shall otherwise direct, be served upon the continuing party or parties or their solicitors, and also upon each such new party, unless the person making the application be himself the only new party, and the order shall from the time of such service, subject nevertheless to the next two following rules, be binding on the persons served therewith.

Service of order to continue action.

Application to discharge order.

5. (1) Where any person who is under no disability or under no disability other than coverture, but having a guardian *ad litem* in the cause or matter, shall be served with such order as in rule 3 mentioned, such person may apply to the Court or a Judge to discharge or vary such order at any time within fourteen days from the service thereof.

(2) Where any person being under any disability other than coverture, and not having a guardian *ad litem* in the cause or matter, is served with any order as in rule 3 mentioned, such person may apply to the Court or a Judge to discharge or vary such order at any time within fourteen days from the appointment of a guardian *ad litem* for such party, and until such period of fourteen days shall have expired such order shall have no force and effect as against such last-mentioned person.

Death of sole plaintiff or defendant.

6. When the plaintiff or defendant in a cause or matter dies and the cause of action survives, but the person entitled to proceed fails to proceed, the defendant (or person against whom the cause or matter may be continued) may apply to the Court to compel the plaintiff (or the person entitled to proceed) to proceed within such time as may be ordered; and in default of such proceeding judgment may be entered for the defendant or, as the case may be, for the person against whom the cause or matter might have been continued.

Solicitor or plaintiff to give notice of abatement.

7. Where any cause or matter becomes abated or in the case of any such change of interest as is by this Order provided for, the solicitor for the plaintiff or person having the conduct of the cause or matter, as the case may be, shall certify the fact to the Registrar who shall cause an entry thereof to be made in the Cause Book opposite to the name of such cause or matter.

Abated cause to be struck out.

8. Where any cause or matter shall have been standing for one year in the Cause Book marked as "abated" or standing over generally, such cause or matter at the expiration of the year shall be struck out of the Cause Book.

Dispute as to legal representative.

9. If any dispute arises as to who is the legal representative or successor of a deceased plaintiff it shall be competent to the Court either to stay the action until the fact has been duly determined in another action, or to decide at or before the hearing of the action who shall be admitted to be such legal representative or successor for the purpose of prosecuting the action.

ORDER 9

JOINDER OF CAUSES OF ACTION

All causes of action may be joined.

1. Subject to these rules, the plaintiff may unite in the same action several causes of action; but if it appears to the Court or a Judge that any such causes of action cannot be conveniently tried or disposed of together, the Court or Judge may order separate trials of any of such causes of action to be had or may make such other order as may be necessary or expedient for the separate disposal thereof.

Recovery of land.

2. No cause of action shall unless by leave of the Court or a Judge be joined with an action for the recovery of land, except a claim for the declaration of title and claims in respect of mesne profits or arrears of rent or double value in respect of the premises claimed or any part thereof, and damages for breach of any contract under which the same or any part thereof is held, or for any wrong or injury to the premises claimed, and except also claims for payment of principal moneys or interest secured by or for any other relief in respect of a mortgage or charge of such land;

Provided that nothing in this Order contained shall prevent any plaintiff in an action for foreclosure or redemption from asking for and obtaining an order against the defendant for delivery of the possession of the mortgaged property to the plaintiff on or after the order absolute for foreclosure or redemption, as the case may be, and such an action for foreclosure or redemption and for such delivery of possession shall not be deemed an action for the recovery of land within the meaning of these rules :

Provided further that in case any mortgage security shall be foreclosed by reason of the default to redeem any plaintiff in a redemption action, the defendant in whose favour such foreclosure has taken place may apply to the Court or a Judge for an order for delivery to him of possession of the mortgaged property, and such order may be made thereupon as the justice of the case shall require.

3. Claims by a trustee in bankruptcy as such shall not, unless by leave of the Court or a Judge, be joined with any claim by him in any other capacity. Claims by trustee.

4. Subject to these rules, claims by or against husband and wife may be joined with claims by or against either of them separately. Husband and wife.

5. Subject to these rules, claims by or against an executor or administrator or successor under native customary law as such may be joined with claims by or against him personally, provided such claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor or administrator or successor under native customary law. Executor, administrator or successor.

6. Subject to these rules, claims by plaintiffs jointly may be joined with claims by them or any of them separately against the same defendant. Claims by joint plaintiffs.

7. Any defendant alleging that the plaintiff has joined in the same cause of action several causes of action which cannot be conveniently disposed of together, may at any time apply to the Court or a Judge for an order confining the action to such of the causes of action as may be conveniently disposed of together. Remedy for misjoinder.

8. If on the hearing of an application under rule 7 of this Order it appears to the Court or a Judge that the causes of action are such as cannot all be conveniently disposed of together, the Court or Judge may order any of such causes of action to be excluded, and consequential amendments to be made, and may make such order as to costs as may be just. Order for exclusion.

ORDER 10

INTERLOCUTORY APPLICATIONS

I.—Motions Generally

1. Where by these rules any application is authorised to be made to the Court or a Judge, such application if made to a Judge in Court shall be made by motion. Application by motion.

2. Unless the Court shall otherwise order, no motion shall be entertained until the party moving has filed a motion paper, or made verbal application to the Registrar, distinctly stating the terms of the order sought. Motion paper or application to register.

3. The Registrar shall make up, for each day on which the court appoints motions to be heard, a motion list, on which he shall enter the names of each cause in which a motion is made, the party moving, and the terms of the order sought by him. Motion list

4. There shall be filed with the motion paper all affidavits on which the person moving intends to rely.
5. The motion shall be made on such days and at such times as are by the regulations of the Court appointed for hearing motions. In cases of urgency the motion may, by leave of the Court, be made at any time while the Court is sitting.
6. The hearing of any motion may from time to time be adjourned upon such terms as the Court may deem fit.
7. Motions may be made either *ex parte* or after notice to the parties to be affected thereby.

II.—*Ex parte* Motions:

8. On a motion *ex parte* the party moving shall apply for either an immediate absolute order of the Court, in the terms of the motion paper, on his own showing and evidence, or an order on the other party to appear on a certain day and show cause why an order should not be made in terms of the motion paper.
9. Any party moving in Court *ex parte* may support his motion by argument addressed to the Court on the facts put in evidence; and no party to the suit or proceeding, although present, other than the party moving, shall be entitled to be then heard.
10. Where a motion is made *ex parte*, the Court may refuse to make the order sought, or may grant an order to show cause why the order sought should not be made, or may allow the motion to be made on notice to the parties to be affected thereby.
11. Where an order is made on a motion *ex parte*, any party affected by it may, within seven days after service of it, or within such further time as the Court shall allow, apply to the Court by motion to vary or discharge it; and the Court, on notice to the party obtaining the order, either may refuse to vary or discharge it, or may vary or discharge it with or without imposing terms as to costs or security, or otherwise, as seems just.

III.—Orders to show Cause

12. An order to show cause shall specify a day when cause is to be shown, to be called the return-day to the Order, which shall ordinarily be not less than three days after service.
13. A person served with an order to show cause may, before the return-day, produce evidence to contradict the evidence used in obtaining the order, or setting forth other facts on which he relies to induce the Court to discharge or vary such order.
14. On the return-day, if the person served does not appear and it appears to the Court that the service on all proper parties has not been duly effected, the Court may enlarge the time and direct further service or make such other order as seems just.
15. If the person served appears, or the Court is satisfied that service has been duly effected, the Court may proceed with the matter.

16. The Court may either discharge the order or make the same absolute, or adjourn the consideration thereof, or permit further evidence to be produced in support of or against the order, and may modify the terms of the order so as to meet the merits of the case.

General powers as to orders.

IV.—Notice of Motion

17. Unless the Court gives special leave to the contrary there shall be at least two clear days between the service of a notice of motion and the day named in the notice for hearing the motion.

Notice of motion.

18. Notice of motion may, without leave of the Court, be served by any person, notwithstanding that such person is not an officer of the Court.

Service of notice.

19. Where a party acts by a solicitor, service of notice of motion on such solicitor shall be deemed good service on such party.

Service on solicitor.

20. Along with the notice of motion there shall be served a copy of any affidavit on which the party moving intends to rely at the hearing of such motion.

Copy of affidavit to be served with notice.

21. If at the hearing of any motion, the Court shall be of opinion that any person, to whom notice has not been given, ought to have or to have had such notice, the Court may either dismiss the motion, or adjourn the hearing thereof in order that such notice may be given, upon such terms as to the Court may seem fit.

22. The plaintiff may, by leave of the Court, cause any notice of motion to be served upon any defendant with the writ of summons.

Service with writ of summons.

V.—Evidence in Interlocutory Proceedings

23. Oral evidence shall not be heard in support of any motion unless by leave of the Court. Where the party moving is illiterate, the Court may direct evidence to be taken by the Registrar, or other fit officer of Court, and the minutes of such evidence may be used as an affidavit.

Oral evidence.

24. In addition to or in lieu of affidavits the Court may, if it thinks it expedient, examine any witness *viva voce*, or receive documents in evidence, and may summon any person to attend to produce documents before it, or to be examined or cross-examined before it in like manner as at the hearing of a suit.

Evidence in addition to or in lieu of affidavits.

25. Such notice as the Court in each case, according to the circumstances, considers reasonable, shall be given to the persons summoned, and to such persons (parties to the cause or matter or otherwise interested) as the court considers entitled to inspect the documents to be produced, or to examine the person summoned, or to be present at his examination, as the case may be.

26. The evidence of a witness on any such examination shall be taken in like manner as nearly as may be at the hearing of a suit.

Evidence—how taken.

27. Upon the hearing of any motion the Court may, on such terms as it may deem fit, allow any affidavit to be used, although such affidavit has not been filed with the motion paper, and although a copy thereof has not been served on the opposite side along with the notice of motion.

Affidavit not filed with motion paper

CHAPTER 11

APPLICABLE TO COURTS

Business to be disposed of in chambers.

1. The business which may be disposed of in chambers by a Judge shall consist of the following matters, in addition to the matters which under any other rule or any written law may be disposed of in chambers:—

- (a) applications to serve a writ or other process out of the jurisdiction;
- (b) applications for substituted service of a writ or other process;
- (c) applications to have cases heard during vacations;
- (d) applications for enlargement of time;
- (e) applications for a writ of attachment or for a garnishee order;
- (f) applications for payment or transfer to any person of any cash or securities standing to the credit of any cause or matter where there has been a judgment or order declaring the rights or where the title depends only upon proof of the identity of the birth, marriage or death of any person;
- (g) applications as to the guardianship and maintenance or advancement of infants;
- (h) any matter relating to the adoption of children;
- (i) applications connected with the management of property;
- (j) such other matters of an interlocutory nature as the Judge may think fit to dispose of in chambers.

Procedure on applications in chambers.

2. The provisions of Order 10 with regard to interlocutory applications by way of motion in Court shall apply *mutatis mutandis* to applications to a Judge in chambers.

Effect of order in chambers.

3. Subject to the provisions of section 44 of the High Court Law, any order or directions made or given by a Judge in chambers shall have the same effect as if such order or directions had been made or given in Court.

ORDER 12

SETTLEMENT OF ISSUES

At or before hearing.

1. At any time before or at the hearing, the Court may, if it thinks fit, on the application of any party, or of its own motion, proceed to ascertain and determine what are the material questions in controversy between the parties, and may reduce such questions into writing and settle them in the form of issues which issues when settled may state questions of law on admitted facts, or questions of disputed facts, or questions partly of the one kind and partly of the other.

Court may give directions.

2. The Court may, if it thinks fit, direct the parties to prepare such issues, and the same shall be settled by the Court.

When to be settled.

3. The issues may be settled without any previous notice at any stage of the proceedings, at which all the parties are actually present, or at the hearing. If otherwise, notice shall be given to the parties to attend at the settlement of the issues.

Court may amend or frame additional issues.

4. At any time before the decision of the case, if it shall appear to the Court necessary for the purpose of determining the real question or controversy between the parties, the Court may amend the issues or frame additional issues on such terms as to it shall seem fit.

ORDER 13

PLEADINGS

1. In all suits written pleadings shall be ordered by the Court unless the Court considers in any particular suit that written pleadings are unnecessary. Written pleadings unless otherwise ordered.
2. In making any such order, the Court shall have regard to the condition of the parties, and shall not require any party to file a written statement who, from want of education, is incapable of preparing or understanding the same. If in any case the Court considers it necessary, in the interest of justice, that any statement of such party should be reduced into writing previous to the hearing, the Court may direct that the same be taken down in writing by a Registrar or other fit officer of the Court, and after verifying the statement so prepared by oral examination of the party where necessary, may direct, if it thinks fit, that such statement be filed as a pleading. Illiterate parties.
3. When the Court for any reason decides not to order written pleadings the Court, either itself or by the Registrar, shall at or before the trial take from each party, or from the solicitor of each party, and record, a short statement of the facts and pleas upon which such party relies sufficiently definite and detailed to enable the Court and the parties to know as far as possible at the outset of the trial the issues of fact and law which fall to be decided at the trial. Such record shall be read over by the Court to the parties as soon as made and shall thereupon bind the parties to the same effect as if such record were pleadings filed under this order. Record by court of parties' oral pleadings in lieu of written pleadings.
4. Wherever any pleading, statement of claim, or defence is ordered to be filed the provisions of the following rules shall be observed. Rules to be observed when pleadings ordered.
5. Every pleading shall contain a statement of all the material facts on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs numbered consecutively and each paragraph containing as nearly as may be a separate allegation. The pleading to state all material facts relied on.
6. The facts shall be alleged positively, precisely and distinctly, and as briefly as is consistent with a clear statement. How facts to be stated.
7. Every statement of claim shall state specifically the relief which the plaintiff claims, either simply or in the alternative, and may also ask for general relief, and the same rule shall apply to any counter-claim made or relief claimed by the defendant in his defence. The relief claimed to be stated.
8. Where the plaintiff seeks relief in respect of several distinct claims or causes of complaint founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly. And the same rule shall apply where the defendant relies upon several distinct grounds of set-off or counter-claim founded upon separate and distinct facts. Grounds of claim founded on separate facts to be separately stated.
9. The defendant's pleading or defence shall deny all such material allegations in the petition as the defendant intends to deny at the hearing. Every allegation of fact, if not denied specifically or by necessary implication, or stated to be not admitted, shall be taken as established at the hearing. Defendant's pleading to meet allegations in statement of claim.

Allegation
shall not be
taken as
admitted

10. It shall not be sufficient to deny generally the facts alleged by the statement of claim, but the defendant must deny specifically therewith, either admitting or denying the truth of each allegation of fact therein, as the truth or falsehood of each is within knowledge, or (as the case may be) saying that he does not know whether such allegation or allegations is or are true or otherwise.

Denial of
fact must
answer point
of substance.

11. When a party denies an allegation of fact he must not do so evasively, but answer the point of substance. And when a matter of fact is alleged with divers circumstances it shall not be sufficient to deny it as alleged along with those circumstances, but a fair and substantial answer must be given.

Admissions—their
effects.

12. The defence shall admit such material allegations in the statement of claim as the defendant knows to be true, or desires to be taken as admitted, and such allegations may be taken as established without proof thereof.

Allegation of
new facts in
defence.

13. The defence must allege any fact not stated in the statement of claim on which the defendant relies in defence, as establishing, for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to recover or to any relief capable of being granted on the petition, has not yet accrued, or is released, or barred, or otherwise gone.

Set-off or
counter-
claim to be
pleaded.

14. Where any defendant seeks to rely upon any facts, as supporting a right of set-off or counter-claim, he shall, in his statement of defence, state specifically that he does so by way of set-off or counter-claim, and the particulars of such set-off or counter-claim shall be given.

Evidence in
denial of
allegation or
in support of
defence not
set up in
pleading.

15. The defence of a defendant shall not debar him at the hearing from disproving any allegation of the plaintiff not admitted by the defence, or from giving evidence in support of a defence not expressly set up by the defence, except where the defence is such as, in the opinion of the Court, ought to have been expressly set up by the defence, or is inconsistent with the statements thereof, or is, in the opinion of the Court, likely to take the plaintiff by surprise and to raise new issues not fairly arising out of the pleadings, as they stand, and such as the plaintiff ought not be then called upon to try.

Further
pleadings.

16. The Court if it considers that the statements of claim and defence filed in any suit insufficiently disclose and fix the real issues between the parties may order such further pleadings to be filed as it may deem necessary for the purpose of bringing the parties to an issue.

Costs in
certain cases.

17. Where the Court shall be of opinion that any allegations of fact, denied or not admitted by any pleading, ought to have been admitted, the court shall make such order as may be just with respect to costs.

Filing and
service of
pleadings.

18. Every pleading shall be filed at such time as the Court directs, and be served on the opposite party or his solicitor, if the Court thinks fit, at such time and in such manner as it directs.

Striking out
pleadings.

19. The Court may at any time, on the application of either party, strike out any pleading or any part thereof, on the ground that it discloses no cause of action, or no defence to the action, as the case may be, or on the ground that it is embarrassing, or scandalous, or vexatious, or an abuse of the process of the Court and may either give leave to amend such pleading, or may proceed to give judgment for the plaintiff or defendant, as the case may be, or may make such other order, and upon such terms and conditions, as may seem just.

ORDER 14

AMENDMENT

The Court may at any stage of the proceedings, either of its own motion or on the application of either party, order any proceeding to be amended, whether the defect or error be that of the party applying to amend or not ; and all such amendments as may be necessary or proper for the purpose of eliminating all statements which may tend to prejudice, embarrass, or delay the fair trial of the suit, and for the purpose of determining in the existing suit the real question or questions in controversy between the parties, shall be so made. Every such order shall be made upon such terms as to costs or otherwise as shall seem just.

In what circumstances.

ORDER 15

COMPUTATION OF TIME

1. Where by any written law or any special order made by the Court in the course of any proceedings, any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, and such time is not limited by hours, the following rules shall apply :—

Rules for computation of time.

(a) the limited time does not include the day of the date of or the happening of the event, but commences at the beginning of the day next following that day ;

(b) the act or proceeding must be done or taken at latest on the last day of the limited time ;

(c) where the time limited is less than six days, no public holiday or Sunday shall be reckoned as part of the time ;

(d) when the time expires on a public holiday or Sunday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being a public holiday or Sunday.

2. The parties may not by consent enlarge or abridge any of the times fixed by these rules for taking any step, or filing any document, or giving any notice.

No enlargement or abridgment of times by consent.

3. The Court may, as often as it thinks fit, and either before or after the expiration of the time appointed by these rules, or by any judgment, order, or Rule of the Court, extend or adjourn the time for doing any act or taking any proceeding.

Court may extend time.

ORDER 16

ADMISSIONS

1. Any party to a suit may give notice, by his own statement or otherwise, that he admits the truth of the whole or any part of the case stated or referred to in the writ of summons, statement of claim, defence or other statement of any other party.

Notice of admissions.

2. Any party may, by leave of the Court, call upon any other party, by notice filed in Court and served under order of the Court, to admit any document or fact, saving just exceptions, and on granting such leave the court shall fix the terms and conditions thereof, including the time within which the admissions are to be made.

Notice to admit.

Costs on
refusal to
make
reasonable
admissions.

Judgment
by consent.

Admissions
by
defendants.

Discovery by
interroga-
tories.

Application
for leave to
deliver inter-
rogatories.

Costs on
interroga-
tories.

Communi-
cations.

Objections
to interroga-
tories.

3. In case of neglect or refusal to admit, the costs of proof of the document or thing shall be paid by the party neglecting or refusing to admit, whatever be the result of the cause, unless the Court is of opinion that the neglect or refusal to admit was reasonable.

4. If the plaintiff and defendant shall agree as to the terms and conditions on which judgment shall be entered, and shall sign a statement of such terms and conditions, the Court unless it sees good reason to the contrary, shall enter judgment on the terms and conditions specified in such statement.

5. If any defendant shall in like manner as in the preceding rule mentioned sign a statement admitting the claim, or any part thereof, the Court may receive such statement in evidence as an admission without further proof.

ORDER 17

DISCOVERY AND INSPECTION

1. In any cause or matter the plaintiff or defendant by leave of the Court or a Judge may deliver interrogatories in writing for the examination of the opposite parties, or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer :

Provided that interrogatories which do not relate to any matters in question in the cause or matter shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

2. A copy of the interrogatories proposed to be delivered shall be delivered with the application for leave to deliver them at least two clear days before the hearing thereof (unless in any case the Court or Judge shall think fit to dispense with this requirement) and the particular interrogatories sought to be delivered shall be submitted to and considered by the Court or Judge. In deciding upon such application, the Court or Judge shall take into account any offer, which may be made by the party sought to be interrogated, to deliver particulars or to make admissions or to produce documents relating to any matter in question, and leave shall be given as to such only of the interrogatories as shall be considered necessary either for disposing fairly of the cause or matter or for saving costs.

3. In adjusting the costs of the cause or matter in controversy shall in the instance of any party be made into the property of exhibiting such interrogatories, and if it is in the opinion of the Court or Judge, either with or without an application for inquiry, that such interrogatories have been exhibited unreasonably, wantonly or of improper length, the cost occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

4. If any party to a cause or matter be a body corporate or any other body of persons, whether incorporated or not, empowered by law to sue and be sued whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

5. Any objection to answering any one or more of several interrogatories on the ground that it or they is or are scandalous or irrelevant, or not *bona fide* for the purpose of the cause or matter or that the matters inquired into are not sufficiently material at that stage, or on any other ground, may be taken in the affidavit in answer.

6. Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Judge may allow.

Affidavit in answer.

7. If any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court or a Judge for an order requiring him to answer or to answer further as the case may be ; and an order may be made requiring him to answer or answer further either by affidavit or by *viva voce* examination as the Judge may direct.

Order to answer or answer further.

8. (1) Any party may, without filing an affidavit, apply to the Court or a Judge for an order directing any other party to any cause or matter to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question therein.

Discovery of documents.

(2) On the hearing of such application the Court or Judge may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at the stage of the cause or matter, or make such order, either generally or limited to certain classes of documents, as may be thought fit :

Provided that discovery shall not be ordered when and so far as the Court or Judge shall be of opinion that it is not necessary either for disposing fairly of the cause or matter or for saving costs.

9. The affidavit to be made by any person against whom an order for discovery of documents has been made, under rule 8 of this Order shall specify which, if any, of the documents therein mentioned he objects to produce.

Affidavit of documents.

10. On the hearing of any application for discovery the Court or Judge in lieu of ordering an affidavit of documents to be filed may order that the party from whom discovery is sought shall deliver to the opposite party a list of the documents which are or have been in his possession, custody or power relating to the matters in question :

Power to order list of documents in lieu of affidavit.

Provided that the ordering of such list shall not preclude the Court or Judge from afterwards ordering the party to make and file an affidavit of documents.

11. It shall be lawful for the Court or a Judge at any time during the pendency of a cause or matter to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such cause or matter as the Court or Judge shall think right ; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Production of documents.

12. Every party to a cause or matter shall be entitled at any time by notice in writing to give notice to any other party, in whose pleadings or affidavits reference is made to any documents, to produce such document for the inspection of the party giving such notice or of his solicitor, and to permit him or them to take copies thereof ; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such cause or matter, unless he shall satisfy the Court or a Judge that such document relates only to his own title, he being a defendant to the cause or matter, or that he had some other excuse which the Court or Judge shall deem sufficient for not complying with such notice, in which case the Court or Judge may allow the same to be put in evidence on such terms as to costs and otherwise as the Court or Judge shall think fit.

Inspection of documents.

Notice to produce.

13. Whenever any of the parties to a suit is desirous that any document or other thing which he believes to be in the possession or power of another of the parties thereto, or of any other person, should be produced at any hearing of the suit, he shall at the earliest opportunity serve the party, in whose possession or power he believes the document or other thing to be, with a notice in writing calling upon him to produce the same.

Order for production.

14. In case it shall appear to the Court that there is reasonable ground to believe that such document or thing will not be produced pursuant to such notice, the Court may make an order for the production of the same at the hearing of the suit, by the party served with the notice, subject to just exceptions.

Premature discovery.

15. If the party from whom discovery of any kind, or production or inspection, is sought, objects to the same or any part thereof, the Court, if satisfied that the right to the discovery or production or inspection sought depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any issue or question in dispute in the suit should be determined before deciding upon the right to the discovery or inspection, may order that such issue or question be determined first, and reserve the question as to the discovery or inspection.

Non-compliance with order for discovery.

16. If any party fails to comply with an order to answer interrogatories, or for discovery or production or inspection of documents, he shall be liable to commitment. He shall also, if a plaintiff, be liable to have his action dismissed for want of prosecution, and if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating may apply to the Court for an order to that effect, and an order may be made accordingly.

Using answer to interrogatories at trial.

17. Any party may, at the trial of a cause, matter, or issue, use in evidence any one or more of the answers or any part of an answer of the opposite party to interrogatories without putting in the others or that whole of such answer :

Provided that in such case the Judge may look at the whole of the answers, and if he shall be of opinion that any others of them are so connected with those put in that the last-mentioned answers ought not to be used without them he may direct them to be put in.

ORDER 18

PAYMENT INTO COURT

When defendant may pay into court.

1. (1) In any action for a debt or damages the defendant may at any time upon notice to the plaintiff pay into Court a sum of money in satisfaction of the claim or (where several causes of action are joined in one action) in satisfaction of one or more of the causes of action: provided that with a defence setting up tender before action the sum of money alleged to have been tendered must be brought into Court.

(2) Where the money is paid into Court in satisfaction of one or more of several causes of action the notice shall specify the cause or causes of action in respect of which payment is made and the sum paid in respect of each such cause of action unless the Court or Judge otherwise orders.

(3) The notice shall be in the prescribed form and shall state whether liability is admitted or denied and receipt of the notice shall be acknowledged in writing by the plaintiff within four days.

2. (1) Where money is paid into Court under rule 1 of this Order the plaintiff may within seven days of the receipt of the notice of payment into Court or, where more than one payment into Court has been made, within seven days of the receipt of the notice of the last payment into Court, accept the whole sum or any one or more of the specified sums in satisfaction of the claim or in satisfaction of the cause or causes of action to which the specified sum or sums relate, by giving notice to the defendant in the prescribed form; and thereupon he shall be entitled to receive payment of the accepted sum or sums in satisfaction as aforesaid.

Plaintiff may take out money.

(2) Payment shall be made to the plaintiff or on his written authority to his solicitor, and thereupon proceedings in the action or in respect of the specified cause or causes of action, as the case may be, shall be stayed.

(3) A plaintiff in an action for libel or slander who takes money out of Court may apply to a Judge in chambers for leave to make a statement in open Court in terms approved by a Judge.

(4) This rule does not apply to an action or cause of action to which a defence of tender before action is pleaded.

3. If the whole of the money in Court is not taken out under rule 2 of this Order, the money remaining in Court shall not be paid out except in satisfaction of the claim or specified cause or causes of action in respect of which it was paid in and in pursuance of an order of the Court or of a Judge, which may be made at any time before, at or after trial.

Money remaining in Court.

4. (1) Money may be paid into Court under rule 1 of this Order by one or more of several defendants sued jointly or in the alternative, upon notice to the other defendant or defendants.

Several defendants.

(2) If the plaintiff elects within seven days after receipt of notice of payment into Court to accept the sum or sums paid into Court, he shall give notice in the prescribed form to each defendant.

(3) Thereupon all further proceedings in the action or in respect of the specified cause or causes of action, as the case may be, shall be stayed, and the money shall not be paid out except in pursuance of an order of the Court or a Judge dealing with the whole costs of the action or cause or causes of action as the case may be.

5. A plaintiff or other person made defendant to a counter-claim may pay money into Court in accordance with the foregoing rules of this Order, with the necessary modifications.

Counter-claim.

6. Money paid into Court under an order of the Court shall not be paid out of Court except in pursuance of an order of the Court or of a Judge.

Money paid into Court under order.

7. (1) In any cause or matter in which money damages is or are claimed by or in behalf of an infant or a person of unsound mind suing either alone or in conjunction with other parties, no settlement or compromise or payment or acceptance of money paid into Court, whether before or after the trial shall as regards the claims of any such infant or person of unsound mind be valid without the approval of the Court or of a Judge.

Money recovered by or paid into account of an infant or person of unsound mind.

(2) No money (which expression for the purposes of this rule includes damages) in any way recovered or adjudged or ordered or awarded or agreed to be paid in any such cause or matter in respect of the claims of any such infant or person of unsound mind, whether by verdict or by settlement,

compromise payment, payment into Court or otherwise, before or at or after the trial, shall be paid to the plaintiff or to the next friend of the plaintiff or to the plaintiff's solicitor unless the Court or a Judge shall so direct.

(3) All money so recovered or adjudged or ordered or awarded or agreed to be paid shall be dealt with as the Court or a Judge shall direct.

ORDER 19

INTERLOCUTORY ORDERS AS TO INJUNCTIONS OR INTERIM PRESERVATION OF PROPERTY

Preservation of interim custody of subject-matter of disputed contract.

1. When by any contract a *prima facie* case of liability is established, and there is alleged as matter of defence a right to be relieved wholly or partially from such liability, the Court or a Judge may make an order for the preservation or interim custody of the subject-matter of the litigation, or may order that the amount in dispute be brought into Court or otherwise secured.

Interim attachment of property in certain cases.

2. (1) If the defendant with intent to obstruct or delay the execution of any judgment that may be passed against him is about to dispose of his property or any part thereof, or to remove any such property from the Judicial Division in which the action is brought or from the jurisdiction of the Court, the plaintiff may apply to the Court, either at the time of the institution of the action, or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any judgment that may be made against him in the action, and on his failing to give such security, to direct that any property, movable or immovable, belonging to the defendant shall be attached until the further order of the Court.

(2) The application shall contain a specification of the property required to be attached, and the estimated value thereof, so far as the plaintiff can reasonably ascertain the same ; and the plaintiff shall, at the time of making the application, declare that to the best of his information and belief the defendant is about to dispose of or to remove his property with such intent as aforesaid.

Form of order.

3. (1) If the Court, after making such investigation as it may consider necessary, shall be satisfied that the defendant is about to dispose of or to remove his property with intent to obstruct or delay the execution of the judgment, it shall be lawful for the Court to order the defendant within the time to be fixed by the Court either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court when required the said property or the value of the same or such portion thereof as may be sufficient to fulfil the judgment, or to appear and show cause why he should not furnish security. The Court may also in the warrant direct the attachment until further order of the whole or any portion of the property specified in the application.

(2) If the defendant fails to show such cause, or to furnish the required security within the time fixed by the Court, the Court may direct that the property specified in the application, if not already attached, or such portion thereof as shall be sufficient to fulfil the judgment, shall be attached until further order. If the defendant shows such cause, or furnishes the required security, and the property specified in the application or any portion of it shall have been attached, the Court shall order the attachment to be withdrawn.

Removal of attachment.

4. In all cases of attachment before judgment, the Court shall at any time remove the same, on the defendant furnishing security as above required together with security for the costs of the attachment.

5. When an application shall be made before trial for an injunction or other order, and on the opening of such application, or at any time during the hearing thereof, it shall appear to the Judge that the matter in controversy in the cause or matter is one which can be most conveniently dealt with by an early trial, without going first into the whole merits on affidavit or other evidence for the purpose of the application, it shall be lawful for the Judge to make an order for such trial accordingly, and to direct such trial to be held at such time as he may deem fit, and in the meantime to make such order as the justice of the case may require.

Early trial of cause.

6. It shall be lawful for the Court or a Judge, on the application of any party, to make any order for the sale by any person or persons named in such order; and in such manner and on such terms as the Court or Judge may think desirable, of any goods, wares or merchandise which may be of a perishable nature or likely to injure from keeping, or which for any other just and sufficient reason it may be desirable to have sold at once.

Order for sale of perishable goods.

7. It shall be lawful for the Court or a Judge, on the application of any party to a cause or matter, and upon such terms as may be just, to make any order for the detention, preservation or inspection of any property or thing, being the subject of such cause or matter, or as to which any question may arise therein, and for all or any of the purposes aforesaid, to authorise any persons to enter upon or into any land or building in the possession of any party to such cause or matter, and for all or any of the purposes aforesaid to authorise any sample to be taken, or any observation to be made or experiments to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

Detention, preservation or inspection of property.

8. It shall be lawful for any Court or Judge by whom any cause or matter may be heard or tried, or before whom any cause or matter may be brought by way of appeal, to inspect any property or thing concerning which any question may arise therein.

Inspection by Judge.

9. The Court may grant an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the Court to be just or convenient so to do; and any such order may be made either conditionally or on such terms as the Court thinks fit.

Power of court to grant injunction.

10. Where any real or personal estate forms the subject of any proceedings in the Court, and the Judge is satisfied that the same will be more than sufficient to answer all the claims thereon which ought to be provided for in such proceedings, the Judge may at any time after the commencement of the proceedings, allow to the parties interested therein, or to any one or more of them, the whole or part of the annual income of the real estate or a part of the personal estate, or the whole or part of the income thereof, up to such time as the Judge shall direct.

Allowance of income of property *pendente lite*.

11. In any cause or matter in which an injunction has been, or might have been claimed, the plaintiff may, before or after judgment, apply for an injunction to restrain the defendant or respondent from the repetition or continuance of the wrongful act or breach of contract complained of, or from the commission of any injury or breach of contract of a like kind relating to the same property or right, or arising out of the same contract; and the Court or a Judge may grant the injunction, either upon or without terms, as may be just:

Injunction against repetition of wrongful act or breach of contract.

Provided that an order for an injunction may be discharged or varied or set aside by the Court upon application made thereto by any party dissatisfied with such order.

Appointment of receiver by way of equitable execution. 12. In every case in which an application is made for the appointment of a receiver by way of equitable execution, the Court or a Judge in determining whether it is just or convenient that such appointment should be made shall have regard to the amount of the debt claimed by the applicant, to the amount which may probably be obtained by the receiver, and to probable costs of his appointment, and may, if it be thought fit, direct any inquiries on these or other matters before making the appointment.

Security may be ordered. 13. Where an order is made directing a receiver to be appointed, the Court or a Judge may direct that the person to be appointed shall first give security duly to account for what he shall receive as such receiver, and to pay the same as the Court or Judge shall direct.

Remuneration of receivers. 14. A receiver appointed under the provisions of this Order shall be allowed such salary or allowance, if any, as to the Court or a Judge may seem proper.

ORDER 20

EQUITABLE RELIEF, COUNTER-CLAIM AND SET-OFF

Equitable defence. 1. Every suit implies an offer to do equity in the matter thereof, and admits of any equitable defence.

Relief not specifically asked may be granted. 2. The plaintiff may obtain any such equitable relief as the facts stated and proved entitle him to, though not specifically asked.

Counter-claim, set-off. 3. A defendant in an action may set off, or set up by way of counter-claim, against the claims of the plaintiff, any right or claim whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a statement of claim in a cross action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim. But the Court may, if in the opinion of the Court such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof.

Notice of counter-claim or set-off. 4. (a) No defendant shall be allowed to set up any such counter-claim or set-off unless he shall have lodged with the Registrar four clear days before the return-day a notice in original, and as many duplicates thereof as there are plaintiffs, containing his name and address and a concise statement of the grounds of such counter-claim or set-off, and shall have paid the same court and service fees as would be payable if he were claiming by writ of summons :

Provided that the Court may in its discretion, and on such terms as may seem just, allow the defendant to set up a counter-claim or set-off notwithstanding that such notice has not been duly lodged.

(b) On receipt of notice of counter-claim or set-off, and on due payment of the fees, the Registrar shall cause a duplicate of such notice to be served on the plaintiff or each of them.

Defendant may have judgment for balance due on counter-claim. 5. Where in any action a set-off or counter-claim is established as a defence against the plaintiff's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

6. The Court, if it seems fit, may order that a defence of partial set-off shall be accompanied by payment into Court of the amount to which, on the defendant's showing, the plaintiff is entitled, unless the plaintiff's claim to that amount is resisted on some other ground of defence; and in default of such payment the defendant shall be liable to bear the costs of the suit, even if he succeeded in his defence to the extent of the set-off on which he relies.

Payment into Court where partial set-off.

ORDER 21

INTERPLEADER

- | | |
|---|---|
| 1. Relief by way of interpleader may be granted where the person seeking relief (in this Order called the applicant) is under liability for any debt, money, goods or chattels, for or in respect of which he is or expects to be sued by two or more parties (in this Order called the claimants) making adverse claims thereto. | When relief by interpleader granted. |
| 2. The applicant must satisfy the Court or a Judge by affidavit or otherwise that the applicant claims no interest in the subject-matter in dispute, other than for charges or costs, and that he does not act in collusion with any of the claimants. | Matters to be proved by applicant. |
| 3. The applicant shall not be disentitled to relief by reason only that the titles of the claimants have not a common origin, but are adverse to and independent of one another. | Adverse titles of claimants. |
| 4. Where the applicant is a defendant, application for relief may be made at any time after service of the writ of summons. | Time for application by defendant. |
| 5. The applicant may take out a summons calling on the claimants to appear and state the nature and particulars of their claims, and either to maintain or relinquish them. | Summons by applicant. |
| 6. If the application is made by a defendant in an action the Court or a Judge may stay all further proceedings in the action. | Stay of action. |
| 7. If the claimants appear in pursuance of the summons, the Court or a Judge may order either that any claimant be made a defendant in any action already commenced in respect of the subject-matter in dispute in lieu of or in addition to the applicant, or that an issue between the claimants be stated and tried, and in the latter case may direct which of the claimants is to be plaintiff, and which defendant. | Order upon summons. |
| 8. The Court or a Judge may, with the consent of both claimants or at the request of any claimant if, having regard to the value of the subject-matter in dispute; it seems desirable so to do, dispose of the merits of their claims, and decide the same in a summary manner and on such terms as may be just. | Disposal of matters summarily. |
| 9. The Court or a Judge may, in or for the purposes of any interpleader proceedings, make all such orders as to costs as may be just and reasonable. | Orders as to costs. |
| 10. The sheriff may obtain relief under the foregoing rules of this Order, if the adverse claimants have given them notice of their claims though none of them may have commenced proceedings. | Sheriff may obtain relief. |
| 11. Where action is sought to recover, or a defendant in his defence seeks by way of counter-claim to recover, specific property other than land, and the party from whom such recovery is sought does not dispute the title of the party seeking to recover the same, but claims to retain the property by virtue | Where property claimed under lien or as security. |

of a lien, or otherwise as security for any sum of money, the Court may order that the party claiming to recover the property be at liberty to pay into Court to abide the event of the action the amount of money in respect of which the lien or security is claimed, and such further sum, if any, for interest and costs as the Court may direct, and that upon such payment into Court being made, the property claimed be given up to the party claiming it.

ORDER 22

PROCEEDINGS IN LIEU OF DEMURRER

Demurrer abolished.

1. No demurrer shall be allowed.

Points of law may be raised by pleadings.

2. Any party shall be entitled to raise by his pleading any point of law, and any points so raised shall be disposed of by the Judge who tries the cause at or after the trial ; provided that by consent of the parties, or by order of the Court or a Judge on the application of either party, the same may be set down for hearing and disposed of at any time before the trial.

Dismissal of action.

3. If, in the opinion of the Court or a Judge the decision of such point of law substantially disposes of the whole action, or of any distinct cause of action, ground of defence, set-off, counter-claim, or reply therein, the Court or Judge may thereupon dismiss the action or make such other order therein as may be just.

Striking out pleading where no reasonable cause of action disclosed.

4. The Court or a Judge may order any pleading to be struck out on the ground that it discloses no reasonable cause of action or answer, and in any such case or in case of the action or defence being shown by the pleadings to be frivolous or vexatious, the Court or a Judge may order the action to be stayed or dismissed, or judgment to be entered accordingly, as may be just.

Declaratory judgment.

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right whether any consequential relief is or could be claimed or not.

ORDER 23

ARREST OF ABSCONDING DEFENDANT

Application.

1. Subject to the provisions of section 34 of the High Court Law, the following rules shall apply.

Defendant leaving jurisdiction or removing property.

2. If in any suit the defendant is about to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction, his property, or any part thereof, or is about to do so, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court that security be taken for the appearance of the defendant to answer and satisfy any judgment that may be passed against him in the suit.

Warrant to arrest.

3. If the Court, after making such investigation as it may consider necessary shall be of opinion that there is probable cause for believing that the defendant is about to leave the jurisdiction of the Court, or that he has disposed of or removed from the jurisdiction, his property, or any part thereof, or is about to do so, and that in either case by reason thereof the execution of any decree which may be made against him is likely to be obstructed or delayed, it shall be lawful for the Court to issue a warrant to bring the defendant before the Court, that he may show cause why he should not give good and sufficient bail for his appearance.

4. If the defendant fail to show such cause, the Court shall order him to give bail for his appearance at any time when called upon while the suit is pending and until execution or satisfaction of any judgment that may be passed against him in the suit, or to give bail for the satisfaction of such judgment ; and the surety or sureties shall undertake in default of such appearance or satisfaction to pay any sum of money that may be adjudged against the defendant in the suit, with costs.

Bail for appearance on satisfaction.

5. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money, or other valuable property, sufficient to answer the claim against him, with costs of the suit, the Court may accept such deposit.

Deposit in lieu of bail.

6. In the event of the defendant neither furnishing security nor offering a sufficient deposit, he may be committed to custody until the decision of the suit, but not so that he shall be in custody for more than six months, or, if judgment be given against the defendant, until the execution of the decree, if the Court shall so order :

Committal in default.

Provided that the Court may at any time, upon reasonable cause being shown and upon such terms as to security or otherwise as may seem just, release the defendant.

7. (1) The application may be made to the Court in the Judicial Division in which the defendant may be, and such Court may issue the warrant for detaining and bringing the defendant before the Court and may make such further order as shall seem just.

In what Division proceedings may be taken.

(2) In case the warrant shall be issued by a different Court from that in which the suit is pending, such Court shall, on the request of either of the parties, transmit the application and the evidence therein to the Court in which the suit is so pending, and take sufficient security for the appearance of the defendant in that Court, or send him there in custody of an officer of Court, and the Court in which the suit is pending shall thereupon examine into and proceed in the application in accordance with the foregoing provisions, in such manner as to it shall seem fit.

8. The expenses incurred for the subsistence in prison of the person so arrested shall be paid by the plaintiff in the action in advance, and the amount so disbursed may be recovered by the plaintiff in the suit, unless the Court shall otherwise order. The Court may release the person so imprisoned on failure by the plaintiff to pay the subsistence money, or in case of serious illness order his removal to hospital.

Cost of subsistence of persons arrested.

ORDER 24

PROCEEDINGS *in forma Pauperis*

1. The Court or a Judge may admit a person to sue or defend *in forma pauperis* except in bankruptcy proceedings if satisfied that his means do not permit him to employ legal aid in the prosecution of his case and that he has reasonable grounds for suing or defending as the case may be.

Who may sue or defend *in forma pauperis*.

2. (1) The application shall, if the Court or a Judge so directs, be accompanied by an affidavit signed and sworn by the applicant himself stating that the applicant satisfies the requirements of rule 1 of this Order as to his means, and setting forth all the material facts on which he relies in his desire to sue or defend, distinguishing between those which are within his personal knowledge and those which he bases on information and belief, and in the latter case setting forth the sources of his information and belief.

Conditions to be fulfilled.

- (2) If the application is, in the opinion of the Court or a Judge, worthy of a consideration, it shall be referred to a solicitor willing to act, and unless such solicitor shall certify that in his opinion the applicant has a good cause of action or good grounds of defence, as the case may be, the application shall be refused.
- Fees and costs.** 3. Court fees payable by a person admitted to sue or defend *in forma pauperis* may be remitted either in whole or in part as to the Court or a Judge may seem right; and a person so admitted to sue or defend shall not, unless the Court otherwise orders, be liable to pay or be entitled to receive any costs.
- Assignment of solicitor.** 4. On granting the application the Court or a Judge may assign to the applicant any solicitor willing to be so assigned, and any solicitor so assigned shall not be discharged by the applicant except with the leave of the Court or of a Judge.
- Procedure to be followed.** 5. (1) Neither the solicitor whose opinion is sought nor the solicitor assigned to the applicant nor any other person shall, except by leave of the Court, or of a Judge take or agree to take or seek to obtain any payment whatsoever from the applicant or any other person in connection with the application or the action taken or defended thereunder.
(2) If the applicant pays or agrees to pay any money to any person whatsoever either in connection with his application or the action taken or defended thereunder, his application shall be refused, or if already granted the order granting it shall be rescinded.
(3) If the solicitor assigned to the applicant discovers that the applicant is possessed of means beyond those stated in the affidavit, if any, he shall at once report the matter in writing to the Registrar of the Court.
- Revocation of order; discontinuance, etc.** 6. (1) The Court or a Judge may at any time revoke the order granting the application, and thereupon the applicant shall not be entitled to the benefit of this Order in any proceedings to which the application relates unless otherwise ordered.
(2) Neither the applicant nor the solicitor assigned to him shall discontinue, settle or compromise the action without the leave of the Court or of a Judge.
- Payment to solicitor.** 7. The Court may order payment to be made to the solicitor assigned out of any money recovered by the applicant, or may charge in favour of the solicitor assigned upon any property recovered by the applicant, such sum as in all the circumstances may seem fit.
- Duty of solicitor.** 8. Every writ, notice or application on behalf of the applicant, except an application for the discharge of his solicitor, shall be signed by his solicitor, who shall take care that no application or notice is made or given without reasonable cause.
- Appeals.** 9. No person shall be permitted to appeal *in forma pauperis* except by leave of the trial or the appellate Court, and then only grounds of law; but if so permitted the provisions of this Order shall apply *mutatis mutandis* to all proceedings on the appeal.

ORDER 25

COURT SITTINGS AND VACATIONS

- Days of sittings.** 1. Subject to the provisions of the High Court Law, the Court may, in its discretion, appoint any day or days and any place or places from time to time for the hearing of causes as circumstances require.

2. Subject to special arrangements for any particular day, the business of the Court shall be taken as nearly as circumstances permit in the following order :—
- (a) judgment in matters standing over for that purpose ;
 - (b) *ex parte* motions ;
 - (c) motions on notice, and arguments on showing cause ;
 - (d) judgment summonses ;
 - (e) interpleader issues ;
 - (f) causes in the order in which they appear in the cause list, unless the Court sees fit to vary the order.
3. The sittings of the Court for the hearing of causes shall ordinarily be public ; but the Court may, for special reasons, hear any particular cause or matter in the presence only of the parties, with their legal advisers, if any, and the officers of Court.
4. The several offices of the Court shall be open at such times as the Chief Justice shall direct.
5. There shall be an annual vacation of the Court to commence on such date in July and of such duration, not exceeding six weeks, as the Chief Justice may by notification in the Gazette appoint.
6. During the annual vacation criminal cases may be tried, but civil actions may be tried only by leave of a Judge on the application of both parties thereto ; interlocutory applications of an urgent nature shall be dealt with as soon as possible.
7. The time for filing and service of pleadings shall not run during the annual vacation unless otherwise directed by the Court or a Judge.
8. The trial of civil actions may be discontinued on such days during the Easter and Christmas seasons as the Chief Justice may decide.

Order of business at sittings.

Public or private sittings of the court.

Office hours.

Annual vacation.

Court business during vacation.

Vacation not reckoned in time for pleading.

Arrangements for Easter and Christmas.

ORDER 26

TRIAL

I.—General Provisions

1. (1) It shall not be necessary for the defendant to enter a formal appearance, but on the return-day marked on the writ of summons (the summons having been served), the cause shall be placed by the Registrar on the cause list.
- (2) Causes shall be placed on the cause list in the order of the date of the issue of their respective writs of summons.
- (3) Causes shall be taken for hearing in the order in which they stand on the cause list ; provided that the Court may direct any cause to be heard out of its ordinary turn.
2. Where a Judge is of opinion that a prolonged trial will not be requisite and that a cause may be dealt with summarily in not more than about two hours, he may direct that such cause be placed on the "short" cause list.
3. Any cause on the cause list not disposed of may be adjourned to a future day and to the same or another place. Any causes not so adjourned shall be placed on the cause list at the next sitting of the Court in the same

Entry of causes for hearing.

Short Cause List.

Adjournment of causes.

order as they stood on the previous cause list. No further notice to either party of any such adjournment or of any cause being placed on the cause list of the next sitting of the Court shall be requisite, unless otherwise ordered by the Court.

Judge failing to attend on hearing date.

4. In case the Judge shall fail to attend the Court on the day on which any cause is fixed for hearing such cause shall stand adjourned *sine die* or to such definite date as the Registrar may announce to the parties.

Postponement of hearing.

5. (1) The Court may postpone the hearing of any cause on being satisfied that the postponement is likely to have the effect of better ensuring the hearing and determination of the questions between the parties on the merits, and is not made for the purpose of mere delay. The postponement may be made on such terms as to the Court seem just.

(2) Where such application is made on the ground of the absence of a witness, the Court shall require to be satisfied that his evidence is material, and that he is likely to be present and give evidence within a reasonable time.

(3) Where an application is made for the purpose of enabling the party applying to obtain the evidence of a witness resident out of the jurisdiction, the Court shall require to be satisfied that the evidence of the witness is material, and that he is permanently residing out of the jurisdiction, or does not intend to come within the jurisdiction within a reasonable time.

II.—Non-attendance of Parties at Hearing

Non-appearance of parties.

6. (1) Where a cause on the cause list has been called, if neither party appears the Court shall, unless it sees good reason to the contrary, strike the cause out of the cause list.

(2) If the plaintiff does not appear, the Court shall, unless it seems good reason to be contrary, strike out the cause (except as to any counter-claim by the defendant) and make such order as to costs in favour of any defendant appearing as seems just :

Provided that if the defendant shall admit the cause of action to the full amount claimed, the Court may, if it thinks fit, give judgment as if the plaintiff had appeared.

(3) If the plaintiff appears and the defendant does not appear or sufficiently excuse his absence, or neglects to answer when called, the Court may, upon proof of service of the summons, proceed to hear the cause and give judgment on the evidence adduced by the plaintiff, or may postpone the hearing of the cause and direct notice of such postponement to be given to the defendant.

Counter-claim where plaintiff does not appear.

7. Where the defendant to a cause which has been struck out under rule 6 (2) of this Order has a counter-claim the Court may, on due proof of service on the plaintiff of notice thereof, proceed to hear the counter-claim and give judgment on the evidence adduced by the defendant, or may postpone the hearing of the counter-claim and direct notice of such postponement to be given to the plaintiff.

Setting aside of judgment made in absence of party.

8. Any judgment obtained against any party in the absence of such party may on sufficient cause shown be set aside by the Court upon such terms as may seem fit.

Re-listing of cause struck out.

9. Any cause struck out may, by leave of the Court or of a Judge, upon application made within twenty-one days of such striking out, be replaced on the cause list on such terms as to the Court or Judge may seem fit.

III.—Proceedings at the Hearing

- | | |
|--|--|
| 10. The order of proceeding at the hearing of a cause, in cases in which statements of claim and of defence have been filed, shall be as provided in the following rules. | Where statements filed. |
| 11. The party on whom the burden of proof is thrown by the nature of the material issues or questions between the parties, according as the Court may determine, shall begin. He shall state his case. | Burden of proof. |
| 12. He shall then produce his evidence and examine his witnesses-in-chief. | Evidence. |
| 13. When the party beginning has concluded his evidence, he shall ask the other party if he intends to call evidence (in which term is included evidence taken by affidavit or deposition, or under commission, and documentary evidence not already read or taken as read) ; and if answered in the negative he shall be entitled to sum up the evidence already given, and comment thereon ; but if answered in the affirmative he shall wait for his general reply. | Summing up. |
| 14. When the party beginning has concluded his case, the other party shall be at liberty to state his case and to call evidence, and to sum up and comment thereon. | Case of other party. |
| 15. If no evidence is called or read by the latter party, the party beginning shall have no right to reply, unless he has been prevented from summing up his case by the statement of the other party of his intention to call evidence. | General reply. |
| 16. The case on both sides shall then be considered closed. | Case closed. |
| 17. If the party opposed to the party beginning calls or reads evidence, the party beginning shall be at liberty to reply generally on the whole case, or he may, by leave of the Court, call fresh evidence in reply to the evidence given on the other side, on points material to the determination of the issues, or any of them, but not on collateral matters. | Evidence in reply. |
| 18. Where evidence in reply is tendered and allowed to be given, the party against whom the same has been adduced shall be at liberty to address the Court, and the party beginning shall be entitled to the general reply. | Address thereon. |
| 19. Documentary evidence must be put in and read, or taken as read by consent. | Documentary evidence. |
| 20. If either party intends to use documents in evidence he must lodge them with the Registrar at or previously to opening his case, together with a signed list of such documents, and he shall not afterwards be at liberty to put in any documents or additional documents unless the Court shall otherwise order. | When documents to be put in. |
| 21. Every document put in evidence shall be marked by the Registrar of the Court at the time, and shall be retained by the Court during the hearing, and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court. | Marking documents. |
| 22. In cases where written pleadings have not been filed, or the parties or either of them are incapable of understanding their effect with sufficient accuracy, the preceding rules respecting the order of proceeding at the hearing shall be varied by the Court so far as may be necessary. In particular, the statement of the defendant in defence where he does not admit the whole | Where written pleadings not filed or parties are illiterate. |

cause of action, shall be heard immediately after the plaintiff has concluded the statement of his claim and of the grounds thereof, and before any witness is examined, unless in any case the Court shall otherwise direct.

Disallowance of vexatious questions.

23. The Judge may in all cases disallow any question put in cross-examination which may appear to him to be vexatious and not relevant to any matter proper to be inquired into in the cause or matter.

Supplemental statements.

24. Facts or circumstances occurring after the institution of a suit may, by leave of the Court, be stated at any stage of the proceedings previous to the conclusion of the hearing, and the Court may make such order as seems just respecting the proof of such facts or circumstances, or for affording all parties concerned leave and opportunity to meet the statements so introduced.

ORDER 27

EVIDENCE

I.—Evidence Generally

How evidence to be taken.

1. In the absence of any agreement in writing between the solicitors of all parties, and subject to the provisions of the Evidence Ordinance and of these rules, the witnesses at the trial of any cause shall be examined *viva voce* and in open Court.

Office copies admissible in evidence.

2. Office copies of all writs, records, pleadings and documents filed in the High Court shall be admissible in evidence in all causes or matters and between all persons and parties to the same extent as the original would be admissible.

II.—Examination of Witnesses

Evidence on commission.

3. The Court may, in any cause or matter where it shall appear necessary for the purpose of justice, make any order for the examination before any officer of the Court or other person, and at any place, of any witness or person, and may order any deposition so taken to be filed in the Court, and may empower any party to any such cause or matter to give such deposition in evidence therein on such terms, if any, as the Court may direct.

Letters of request.

4. If in any case the Court shall so order, there shall be issued a letter of request to examine witnesses outside Nigeria in lieu of a commission.

Procedure when letters of request are sought.

5. (1) Before any letter of request is issued, the solicitor or, if he be not represented by a solicitor, the party applying for such letter of request shall either file a written undertaking to be responsible for all expenses incurred by Her Majesty's Secretaries of State or by the Governor in respect of the execution of the letter of request, and on receiving a notification of the amount of such expenses to pay the same to the Accountant-General, or shall give security for the payment of such expenses in such other form as the Chief Justice may order.

(2) The letter of request shall be sealed with the seal of the Court and signed by the Chief Justice, and shall be forwarded by him to the Governor for transmission to the tribunal therein named, through the diplomatic channel; and when destined for a tribunal outside Her Majesty's dominions it shall be accompanied by a list of questions to be put to the witnesses respectively, together with a translation thereof, whenever practicable, into the language of the country to which the letter of request is directed.

6. Where an order is made under rule 3 of this Order, the evidence, when not directed to be taken upon interrogatories previously settled, shall be taken as nearly as may be as evidence at the hearing of a suit, and then the note of evidence shall be read over to the witness and be signed by him. If he refuses, a note of his refusal shall be made and the statement may be used as if he had signed it.

Procedure when commission issued.

7. Evidence may be taken in like manner on the application of any person before suit instituted, where it is shown to the satisfaction of the Court on oath that the person applying has good reason to apprehend that a suit will be instituted against him in the Court and that some person within the jurisdiction at the time of the application can give material evidence respecting the subject of the apprehended suit, but that he is about to leave the jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it be not at once taken; and the evidence so taken may be used at the hearing, subject to just exceptions:

Evidence before suit instituted.

Provided that the Court may impose any terms or conditions with reference to the examination of such witness and the admission of his evidence as to the Court may seem reasonable.

8. Any party desiring to give in evidence any deed or other instrument which shows upon the face of it that it has been duly executed, may deliver to the opposite party not less than four clear days before the return-day a notice in writing specifying the date, nature and parties to such deed or instrument, and requiring the opposite party to admit that the same was executed as it purports to have been, saving all just exceptions as to its admissibility, validity and contents; and if at or before the hearing of the suit the party so notified shall neglect or refuse to give such admission, the Court may adjourn the hearing in order to enable the party tendering such deed or instrument to obtain proof of the due execution thereof, and upon production of such proof the Court may order the costs of such proof to be paid by the party so neglecting or refusing, whether he be the successful party or not.

Facilities for proving deeds, etc.

III.—Objections to Evidence

9. In every case, civil or criminal, and at every stage thereof, any objection to the reception of evidence by a party affected thereby shall be made at the time the evidence is offered:

When to be made.

Provided that in an appeal before the Court, the Court may in its discretion entertain any objection to evidence received in the Court below, though not objected to at the time when it was tendered.

10. Where a question proposed to be put to a witness is objected to, the Court, unless the objection appears frivolous, shall take a note of the question and objection and mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

Where question objected to.

11. Where a document is produced and tendered in evidence, and rejected by the Court, the document shall be marked as having been so tendered and rejected.

Marking of rejected documents.

IV.—Attendance of Witnesses

12. In any proceedings, and at any stage thereof, the Court may summon a person resident in Nigeria to give evidence or to produce documents or both and the Court may direct the cost thereof to be paid by the party to the proceedings in question if the Court is of opinion that such party ought to have called the witness, and to stay further proceedings until the cost is paid

Summoning of witnesses.

or may order such witness to be summoned at the instance of the Court without payment of fees or expenses, except in so far as the Court may on the determination of the proceedings order that such fees or expenses be included in the costs to be paid by any party or parties.

Dis-obedience to summons.

13. If any person summoned or ordered as aforesaid fails to attend to give evidence, or to produce documents, or refuses to give evidence, or to produce documents, such failure or refusal shall, unless he excuses his failure or refusal to the satisfaction of the Court, be treated as a contempt of court and be punishable either by fine or imprisonment or both, as the Court shall deem fit.

Allowances to witnesses.

14. Allowances to persons required to attend or be examined as witnesses for defraying their reasonable expenses and compensating them for their trouble and loss of time may, where ordered by the Court, be made in accordance with the provisions in Part II of the Second Schedule under the heading "Allowances to Witnesses".

V.—Bankers' Books

Court may order inspection.

15. On the application of any party to a legal proceeding, the Court may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding. An order under this rule may be made either with or without summoning the bank or any other party; and shall be served on the bank three days before the same is to be obeyed, unless the Court otherwise directs.

Costs.

16. The costs of any such application, and the costs of anything done or to be done under an order of the court made under or for the purposes of the foregoing rule, or under the provisions of section 96 of the Evidence Ordinance, relating to the proof of an entry in a banker's book, shall be in the discretion of the Court, which may order the same or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank. Any such order against a bank may be enforced as if the bank were a party to the cause or matter.

Definitions.

17. Expressions relating to banker's books include ledgers, day books, cash books, account books and all other books used in the ordinary business of the bank.

VI.—Obtaining Evidence for Foreign Tribunals

Court may make order on *ex parte* application.

18. Where under the Foreign Tribunals Evidence Act, 1856, or the Extradition Act, 1870, section 24, any civil or commercial matter, or any criminal matter, is pending before a court or tribunal of a foreign country, and it is made to appear to the Court by commission *rogatoire*, or letter of request, or other evidence as hereinafter provided, that such court or tribunal is desirous of obtaining the testimony in relation to such matter of any witness or witnesses within the jurisdiction, the Court may, on the *ex parte* application of any person shown to be duly authorised to make the application on behalf of such foreign court or tribunal, and on production of the commission *rogatoire*, or letter of request, or of a certificate signed in the manner, and certifying to the effect mentioned in section 2 of the Foreign Tribunals Evidence Act, 1856, or such other evidence as the Court may require, make such order or orders as may be necessary to give effect to the intention of the Acts above mentioned in conformity with section 1 of the said Foreign Tribunals Evidence Act, 1856.

19. The examination may be ordered to be taken before any fit and proper person nominated by the person applying, or before such other qualified person as to the Court may seem fit.

Examination before fit and proper person.

20. Unless otherwise provided in the order for examination, the examiner before whom the examination is taken shall, on its completion, forward the same to the Chief Registrar of the Court, and on receipt thereof the Chief Registrar shall append thereto a certificate duly sealed with the seal of the Court for use out of the jurisdiction, and shall return the depositions so certified, and the commission *rogatoire* or letter of request (if any) to the foreign court or tribunal requiring the same, through the same channel as that through which the commission *rogatoire* or letter of request was received.

Examiner to forward examination for authentication.

21. An order made under rule 18 of this Order may, if the Court shall think fit, direct the examination to be taken in such manner as may be requested by the commission *rogatoire*, or letter of request, from the foreign court, or therein signified to be in accordance with the practice or requirements of such court or tribunal, or which may, for the same reason, be requested by the applicant for such order.

Examination in matter requested.

22. The preceding rules of this Order shall apply, so far as may be, to applications under the Evidence by Commission Act, 1859, for the purpose of giving effect to any commission or letter of request from any British tribunal out of the jurisdiction.

Applications under evidence by Commission Act, 1859.

23. Where a commission *rogatoire*, or letter of request, as mentioned in rule 18 of this Order, is transmitted to the Court by one of Her Majesty's Secretaries of State with an intimation that it is desirable that effect should be given to the same without requiring an application to be made to the Court by the agents in the jurisdiction of any of the parties to the action or matter in the foreign country, the Chief Registrar shall transmit the same to the Attorney-General, who may thereupon make such applications and take such steps as may be necessary to give effect to such commission *rogatoire* or letter of request in accordance with the foregoing rules.

Procedure in case of request transmitted by Secretary of State.

ORDER 28

DISCONTINUANCE AND NON-SUIT

1. (1) If before the date fixed for hearing the plaintiff desires to discontinue any suit against all or any of the defendants, or to withdraw any part of his claim, he shall give notice in writing of discontinuance or withdrawal to the Registrar, and to every defendant as to whom he desires to discontinue or withdraw. After the receipt of such notice such defendant shall not be entitled to any further costs with respect to the matter so discontinued or withdrawn than those incurred up to the receipt of such notice, unless the Court shall otherwise order, and such defendant may apply *ex parte* for an order against the plaintiff for the costs incurred before the receipt of such notice and of attending the Court to obtain the order. Such discontinuance or withdrawal shall not be a defence to any subsequent suit.

Discontinuance of suit.

(2) If in any other case the plaintiff desires to discontinue a suit or to withdraw any part of his claim, or if a defendant desires to discontinue his counter-claim, or withdraw any part thereof, such discontinuance or withdrawal may be allowed on such terms as to costs, and as to any subsequent suit and otherwise as to the Court may seem just.

Stay of subsequent suit.

2. If any subsequent suit shall be brought before payment of the costs of a discontinued suit for the same or substantially the same cause of action, the Court may order a stay of such subsequent suit until such costs shall have been paid.

Power of Court to non-suit.

3. The Court may in any suit, without the consent of parties, non-suit the plaintiff, where satisfactory evidence shall not be given entitling either the plaintiff or defendant to the judgment of the Court.

ORDER 29

JUDGMENT

Delivery of judgment.

1. The decision or judgment in any suit shall be delivered in open Court, unless the Court for special reasons otherwise directs.

Notice when received.

2. If the Court reserves judgment at the hearing, parties to the suit shall be served with notice to attend and hear judgment, unless the Court at the hearing states the day on which judgment will be delivered, in which case there shall be no further notice.

When parties deemed to have had notice.

3. All parties shall be deemed to have notice of the decision or judgment if pronounced at the hearing, and all parties served with notice to attend and hear judgment shall be deemed to have notice of the judgment when pronounced.

Minute of judgment.

4. A minute of every judgment, whether final or interlocutory, shall be made, and every such minute shall be a decree of the Court, and shall have the full force and effect of a formal decree. The Court may of its own motion or on the application of either party order a formal decree to be drawn up.

Where set-off allowed.

5. If the defendant shall have been allowed to set off any demand or counter-claim against the claim of the plaintiff, the judgment shall state what amount is due to the plaintiff, and what amount, if any, is due to the defendant, and shall be for the recovery of any sum which shall appear to be due to either party. The judgment of the Court, with respect to any sum awarded to the defendant, shall have the same effect, and be subject to the same rules, as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

Decree to be obeyed without demand.

6. A person directed by a decree or order to pay money or do any other act is bound to obey the decree or order without any demand for payment or performance, if and no time is therein expressed he is bound to do so immediately after the decree or order has been made (except as to costs, the amount whereof may require to be ascertained by taxation), unless the Court shall enlarge the time by any subsequent order.

Court may direct time for payment or performance and interest.

7. The Court at the time of making any judgment or order, or at any time afterwards, may direct the time within which the payment or other act is to be made or done, reckoned from the date of the judgment or order, or from some other point of time, as the Court thinks fit, and may order interest at a rate not exceeding five pounds *per centum* per annum to be paid upon any judgment, commencing from the date thereof or afterwards.

Payment by instalment.

8. When any judgment or order directs the payment of money, the Court may, for any sufficient reason, order that the amount shall be paid by instalments, with or without interest. Such order may be made at the time of giving judgment, or at any time afterwards, and may be rescinded upon sufficient cause at any time.

ORDER 30

COSTS BETWEEN PARTY AND PARTY

1. In every suit the costs of the whole suit, and of each particular proceeding therein, and the costs of every proceeding in the Court, shall be in the discretion of the Court as regards the person by whom they are to be paid. Costs in discretion of court.
2. The Court shall not order the successful party in a suit to pay to the unsuccessful party the costs of the whole suit, although the Court may order the successful party, notwithstanding his success in the suit, to pay the costs of any particular proceeding therein. Powers of court.
3. The Court may order any costs to be paid out of any fund or property to which a suit or proceeding relates. Costs out of fund or property.
4. When the Court adjudges or orders any costs to be paid, the amount of such costs shall, if practicable be summarily determined by the Court at the time of making the judgment or order, and named therein. Court to determine amount of costs.
5. In fixing the amount of costs, the principle to be observed is that the party who is in the right is to be indemnified for the expenses to which he has been necessarily put in establishing his claim, defence or counter-claim, but the Court may take into account all the circumstances of the case. Principle to be observed in fixing costs.
6. In every civil case the Court or a Judge may, either *suo motu* or on the application of any defendant, require any plaintiff to any suit, either at the commencement or at any time during the progress thereof, to give security for costs to the satisfaction of the Court or Judge, by deposit or otherwise, or to give further or better security, and may require any defendant to give security, or further or better security, for the costs of any particular proceeding undertaken in his interest. Security for costs.
7. Where the Court orders costs to be paid, or security to be given for costs by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid or security given accordingly, but such order shall not supersede the use of any other lawful method of enforcing payment. Stay of proceedings till costs paid.
8. When the Court deems it to be impracticable to determine summarily the amount of any costs which it has adjudged or ordered to be paid, all questions relating thereto may either be determined upon taxation by the Court itself or may be referred by the Court to a taxing master and be ascertained by him and approved by the Court. Taxation of costs.
9. Upon any taxation of costs the taxing master may, in determining the remuneration to be allowed, have regard, subject to any Rule of Court, to the skill, labour and responsibility incurred. Discretion of taxing master.
10. In taxation of costs between party and party, nothing shall be allowed in respect of fees paid to the Court beyond what was necessary having regard to the amount recovered on judgment. Taxation.
11. If upon the taxation of any bill of costs more than one-sixth is deducted from the amount claimed the Court may either make no order as to the costs of the taxation or may order the party who filed the bill of costs to pay to the other party or parties the costs of the taxation. Where more than one-sixth of amount of bill of costs deducted on taxation.

Costs in action which could have been taken in inferior court.

12. Where a plaintiff is successful in any action which might have been brought by him in an inferior tribunal, the Court may take into account the smaller costs which would have been involved to the parties to the action if it had been taken in such inferior tribunal and may, in its discretion, grant to the successful plaintiff modified costs or no costs and may grant to any other party such extra costs as the Court is satisfied such other party has incurred by reason of the action being taken in the High Court instead of in the inferior court, unless the Court is of opinion that the action was one which for some special reason it was proper to bring in the High Court.

ORDER 31

SOLICITORS AND THE PREPARATION OF LEGAL DOCUMENTS

Definition.

1. In this Order the expression "conveyance" means any instrument effecting the transfer of any real or personal property or of any estate or interest therein.

Indorsement of legal document.

2. No solicitor shall indorse his name or cause it to be indorsed on any conveyance or on any document for use in any legal proceeding, unless the same be drafted and prepared by himself or by someone in his employment or under his control, upon the instructions of the parties concerned or any one or more of them.

Remuneration according to scale of fees.

3. No solicitor shall be entitled to recover any fee for drawing or preparing a conveyance beyond the amount which may be allowed by the authorised scale of fees or in matters not therein included which the Court may allow in taxation having regard to—

(a) the position of the party for whom the solicitor is concerned in any business, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like ;

(b) the place, district and circumstances at or in which the business or any part thereof is transacted ;

(c) the amount of the capital money or of the rent to which the business relates ; and

(d) the skill, labour and responsibility involved therein on the part of the solicitor.

Agreements between clients and solicitors.

4. It shall be competent for a solicitor to make an agreement with his client, and for a client to make an agreement with a solicitor before the transaction of any conveyancing business for the remuneration of the solicitor and it shall be competent for the solicitor to accept from the client and for the client to give to the solicitor remuneration accordingly :

Provided that—

(a) the agreement shall be in writing signed by the person to be charged therewith or by his agent duly authorised in that behalf ;

(b) the agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include, or shall not include, all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees or other matters connected therewith ;

(c) the agreement may be sued and recovered on or impeached and set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor, and if in any such suit or in any application to the Court for an order for taxation of costs the solicitor shall rely upon any such agreement, and the client shall object thereto on the ground that it is unfair and unreasonable the Court may order the

taxing master to inquire into the facts and certify the same to the Court ; and if upon such certificate it shall appear to the Court that just cause has been shown for cancelling the agreement, or for reducing the amount payable under the same, the Court shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying such order into effect, or otherwise consequential thereon, as to the Court may seem fit ;

(d) no such agreement shall be made with an illiterate unless it be an agreement for the payment of a less amount than is authorised by the scale of fees or than may be found due on taxation.

ORDER 32

RECOVERY OF COSTS BY SOLICITORS

1. In this Order the expression "solicitor" includes the executor, administrator or assignee of any solicitor. Definition.
2. No solicitor shall commence any suit for the recovery of any fees, charges, or disbursements for or on account of any business done by him until the expiration of one month after he shall have delivered to the party to be charged therewith, either by serving the same personally, or by sending through the post by registered letter to, or by leaving at the office, place of business, dwelling-house or last known place of abode of, such party a bill of costs, signed by himself (or in case of a partnership by any of the partners either in his own name or in the name of the partnership) or enclosed in or accompanied by a letter signed in like manner and referring to such bill. Bill of costs to be sent before suit.
3. Upon application to the Court either by the solicitor making the demand or by the party to be charged within such time as in the last preceding rule mentioned, the Court shall either tax the bill or refer the bill and the demand of the solicitor to be taxed and settled by a taxing master, and the Court shall restrain such solicitor from commencing any suit touching such demand pending such reference : Either party may apply to Court to tax the bill.
 Provided that—
 - (a) it shall be lawful for such taxation or reference as aforesaid to be made upon the application of either party at any time within six months from the date of the delivery of the bill, with such directions and subject to such conditions as to the Court may seem just, and the Court may restrain the solicitor from commencing or prosecuting any suit touching his demand pending such reference ;
 - (b) no such taxation or reference as aforesaid shall be made after judgment shall have been obtained in any suit for the recovery of the demand of any solicitor, unless or until such judgment shall have been reversed or set aside, or, after the expiration of six months from the date of the delivery of the bill as aforesaid, except in special circumstances to be proved to the satisfaction of the Court to which application shall be made.
4. Upon any taxation or reference as aforesaid, if either party refuse or neglect to attend the taxation after due notice, the Court or the taxing master may proceed to tax and settle the bill *ex parte*. Non-attendance on taxation.
5. In any reference as aforesaid the costs of taxation shall be paid according to the event (except as in rule 6 provided), that is to say, if such a bill when taxed be less by more than a sixth part than when presented for taxation, then the solicitor shall pay such costs, and in any other case the party to be charged shall pay such costs. Costs of taxation.

Form of order.

6. Every order to be made for any reference as aforesaid shall direct the taxing master to certify what shall be found due to or from the solicitor in respect of the bill referred including the costs of the reference :

Provided that the taxing master may certify any special circumstances relating to the bill or reference, and the Court may make any order which it may think right respecting the costs of such reference.

Proof of compliance with rules.

7. In proving compliance with these rules it shall not be necessary for any solicitor in the first instance to prove the contents of the bill of costs which he may have delivered, but it shall be sufficient to prove that a bill of costs was delivered in accordance with the provisions of this order.

Completion of taxation.

8. Upon the completion of the taxation of any bill referred as aforesaid, the taxing master shall submit for the approval of the Court the result of his taxation, including costs, and the amount approved by the Court shall be final and conclusive as to the amount to be recovered, provided that the Court may in its discretion review any such approval ; and it shall be lawful for the Court to order that judgment be entered the amount approved or to make such other order as the Court may deem proper.

Court may order delivery of bill, deed, etc.

9. It shall be lawful for the Court to make an order for the delivery by any solicitor of a bill of costs for business done by him ; and the Court shall have the same powers as the High Court of Justice in England with respect to making orders for the delivery up by a solicitor of any deeds, documents or things in his possession, custody or power belonging to a client.

Application by motion.

10. All applications under this Order, shall be by motion in the matter of the solicitor concerned.

Scale of fees.

11. In taxing any bill of costs under this Order the Court and the taxing master shall be guided by the rules and fees set out in the Third Schedule hereto in so far as they apply to any items in such bill of costs.

ORDER 33

PROBATE AND ADMINISTRATION

I.—Preliminary

Petitions to be made to Probate Registrar.

1. (1) Subject to the provisions of rules 41 and 42 of this Order, when any person subject to the jurisdiction of the Court dies, all petitions for the granting of any probate of the will of, or for letters of administration of the estate of, the deceased person and all applications or other matters connected therewith shall be made to the probate Registrar of the Court at Ibadan.

(2) In regard to any such application made as aforesaid the Chief Justice shall have power to request the Court of any Judicial Division to take measures and make such orders as may appear necessary or expedient for the interim preservation of the property of the deceased within such Judicial Division, for the discovery or preservation of the will of the deceased or for any other purposes connected with the duties of the Court under this Order ; and every Court shall carry out any such request as far as practicable and report to the Chief Justice.

Preservation of property.

2. The Court shall, when the circumstances of the case appear so to require, forthwith on the death of such deceased person, or as soon after as may be, appoint and authorise an officer of the Court, or some other fit person, to take possession of his property within its jurisdiction, or put it under seal, and to keep it until it can be dealt with according to law.

3. If any person other than the person named executor or administrator, or an officer of the Court or person authorised by the Court, takes possession of and administers or otherwise deals with the property of any such deceased person, he shall, besides the other liabilities he may incur, be liable to such fine not exceeding fifty pounds as the Court, having regard to the condition of the person so interfering with the property, and the other circumstances of the case, may think fit to impose.

Unauthorised persons interfering with property.

4. Any person having in his possession or under his control any paper or writing of any such person deceased, being or purporting to be testamentary, shall forthwith deliver the original to the Probate Registrar of the Court. If any person fails to do so for fourteen days after having had knowledge of the death of the deceased, he shall be liable to such fine not exceeding twenty-five pounds as the Court, having regard to the condition of such person so in default and the other circumstances of the case, thinks fit to impose.

Production of testamentary papers.

5. Where it appears that any paper of the deceased, being or purporting to be testamentary, is in the possession of, or under the control of any person the Court may in a summary way, whether a suit or proceeding respecting probate or administration is pending or not, order him to produce the paper and bring it into Court.

Court may order production.

6. Where it appears that there are reasonable grounds for believing that any person has knowledge of any paper being or purporting to be testamentary (although it is not shown that the paper is in his possession or under his control), the Court may in a summary way, whether a suit or proceeding for probate or administration is pending or not, order that he may be examined respecting the same in Court or on interrogatories, and that he attend for that purpose, and after examination that he produce the paper and bring it into Court.

Examination respecting papers.

II.—Probate or Administration in General

7. The Court may of its own motion, or on the application of any person claiming an interest under a will, give notice to the executors (if any) therein named, to come in and prove the will, or to renounce probate, and they, or some or one of them, shall, within fourteen days after notice come in and prove or renounce accordingly.

Notice to executor to come in and prove.

8. If any person named executor in the will of the deceased takes possession and administers or otherwise deals with any part of the property of the deceased, and does not apply for probate within one month after the death, or after the termination of any suit or dispute respecting probate or administration, he may, independently of any other liability, be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding twenty-five pounds, as the Court thinks fit to impose.

Liability of executor neglecting to apply for probate.

9. The Court shall require evidence, in addition to that offered by the applicant, where additional evidence in that behalf seems to the Court necessary or desirable, in regard to the identity of the deceased or of the applicant, or in regard to the relationship of the applicant to the deceased, or in regard to any person or persons in existence with a right equal or prior to that of the applicant to the grant of probate or administration sought by the applicant, or in regard to any other matter which may be considered by the Court relevant to the question whether the applicant is the proper person to whom the grant should be made :

Identity.

Provided that the Court may refuse the grant unless the applicant produces the required evidence on these points or any of them.

10. Where it appears to the Court that some person or persons other than the applicant may have at least an equal right with the applicant to the grant sought the Court may refuse the grant until due notice of the application has been given to such other person or persons and an opportunity given for such person or persons to be heard in regard to the application :

Provided that the Court may in its discretion refuse the grant unless and until all persons entitled to the grant in priority to the applicant shall have expressly renounced their prior right.

Value of property.

11. Every applicant for a grant of probate or letters of administration shall file in the Court a true declaration of all the personal property of the deceased and the value thereof :

Provided that for the purposes of the fees payable on probate and letters of administration the value of the property in respect of which the grant is made shall be deemed not to include—

(a) any gratuity payable by the Government of the Federation of Nigeria, or the Government of any Region, to the estate of any person formerly employed by any such Government or by the Nigerian Railway ;

(b) any sum of money payable to an estate from a Provident Fund established under the provisions of any written law.

Answers required before grant.

12. In no case shall the Court issue probate or letters of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction. The Court shall, however, afford as great a facility for the obtaining of probate or letters of administration as is consistent with due regard to the prevention of error and fraud.

Notice to prohibit grant.

13. A notice to prohibit a grant of probate or administration may be filed in the Court.

Effect notice.

14. The notice shall remain in force for three months only from the day of filing, but it may be renewed from time to time. The notice shall not affect a grant made on the day on which the notice is filed. The person filing the notice shall be warned by a warning in writing delivered at the place mentioned in the notice as his address.

Citations.

15. Notices in the nature of citations shall be given in such manner as the Court directs.

Form of suits.

16. Suits respecting probate or administration shall be instituted and carried on as nearly as may be in the like manner and subject to the same rules of procedure as suits in respect of ordinary claims.

III.—Custody of Wills

Testator may deposit will.

17. Any person may, in his lifetime, deposit for safe custody in the Court at Ibadan his own will, sealed up under his own seal and the seal of the Court.

Custody of wills of which probate granted.

18. Every original will, of which probate or administration with will annexed is granted, shall be filed and kept in the Probate Registry, in such manner as to secure at once the due preservation and convenient inspection of the same. A copy of every such will, and of the probate or administration, shall be preserved in a book kept for that purpose in the Registry.

Will not given out without order of court.

19. (1) No original will shall be delivered out for any purpose without the direction in writing of the Court where the will is filed.

(2) A certified transcript under the seal of the Court of the probate or administration with the will annexed may be obtained from the Court.

IV.—Probate or Administration with Will Annexed

20. (1) On receiving an application for probate or for administration with will annexed, the Court shall inspect the will, and see whether it appears to be signed by the testator, or by some other person in his presence, and by his direction, and to be subscribed by two witnesses according to the enactments relative thereto, and shall not proceed further if the will does not appear to be so signed and subscribed.

Examination of will as to its execution.

(2) If the will appears to be so signed and subscribed, the Court shall then refer to the attestation clause (if any), and consider whether the wording thereof states the will to have been, in fact, executed in accordance with those enactments.

21. If there is no attestation clause, or if the attestation clause is insufficient, the Court shall require an affidavit from at least one of the subscribing witnesses, if either of them is living to prove that the will was, in fact, executed in accordance with those enactments. The affidavit shall be engrossed and form part of the probate, so that the probate may be a complete document on the face of it.

Proof of execution where attestation clause defective.

22. If on perusal of the affidavit it appears that the will was not in fact executed in accordance with those enactments, the Court shall refuse probate.

Where will not executed according to law.

23. If both the subscribing witnesses are dead, or if from other circumstances such an affidavit cannot be obtained from either of them, resort for such an affidavit shall be had to other persons (if any) present at the execution of the will; but if no such affidavit can be obtained, proof shall be required of that fact, and of the handwriting of the deceased and of the subscribing witnesses, and also of any circumstances raising a presumption in favour of the due execution of the will.

Evidence on failure of attesting witnesses.

24. Where the testator was blind or illiterate, the Court shall not grant probate of the will, or administration with the will annexed, unless the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

Will of blind or illiterate testator.

25. The Court, on being satisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations, or erasures, or obliterations appearing in it, and requiring to be accounted for. Interlineations, alterations, erasures, and obliterations are invalid unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been executed and attested in the mode required by the said enactments, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto. Where interlineations, alterations, erasures, or obliterations appear in the will (unless duly executed or recited in or otherwise identified by the attestation clause), an affidavit in proof of their having existed in the will before its execution shall be filed. If no satisfactory evidence is adduced respecting the time when an erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be ascertained, they shall form part of the probate. Where any words have been erased which might have been of importance, an affidavit shall be required.

Inter-lineations, erasures, obliterations.

Documents referred to in a will, or annexed or attached.

26. (1) Where a will contains a reference to any document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the Court shall require the production of the document, with a view to ascertaining whether or not it is entitled to probate ; and if it is not produced, a satisfactory account of its non-production shall be proved. A document cannot form part of a will unless it was in existence at the time when the will was executed.

(2) If there are vestiges of sealing wax or wafers, or other marks on the will, leading to the inference that some document has been at some time annexed or attached thereto, a satisfactory account of them shall be proved, or the production of the document shall be required, and if it is not produced, a satisfactory account of its non-production shall be proved.

Executor dying without proving or not appearing.

27. Where a person appointed executor in a will survives the testator, but either dies without having taken probate, or having been called on by the Court to take probate, does not appear, his right in respect of the executorship wholly ceases ; and, without further renunciation, the representation to the testator and the administration of his property may go and be committed as if that person had not been appointed executor.

Marking of will or copy sworn to.

28. Every will or copy of a will to which an executor or an administrator with the will annexed is sworn shall be marked by the executor or administrator and by the person before whom he is sworn.

Codicils.

29. The rules respecting wills apply equally to codicils.

Viva voce examination of persons making affidavits.

30. In every case where evidence is directed or allowed to be given by affidavit, the Court may require the personal attendance of the deponent, if within the jurisdiction, before the Court, to be examined *viva voce* respecting the matter of his affidavit. The examination may take place before any affidavit has been sworn or prepared, if the Court thinks fit.

V.—Administration (not with Will)

Form of administration not with will annexed.

31. (1) The Court in granting letters of administration shall proceed as far as may be as in cases of probate.

(2) The Court shall ascertain the time and place of deceased's death, and the value of the property to be covered by the administration.

Administration bond.

32. (1) The person to whom administration is granted shall give a bond, with two or more responsible sureties, to the Probate Registrar of the Court to ensure to the Probate Registrar for the time being conditioned for duly collecting, getting in, and administering the personal property of the deceased, such sureties to be to the satisfaction of the Probate Registrar.

(2) The Court may, if it thinks fit, take one surety only.

(3) The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Court in any case thinks it expedient to reduce the amount.

(4) The Court may also in any case direct that more bonds than one shall be given, so as to limit the liability of any surety to such amount as the Court thinks reasonable.

Assignment of bond.

33. The Probate Registrar may, on being satisfied that the condition of the bond has been broken, assign the same to some person, and that person may thereupon sue on the bond in his own name, as if it had been originally given to him instead of the Probate Registrar, and may recover thereon, as trustee for persons interested, the full amount recoverable in respect of any breach of the condition of the bond.

VI.—Administration of Property

34. Any person claiming to be a creditor or legatee, or the next-of-kin, or one of the next-of-kin of a deceased, may apply for and obtain a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.

Administration summons.

35. (1) On proof of service of the summons or on appearance of the executor or administrator, and on proof of all such other things (if any) as the Court may direct, the Court may, if it thinks fit, make an order for the administration of the property of the deceased.

Order for administration.

(2) The Court shall have discretionary power to make or refuse any such order, or to give any special directions respecting the carriage or execution of it, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants or classes of claimants, as the Court thinks fit.

(3) If the Court thinks fit the carriage of the order may subsequently be given to such person, and on such terms as the Court thinks fit.

36. On making such an order, or at any time afterwards, the Court may, if it thinks fit, make any further or other order which may appear requisite to secure the proper collection, recovery, safe keeping and disposal of the property or any part thereof.

Orders relating to property.

37. In a case of intestacy, where the special circumstances of the case appear to the Court so to require the Court may, if it thinks fit, on the application of any person having interest in the estate of the deceased, or of its own motion, grant letters of administration to an officer of the Court, to a Consular Officer, or to a person in the service of the Government.

Administration may be granted to officer.

38. (1) The officer or person so appointed shall act under the direction of the Court, and shall be indemnified thereby.

Officer to act under direction of court.

(2) The Court shall require and compel him to file in the Court his accounts of his administration at intervals not exceeding three months.

39. Where a person has died intestate as to his personal estate or leaving a will affecting personal estate, but without having appointed an executor thereof willing and competent to take probate, or where the executor shall, at the time of the death of such person, be resident out of the jurisdiction, and it shall appear to the Court to be necessary or convenient in any such case to appoint some person to be the administrator of the personal estate of the deceased, or of any part thereof, the Court may appoint such person as it shall think fit to be such administrator upon his giving such security, if any, as the Court shall direct, and every such administration may be limited as the Court shall think fit.

Court may appoint person to be administrator.

40. The Court may direct that any administrator (with or without the will annexed) shall receive out of the personal and real estate of the deceased such reasonable remuneration as the Court shall think fit, not exceeding a fee of three pounds, and in addition thereto a sum not exceeding five *per centum* on the amount of the realised property, or, when not converted into money, on the value of the property duly administered and accounted for by him :

Remuneration of administrators.

Provided that where the Court shall be satisfied that by reason of exceptional circumstances the administration of the property has required an extraordinary amount of labour to be bestowed on it, the Court may allow in respect of such property a higher rate of remuneration.

*VII.—Administration of the Estates of Citizens of
the United States of America*

Securing and
collection of
estate.

41. (1) Where any citizen of the United States of America dies within the jurisdiction without leaving within the jurisdiction a widow or next-of-kin, the Magistrate having jurisdiction in the place where such person died shall collect and secure all moneys and other property belonging to the deceased, and shall report the matter to the Probate Registrar.

(2) The Probate Registrar shall thereupon request the Chief Secretary of the Federation to inform the nearest consular officer of the United States of America of the death of the deceased, and transmit to him a list of the moneys and other property of the deceased.

Application
by consular
officer or
person
authorised
by him to
administer
estate.

42. Application may be made to the Court by any such consular officer, or by any person authorised by him in writing and under the consular seal, for leave to administer the estate of the deceased, and the Court may make such order as to security for payment of debts and the method of administration as the Court shall think fit, and may vary such order when and so often as is expedient.

VIII.—Administration Generally

Accounts to
be filed.

43. (1) Every person to whom a grant of probate or letters of administration shall have been made, and every administrator appointed by the Court shall, if called upon by the Court so to do, file in Court the accounts of his administration, and shall thereafter file such further periodic accounts as the Court may direct until the completion of the administration.

(2) Any such executor or administrator who fails within any such period to file his accounts as aforesaid shall be liable to such penalty not exceeding twenty-five pounds as the Court may think fit to impose. Every such fine shall on non-payment be enforceable by distress, and failing sufficient distress, by imprisonment for a term not exceeding three months.

(3) When an account is filed in Court under this Order the Court shall scrutinise such account and if it appears to the Court that by reason of improper, unvouched or unjustifiable entries or otherwise such account is not a full and proper account the Court may give written notice to the person filing the account to remedy such defects as there may be, within such time as to the Court may seem reasonable for the purpose, and on failure to remedy such defects within such time the person having filed such defective account shall be deemed to have failed to file an account within the meaning of rule 43 (1) and proceedings may be taken against such person accordingly.

(4) The Court may on the motion of any party interested, or of its own motion, summon any executor or administrator failing as aforesaid to show cause why he should not be punished as aforesaid.

(5) The Court may for good cause shown extend the time for such filing of accounts as aforesaid.

(6) Any executor or administrator who has been granted an extension of time to file such accounts as aforesaid, and who fails within such extended time to file such accounts, shall be liable to the penalty set out above, and the procedure for bringing him before the Court shall be as set out above.

(7) It will be the duty of the Probate Registrar to bring to the notice of the Court the fact that any executor or administrator has failed to file his accounts as required by this rule.

(8) Such accounts shall be open free of charge to the inspection of all persons satisfying the Probate Registrar that they are interested in the administration.

(9) In this rule the word "accounts" shall mean and include an inventory, an account of the administration, the vouchers in the hands of the executor or administrator relating thereto, and an affidavit in verification.

44. The duties imposed and the powers conferred upon the Court by rules 5, 6, 7, 9, 10, 11, 12, 14, 18, 19, 20, 21, 22, 23, 30, 31 (2), 32, 33, 40, 42 and 43 (1), (3), (5), (7) and (8) shall be performed and exercised by the Probate Registrar on behalf of the Court subject to any directions which the Chief Justice may give restricting or enlarging this delegation to the Probate Registrar of the duties and powers of the Court under this Order :

Duties and powers to be performed and exercised by Probate Registrar.

Provided that the Court shall have power, either of its own motion or on the application of any person interested to review any exercise by the Probate Registrar of the powers delegated to him, and on such review the Court shall have power to cancel anything which may have been done by the Probate Registrar in such exercise of his delegated powers or otherwise and make such order in the premises as may to the Court seem just.

45. The Court may refuse to entertain any application under rule 44 if it considers that there has been unreasonable delay by the applicant in making his application.

46. The grant of probate or of letters of administration under this Order shall be signed by the Probate Registrar on behalf of the Court.

ORDER 34

PROCEEDINGS UNDER THE LEGITIMACY ORDINANCE

1. In this Order "petitioner" means a person applying for a legitimacy declaration and "petition" has a corresponding meaning. Definition.

2. The practice and rules of the Court shall so far as practicable govern all proceedings under the Legitimacy Ordinance, Cap. 111, subject nevertheless to the particular rules of this Order. Practice.

3. (1) A petition shall be headed "In the matter of the Legitimacy Ordinance", and "In the matter of—(*the person to be declared legitimated*)"— and shall be according to the prescribed form, with such variations and additions as the circumstances may require, and shall state amongst other matters— Form of petition.

(a) the place and date of the marriage ;

(b) the status and residence of each of the parents and the occupation and domicile of the father of the person whose legitimacy the Court is asked to declare—

(i) at the date of his birth ; and

(ii) at the date of the marriage ;

(c) whether there is living other issue of the parents of such person as aforesaid and the respective names and dates of the birth of any such issue ;

(d) the persons (if any) affected by the legitimation of such person as aforesaid and the value so far as is known of the property (if any) thereby involved ;

(e) whether any and if so what previous proceedings under the Legitimacy Ordinance, or otherwise with reference to the paternity of such person as aforesaid, or the validity of the marriage leading to his legitimation have been taken in any court ;

(f) that there is no collusion.

(2) A petition shall also include an undertaking by the petitioner (if not an infant or person of unsound mind) to pay the costs of the respondents if the Court shall so direct.

(3) If the petitioner is an infant or person of unsound mind, he shall petition by a next friend and the full names, occupation or description, and residence or place of business, of the next friend shall be stated in the petition and there shall be lodged with the petition an undertaking to be responsible for costs.

Petitioner resident outside Western Region.

4. If the petitioner does not reside in the Western Region the petition shall state an address within the Western Region at which the petitioner may be served with any summons, notice, order of Court or other process.

Security for costs by petitioner resident outside the Western Region.

5. Where it appears on the presentation of a petition that the petitioner does not reside in the Western Region, the petition shall not be filed until security for costs, by deposit of money or otherwise, has been given to the satisfaction of the Registrar :

Provided that where the petition is filed through a solicitor, an undertaking by him, in form to be approved by the Registrar, to be responsible for the costs shall be sufficient.

Persons to be respondents.

6. The respondents to a petition shall be the Attorney-General and all persons whose interests may be affected by the legitimacy declaration asked for, and the Court may at any time direct any persons not made respondents to be made respondents and to be served with the petition and affidavit, and may adjourn the hearing of the petition for that purpose on such terms as to costs or otherwise as may be just.

Affidavit of verification.

7. The petition shall be accompanied by an affidavit made by the petitioner, or by his next friend (if any) verifying the facts of which he has personal knowledge and deposing as to his belief in the truth of the other facts alleged in the petition, and the affidavit shall be filed with the petition.

Copies of petition to be filed.

8. (1) There shall be filed with the petition as many copies of the petition and the affidavit as there are respondents to be served and also two copies for the use of the Court.

(2) There shall be lodged with the petition every birth, death or marriage certificate intended to be relied upon at the hearing.

Copies of papers to be sent to Attorney-General.

9. (1) A copy of the petition and a copy of the affidavit shall be delivered or sent by registered post by the petitioner to the Attorney-General at least two months before the petition is presented or filed.

(2) Any document or notice addressed to the Attorney-General shall be addressed to him at Ibadan.

Personal service on other respondents.

10. (1) A sealed copy of the petition and affidavit shall unless the Court otherwise directs be served by a bailiff or by a police constable fifty-six days at least before the hearing on every respondent (other than the Attorney-General) personally and the petition and every copy to be served on a respondent (other than the Attorney-General) shall be indorsed with a notice in the prescribed form.

(2) At least fifty-six days notice of the day whereon the petition will be heard shall be given by the Registrar to the Attorney-General.

11. (1) A respondent may within twenty-eight days after service of the petition upon him file an answer to the petition. Filing of answers.

(2) Every answer which contains matter other than a simple denial of the facts stated in the petition shall be accompanied by an affidavit made by the respondent verifying such other matter as far as he has personal knowledge thereof, and deposing to his belief in the truth of the rest of such other matter.

(3) There shall be filed with the answer as many copies of the answer and the affidavit (if any) as there are other parties to the petition, and also two copies for the use of the Court.

(4) The Registrar shall within forty-eight hours of receiving them send by post one sealed copy of the answer and the affidavit (if any) to the petitioner, the Attorney-General, and any other respondents.

12. Evidence on the hearing of the petition shall be given orally : Evidence.

Provided that the Court or a Judge may, on application made before or at the hearing, for good cause shown, direct that any particular fact or facts alleged in the petition or answer may be proved by affidavit.

13. The Court may make such orders as to costs as it shall think just. Costs.

14. A copy of the order made on the hearing of a petition sealed with the seal of the Court shall be supplied by the Registrar to any party to the proceedings on payment of the prescribed fee. Copy of order to be supplied.

ORDER 35

MISCELLANEOUS PROVISION

1. Subject to particular rules, the Court may in all causes and matters make any order which it considers necessary for doing justice, whether such order has been expressly asked by the person entitled to the benefit of the order or not. What orders to be made.

2. All fines, forfeitures, pecuniary penalties and costs ordered to be paid may be levied by distress, seizure and sale of the movable and immovable property of the person making default in payment. Recovery of penalties and costs.

3. In all cases in which the publication of any notice is required the same may be made by advertisement in the Gazette, unless otherwise provided in any particular case by any Rule of Court or otherwise ordered by the Court. Notices.

4. A document shall not be filed unless it has indorsed on it the name and number of the cause, the date of filing, and whether filed by plaintiff or defendant ; and on being filed such indorsement shall be initialled by the Registrar. Filing.

5. All warrants and writs of whatever description shall be sufficiently addressed for execution by being directed to the sheriff of the Western Region, or to the sheriff, without any affix ; but this provision shall not prevent any writ or warrant from being addressed to a person by name, or to a person named, and to officers of Court generally, or to a Local Government Council or a Customary Court. How process addressed.

- Fees. 6. Save as provided in order 24, the fees prescribed in Part I of the Second Schedule shall be payable by the party prosecuting a proceeding or asking for service as therein provided in respect of the proceedings or services to which they relate and such fees may afterwards be recovered as costs of cause if so ordered.
- Fees where proceedings by Government Department. 7. No fees are to be taken in respect of any proceeding where such fees would be payable by any Government Department or Local Government Council :
 Provided however that when any person is ordered to pay the costs of the Crown or of any Government Department, Local Government Council, or Native Authority in any case, whether criminal or civil, all fees which would have been payable but for the provisions of this rule shall be taken as paid and shall be recoverable from such person.
- Payment of fees. 8. Fees may be paid to the Court concerned, in which case a treasury receipt shall be given to the payer, or may be paid to a sub-treasury or local treasury, in either of which cases the treasury receipt given to the payer shall be sent to and retained by the Court concerned.
- Regulations. 9. The Regulations in the Fourth Schedule shall govern the payment and disposal of fees and the duties of Court officers in regard thereto.
- Saving. 10. Where no provision is made by these rules or by any other written laws, the procedure and practice in force for the time being in the High Court of Justice in England shall so far as they can be conveniently applied, be in force in the Court : provided that no practice which is inconsistent with these rules shall be applied.

FIRST SCHEDULE

Writ of Summons

Suit No.

IN THE HIGH COURT OF JUSTICE
 WESTERN REGION OF NIGERIA JUDICIAL DIVISION

BETWEEN *Plaintiff*

AND *Defendant*

*Impressed
Duty
Stamp*

ELIZABETH II, by the grace of God, of the United Kingdom of Great Britain and Northern Ireland and her other realms and territories, Queen, Head of the Commonwealth, Defender of the Faith :

To
 of

WE command you to attend this Court holden at on
 the day of 19.....,
 at o'clock in the forenoon to answer a suit by
 of
 against you.

The plaintiff's claim is indorsed on the reverse side hereof.

Take notice that if you fail to attend at the hearing of the suit or at any continuation or adjournment thereof, the Court may allow the plaintiff to proceed to judgment and execution.

SIGNED AND SEALED this day of 19.....



		<i>Fees paid</i>		
		<i>£</i>	<i>s</i>	<i>d</i>
Summons			
Service			
Mileage			
Transport			
Other...			

Initial

Registrar

Writ of Summons

INDORSEMENTS

1. The Plaintiff's claim is :
2. The plaintiff's address for service is :
3. The address of the Plaintiff's Solicitor is :
4. Other Indorsements (*when required by law*) :

.....
Signature of (Solicitor for) Plaintiff

Name in full (*in block letters*)

SECOND SCHEDULE

Part I

FEEs PAYABLE IN THE HIGH COURT

		<i>Fees</i>		
		<i>£</i>	<i>s</i>	<i>d</i>
1. For the recovery of a specified sum :				
(a) Not exceeding £100	... ..	3	0	0
(b) Exceeding £100 : per £50 or part thereof	... ..	1	15	0
(c) Maximum fee	... ..	40	0	0
2. For an account to be taken and payment of the sum found due :				
(a) Initial fee	... ..	3	0	0
(b) 2nd fee (payable before setting down for judgment : per £50 or part thereof found due in excess	... ..	1	15	0
(c) Maximum total fee	... ..	40	0	0

3. For possession of property, as between landlord and tenant :			
(a) Where the annual rent or value does not exceed £100 ...	3	0	0
(b) Where it exceeds £100 : per £50 or part thereof ...	1	15	0
(c) Maximum fee	40	0	0
4. For a declaration of title to land and for possession of land other than as between landlord and tenant :			
(a) Per £5 or part thereof of the annual rent or value ...	3	0	0
(b) Where no annual rent or value can be specified ...	20	0	0
(c) Maximum fee	40	0	0
5. For possession of property (other than as between landlord and tenant and other than land) as under item 1 on the sum claimed in lieu of the property.			
6. For the administration of the property of a deceased person where there is no dispute regarding succession or distribution :			
(a) Where the gross value of the property does not exceed £100	1	15	0
(b) Where it exceeds £100 but not £200	3	0	0
(c) Where it exceeds £200 or where no value can be specified	6	0	0
7. For the administration of the property of a person of unsound mind : same as under item 6.			
8. For the determination of a question relating to the distribution of, or the succession to the property of a deceased person, or to a trust whether the person who created the same be dead or alive :			
(a) Where the gross value of the property of the deceased or of the property under trust does not exceed £100 ...	3	0	0
(b) Where it exceeds £100 : per £50 or part thereof ...	1	15	0
(c) Maximum fee	40	0	0
(d) Where no gross value can be specified	20	0	0
9. For any other relief or assistance not specially provided for...	4	0	0

Notes on Items 1 to 9

(a) *Item 1.*—Save where the claim is for an account to be taken, the sum claimed as debt or damages shall be specified.

(b) *Item 3.*—(i) Where an issue regarding title is raised, the case comes under Items 4 and 5, and the difference shall be paid before the case is set down for hearing.

(ii) The annual rent or value to be specified shall be that which is payable under the lease granted to the tenant sued or the lease last granted to any person before the bringing of the action, whichever be the greater. If it is something other than money, whether wholly or in part, its nature and annual value shall be specified.

(c) *Item 4.*—(i) Where a claim for declaration of title is joined to a claim for possession, only three-fifths of the fee under Item 5 shall be charged.

(ii) Note (b) (ii) shall apply to Item 4.

(iii) If no lease was ever granted in writing, no annual rent or value shall be specified.

(d) *Item 5.*—(i) A single fee under Item 5 (a) shall be sufficient in a claim for possession of land made *per se* if expressly based on a judgment between the same parties ; otherwise the suit shall be deemed to contain a claim for a declaration of title though not expressly made, and fees shall be charged under both Items 4 and 5 subject to note (c) (i).

(ii) A sum shall be specified in the claim for the purpose of Item 5 (b).

(e) *Items 6 and 7.*—If the gross value of the property has not been estimated, no value shall be specified.

(f) *Item 8.*—(i) Note (e) shall apply.

(ii) *Item 8* covers claims (other than claims by creditors) affecting trustees, executors, administrators, heirs, legatees, or other beneficiaries as between any of the aforesaid ; but if no question is raised regarding the construction of a deed or will, or distribution or succession, the Court may order the fee to be reckoned under Item 1 or 5 and any excess charged to be refunded.

(g) *General.*—(i) If the annual rent or value or the gross value of property was understated, the Court may order the balance of the fee chargeable to be paid ; and if it was understated knowingly or negligently, the Court may also order a sum equal to such balance to be paid as penalty. In either case the Court may direct that the proceedings shall not continue until the balance and penalty (if any) are paid. The Court may also act as above if an annual rent or value or gross value was stated where it should not have been.

(ii) If a flat fee was paid because no annual rent or value or gross value could be stated, the Court may, where the value is small or the time taken short, order a portion of the fee to be refunded but so that the balance left shall not fall below £3 15s.

(iii) Where two or more claims are joined the highest fee under any relevant item shall be charged in addition three-fifths of the fee under any other : provided that £2 only shall be charged on a claim for an injunction joined to any other claim.

(iv) A set-off or counter-claim shall be charged as if an action therefor were taken.

(v) If before the hearing begins the claims are admitted or settled, the Court may order two-fifths of the fees charged under Items 1 to 9 to be refunded.

(vi) Where a case is adjourned through a party's fault, such party may be ordered to pay three-fifths of the fees charged under Items 1 to 9 before the case is set down again.

(vii) Paragraph (vi) shall apply to the setting down of a case which was struck out or to the re-opening of a case in which judgment was given by default.

Matrimonial Cases

	£	s	d
10. For any petition (other than alimony)	1	15	0
11. For the first citation	1	15	0
12. For any subsequent citation... ..	1	5	0
13. For a petition for alimony	1	5	0
14. For the Registrar's Certificate	1	15	0
15. For any application for decree absolute	1	15	0
16. For reducing a petition and Affidavit to writing	1	5	0
17. For setting down the case for hearing	3	0	0

Legitimacy Cases

18. For the petition	4 0 0
19. For a sealed decree or copy thereof	1 5 0

Probate and Administration

20. On drawing up an administration decree	0 10 0
21. On drawing up order on further consideration where the property administered exceeds £200	3 0 0
22. On filing an application for probate or administration	1 5 0
23. On filing oath of executor or administrator	0 10 0
24. On taking justification of sureties : for each surety... ..	0 5 0
25. On filing administration bond	1 5 0
26. On entering a caveat	0 10 0
27. On every warning to a caveat	0 5 0
28. On probate or letters of or order for administration : where the value of the property affected by the grant of order :	
(a) does not exceed £25	free
(b) exceeds £25 but not £50	1 15 0
(c) exceeds £50 but not £100	1 15 0
(d) for each additional £50 or part thereof	3 0 0

29. For re-sealing a grant so as to bring it into force in Nigeria : a fee reckoned under Item 28 on the value of the property in Nigeria affected by the re-sealing.

30. On inventory taken by a Court Officer :	
(a) for the first three hours or part thereof	1 5 0
(b) for every subsequent hour or part thereof	0 5 0
31. On application to search index to grants of wills or to inspect a grant or will	1 5 0
32. On deposit of will for safe custody	2 0 0

Applications, Affidavits, Judgments, Orders, Securities Bonds, Warrants and Writs

33. On application for warrant to detain a ship... ..	10 0 0
34. On application for a writ of <i>habeas corpus</i>	2 0 0
35. On filing any other application :	
(a) if alone	0 15 0
(b) if accompanied by other papers	1 5 0
36. On filing an affidavit	0 5 0
37. On filing a security bond	1 5 0
38. On filing any other paper	0 5 0
39. On justification of sureties for each surety... ..	0 10 0
40. For the issue of a warrant to detain an absconding defendant or a ship, or of a writ of <i>habeas corpus</i>	2 0 0
41. For the drawing up of any order or judgment	2 0 0

Miscellaneous

42. For a special interpreter of a language not in common use : per day or part thereof, as the Court may order but not exceeding	1 15 0
--	--------

43. For an inquiry by a Court officer where so ordered : for each sitting	1 15 0
44. For an account taken by a Court officer where so ordered : per £50 or part thereof found to have been received ...	0 10 0
45. For taking down a person's statement where so ordered as the Court may direct but not exceeding... ..	1 5 0
46. For searching the archives : for each period of six months or part thereof... ..	0 5 0
47. For drawing up a bill of costs where so directed : per folio of 72 words... ..	0 1 0
48. For taxing costs where so ordered : per £5 or part thereof...	0 6 0
49. For preparing a copy where authorised : per folio of 72 words	0 1 0
50. For every subpoena	0 5 0
51. On warrant for prisoner to give evidence	0 5 0
52. On commission to take evidence :	
(a) within the jurisdiction of the Court	0 15 0
(b) outside the jurisdiction of the Court but within the Federation	2 0 0
(c) outside the Federation of Nigeria, as the Court may order but not exceeding	10 0 0
53. For attesting the execution or signature of an instrument (other than an instrument regarding payment of pension by the Imperial or a Colonial Government) not otherwise provided for	0 3 0
54. For swearing an affidavit or making a declaration (other than under section 20 of the Sales by Auction Ordinance or the Marriage Ordinance or one required by the regulations of a Government Department) per deponent ...	0 5 0
55. For marking any paper annexed to an affidavit or declaration	0 1 0
56. For sealing any document not in a proceeding	1 0 0
57. For certifying a copy as a true copy : per folio of 72 words or part thereof	0 0 8
58. For payment into Court (except when ordered by the Court or proceeds of execution) :	
(a) Not exceeds £50 : per £10 or part thereof	0 3 0
(b) Exceeding £50 : per £50 or part thereof	2 0 0
59. On appointment of a commissioner to administer Oaths and take declarations (not being a Government officer)...	5 0 0
60. For sealing a letter of request	2 10 0
61. On transfer of a foreign judgment	2 10 0
62. For certificate of service of foreign process (where not disallowed by convention)	2 10 0
63. On every petition to the Chief Justice or a judge or a registrar (not being an application otherwise provided for) unless waived by a judge or the Chief Registrar ...	0 5 0

3. The amount of the postage or postage stamp to be paid by the party in respect of the documents or writs 0 10 0
4. The amount of the postage or postage stamp to be paid by the party in respect of the documents or writs 0 10 0
5. The amount of the postage or postage stamp to be paid by the party in respect of the documents or writs 0 10 0
6. The amount of the postage or postage stamp to be paid by the party in respect of the documents or writs 0 10 0

Notes.—Where an officer serves more than one document or writ on the same route one mileage rate only is to be charged, and apportioned upon the documents or writs. Where the sheriff, deputy sheriff or a registrar executes any duty in person by direction of the Court he is entitled, instead of mileage fees, to his actual expenses and such travelling allowances as the Court may allow. When a service is rendered by a person who is not an officer of the court or in the service of the Government or of a native authority or native tribunal the Court may direct that the fees paid for such service be paid out of revenue to the person who has rendered the service. In addition to the above fees, the party on whose behalf such services are to be performed shall be liable to pay such expenses of transport as the Court may think reasonable. For the performing of any other duty not herein expressly provided for the officer may receive such fee as the Court may allow.

Transfer of Cases

65. On an application to transfer a civil case before the High Court from one Judge to another, or to a Magistrate, or to a native court, save where the application is allowed to be made orally at the hearing of the case 0 10 0
66. On an order transferring a civil case before the High Court from one Judge to another, or to a Magistrate's Court or to a native court, where the order is made on the application of a party 1 10 0
67. On an application to the Chief Justice or a judge to transfer a civil case from one magistrate's court to another magistrate's court or to the High Court, or from one magistrate's court to another within the same district 0 10 0
68. On an order transferring a civil case from one Magistrate's court to another magistrate's court or the High Court or from one magistrate to another within the same district where the order is made on the application of a party 0 15 0
69. On setting down for hearing a civil case transferred from a Magistrate's court to the High Court, whether or not the transfer was made on the application of a party, the difference between the fee paid for instituting the case in the magistrate's court and the fee which would have been charged had the case been instituted in the High Court in the first instance or £2 whichever be the greater 5 0 0

Customary Court Cases

70. On setting down for hearing a civil case transferred to or ordered to be retried by the High Court where the transfer or retrial was ordered on the application of a party: the fee which would have been paid if the case had been instituted in the High Court.

Part II

ALLOWANCES TO WITNESSES

Per diem

Professional men, mercantile agents, bank managers, solicitors and any officer of the public service whose salary is not less than £600 a year	...	...	...	...	...	...	...	1	10	0
Merchants, captains of ships, mercantile assistants and officers in the public service whose salary is £300 but less than £600	...	...	...	...	...	from	0	15	0	
						to	1	10	0	
Auctioneers, native chiefs, master tradesmen, pilots, clerks and the like	...	...	...	...	...	from	0	7	6	
						to	0	15	0	
Officers in the public service whose salary is less than £200	...	...	...	...	...	from	0	2	6	
						to	0	10	0	
Artisans, journeymen and the like	...	...	...	...	...	...	0	5	0	
Servants, labourers, canoemen and the like	...	...	...	...	...	from	0	2	6	
						to	0	10	0	
Women if not included in the above categories	...	...	...	...	...	from	0	2	6	
						to	1	10	0	

Note.—The travelling expenses of witnesses shall be allowed according to the sums reasonably and actually paid.

No allowance is made to an officer of the public service who is summoned as a witness by the Crown or by any department of the Government. In all other cases he is allowed costs and travelling expenses as if he were not in the public service.

Fees, costs and expenses payable to an officer in the public service shall be paid into revenue unless otherwise ordered.

THE THIRD SCHEDULE

FEEs IN CONVEYANCING MATTERS

Rules regulating the scale of fees chargeable in conveyancing matters

1. The remuneration of a legal practitioner in respect of business connected with sales, purchases, leases, mortgages, and other matters of conveyancing shall be regulated as follows :—

Regulation of remuneration in conveyancing matters.

(a) in respect of sales, purchases, and mortgages completed, the remuneration shall be as prescribed by Scale I annexed hereto, and shall be subject to the regulations thereto appended ;

(a) sales, purchases, and mortgages.

(b) in respect of leases, and agreements for leases, when the transactions shall have been completed the remuneration shall be as prescribed by Scale II annexed hereto, and shall be subject to the regulations thereto appended ;

(b) leases, etc.

(c) where large amounts involved.

(c) in respect of sales, purchases or mortgages involving a sum of over one thousand pounds, and in respect of leases, or agreements for leases, where the annual rent exceeds two hundred pounds, the remuneration shall be calculated according to the scale of charges for the time being in force in England ;

(d) other business.

(d) in respect of all other deeds or documents, and all other conveying business, for which the remuneration is not hereinbefore prescribed the remuneration shall be as prescribed by Scale III annexed hereto, and shall be subject to the regulations thereto appended.

Drafts, etc., to be client's property.

2. Drafts and copies made in the course of business, the remuneration for which is provided for by these rules, are to be the property of the client.

Remuneration not to include certain charges.

3. The remuneration prescribed by Scales I and II is not to include stamps, counsel's fees, auctioneer's or valuer's charges, travelling expenses, fees paid on searches, on registrations, costs of extracts from any register or other disbursement reasonably and properly paid, nor any extra work occasioned by changes occurring in the course of any business, such as the death of a party to the transaction, nor is it to include any business of a contentious character, nor any proceedings in any court, but it shall include all engrossing charges, and allowances for time of the legal practitioner and his clerks and for copying and parchment, and all other similar disbursements.

SCALE I

Charges on Sales, Purchases and Mortgages

	<i>Fees</i>
	£ s d
Vendor's legal practitioner for deducing title to property, and pursuing and completing conveyance (including the preparation of contract or conditions of sale, if any)	2 5 0
Purchaser's legal practitioner for investigating title to property and preparing, completing and registering conveyance (including perusal and completing or contract, if any) ...	2 5 0
Mortgagor's legal practitioner for deducing title to property, perusing mortgage and completing	2 5 0
Mortgagee's legal practitioner for investigating title to property and preparing, completing and registering mortgage... ..	2 5 0
Vendor's legal practitioner for negotiating a sale of property by private contract	1 10 0
Purchaser's legal practitioner for negotiating a purchase of property by private contract	1 10 0
Vendor's legal practitioner for conducting a sale of property by public auction, including the conditions of sale :—	
when the property is sold	1 10 0
when the property is not sold then on the reserved price ...	0 15 0
Mortgagee's legal practitioner for negotiating loan	1 10 0

Specimen Table of Commission according to Scale I
SALES, PURCHASES AND MORTGAGES

SCALE I

Consideration Money	Vendor's Purchaser's or Mortgagee's solicitor for deducing or investigating title, etc.		Vendor's or Purchaser's solicitor for negotiating a sale or purchase by private contract		Vendor's Solicitor for conducting a sale by Public Auction		Mortgagee's solicitor for negotiating loans on mortgages					
					Where property sold	Where property not sold (Scale then calculated on reserve price)						
	£	s	d	£	s	d	£	s	d	£	s	d
£50 and under ...	3	0	0	3	0	0	3	0	0	3	0	0
Over £50 and between £100 ...	4	10	0	4	10	0	4	10	0	4	10	0
£100 ...	7	10	0	7	10	0	7	10	0	7	10	0
£200 ...	7	10	0	7	10	0	7	10	0	7	10	0
£300 ...	7	10	0	7	10	0	7	10	0	7	10	0
£400 ...	9	0	0	7	10	0	7	10	0	7	10	0
£500 ...	11	5	0	7	10	0	7	10	0	7	10	0
£600 ...	13	10	0	9	0	0	9	0	0	7	10	0
£700 ...	15	15	0	10	10	0	10	10	0	7	10	0
£800 ...	18	0	0	12	0	0	12	0	0	7	10	0
£900 ...	20	5	0	13	10	0	13	10	0	7	10	0
£1,000 ...	22	10	0	15	0	0	15	0	0	7	10	0

Regulations applicable to Scale I

- Fractions of a hundred pounds, under fifty pounds are to be reckoned as fifty pounds. Fractions of a hundred pounds, above fifty pounds, are to be reckoned as a hundred pounds. Fractions.
- Where the prescribed remuneration would, but for this provision, amount to less than five pounds, the prescribed remuneration shall be five pounds, except on transactions under one hundred pounds, in which cases the remuneration of the legal practitioner for the vendor, purchaser, mortgagor, or mortgagee, is to be as follows, namely (1) on transactions involving fifty pounds or under, two pounds, and (2) on transactions over fifty pounds, and less than one hundred pounds, three pounds. Minimum of £5.
- Where a legal practitioner is concerned for both mortgagor and mortgagee, he is to be entitled to charge the mortgagee's legal practitioner's charges and one-half of those which would be allowed to the mortgagor's legal practitioner. Acting for both parties to a mortgage.
- If a legal practitioner peruses a draft on behalf of several parties having distinct interests, proper to be entitled to charge two pounds additional for each party after the first. Acting for several parties.
- Where a party, other than the vendor or mortgagor, joins in a conveyance or mortgage, and is represented by a separate legal practitioner, the charges of such separate legal practitioner are to be dealt with under Scale III. Party separately represented.
- Where a conveyance and mortgage of the same property are completed at the same time, and are prepared by the same legal practitioner he is to be entitled to charge only half the above fees for investigating title, and preparing the mortgage deed, in addition to his full charges upon the purchase-money and his commissions for negotiating (if any). Conveyance and mortgage prepared at same time.

Sale by
auction :
commission.

7. The commission for deducting title and perusing and completing conveyance on a sale by auction is to be chargeable on each lot of property, except that where a property held under the same title is divided into lots for convenience of sale, and the same purchaser buys several such lots and takes one conveyance, the commission is to be chargeable upon the aggregate price of the lots.

Attempted
sale by
auction.

8. The commission on an attempted sale by auction in lots is to be chargeable on the aggregate of the reserved prices. When property offered for sale by auction is bought in and terms of sale are afterwards negotiated and arranged by the legal practitioner, he is to be entitled to charge commission according to the above scales on the reserved price where the property is not sold, and also one-half of the commission for negotiating the sale. When property is bought in and afterwards offered by auction by the same legal practitioner, he is only to be entitled to the scale for the first attempted sale, and for each subsequent sale ineffectually attempted he is to charge according to Scale III. In case of a subsequent effectual sale by auction, the full commission for an effectual sale is to be chargeable in addition less one-half of the commission previously allowed on the first attempted sale. The provisions of this regulation as to commission on sales or attempted sales by auction are to be subject to rule 1.

Incum-
brances.

9. Where a property is sold subject to incumbrances the amount of incumbrances is to be deemed a part of the purchase-money, except where the mortgagee purchases, in which case the charges of his legal practitioner shall be calculated upon the price of the equity of redemptions.

Transfer of
mortgage.

10. The above scale as to mortgages is to apply to transfers of mortgages where the title is investigated, but not to transfer where the title was investigated by the same legal practitioner on the original mortgage or on any previous transfer ; and it is not to apply to further charges where the title has been so previously investigated. As to such transfers and further charges the remuneration is to be regulated according to Scale II hereto. But the scale for negotiating the loan shall be chargeable on such transfers and further charges where it is applicable.

Sale by
auction.

11. The scale for conducting a sale by auction shall apply only in cases where no commission is paid by the client to an auctioneer. The scale for negotiating shall apply to cases where the legal practitioner of a vendor or purchaser arranges the sale or purchase and the price and terms and conditions thereof, and no commission is paid by the client to an auctioneer or estate or other agent. As to a mortgagee's legal practitioner it shall apply to cases where he arranges and obtains the loan from a person for whom he acts.

SCALE II

Charges as to Leases or Agreements for Leases

Lessor's legal practitioner for preparing, settling, completing, registering lease and counterpart :

	Fees		
	£	s	d
Where the annual rent does not exceed £20	4	10	0
Where the annual rent exceeds £20 but does not exceed £100 ...	7	10	0
Where the annual rent exceeds £100 and does not exceed £200	11	5	0

Lessee's legal practitioner for perusing draft and completing :—

One-half of the amount payable to the lessor's legal practitioner.

Specimen Table of Charges according to Scale II

LEASES

Rent per annum	Lessor's solicitor for lease and counterpart			Lessee's solicitor for perusing and completing		
	£	s	d	£	s	d
£20 and under	4	10	0	2	5	0
£30	7	10	0	3	15	0
£40	7	10	0	3	15	0
£50	7	10	0	3	15	0
£60	7	10	0	3	15	0
£70	7	10	0	3	15	0
£80	7	10	0	3	15	0
£90	7	10	0	3	15	0
£100	7	10	0	3	15	0
£110	11	5	0	5	12	6
£120	11	5	0	5	12	6
£150	11	5	0	5	12	6
£180	11	5	0	5	12	6
£200	11	5	0	5	12	6

Regulations applicable to Scale II

- Where a legal practitioner is concerned for both lessor and lessee, he is to charge the lessor's legal practitioner's charges and one-half of those of the lessee's practitioner. For both parties.
- Where a mortgagee or mortgagor joins in lease, the lessor's legal practitioner is to charge one guinea extra. Mortgagor joining.
- Where a party other than a lessor joins in a lease and is represented by a separate legal practitioner the charges of such separate legal practitioner are to be dealt with under Scale III. Other parties.
- Where a lease is partly in consideration of a money payment or premium, and partly of a rent, then, in addition to the remuneration hereby prescribed in respect of the rent, there shall be paid a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium. Consideration partly in cash.

SCALE III

	Fees		
	£	s	d
Letters	0	3	9
Instructions for will, deeds, etc.	0	10	0
Drawing per folio	0	3	0
Engrossing per folio	0	0	9
Fair copy per folio	0	0	6
Perusing document when drawn by another legal practitioner per 3 folios	0	1	6
Examining engrossment with draft when drawn by another legal practitioner per 3 folios	0	0	9
Attendance giving examination of deeds per hour	0	10	0
Attesting execution	0	10	0
Copies to keep per folio	0	0	6
Attested copies of deeds per folio	0	0	9
Ordinary attendance per hour	0	10	0

N.B.—A folio contains 72 words.

THE FOURTH SCHEDULE

REGULATIONS REGARDING FEES

- Fees to be paid before issue of process.
- To be carried to account on process being signed.
- Documents to be endorsed with amount of fees and number of receipt.
- No document to be issued unless fees paid.
- Service execution, etc. of 1945.
- No return of fees except on Treasury voucher.
1. No summons, warrant, writ or subpoena shall—except by special order of the court or of a Judge—be issued until (a) all fees payable thereon shall have been paid ; and (b) an account thereof, initialled as received, shall have been set forth by the officer issuing the process both in the margin and in the counterfoil thereof (A forms).
 2. All such fees shall be carried to account immediately on the process being signed.
 3. Every document, for or in respect of which any fee or fees shall have been paid, shall bear an endorsement initialled by the Registrar or other officer showing the amount of the fee or fees so paid and the number of the receipt referring to the payment ; provided that when any form of process specifies the fees therefor, it shall be sufficient for the registrar or other officer to initial the amount of such fees appearing thereon, and to quote the number of the receipt.
 4. No document in respect whereof a fee is payable shall be used in any legal proceeding, unless it shall have been initialled as aforesaid by the registrar or other officer or unless the court shall be otherwise satisfied that the proper fees in respect thereof have been paid.
 5. (1) All fees for service, execution and mileage shall be paid into revenue.
(2) Fees for "service", "execution" and "mileage" payable to bailiffs or to persons not in the service of the Government or of a native authority or native tribunal as certified by a registrar on Form 28 in the First Schedule to the Judgments (Enforcement) Rules shall be paid to the persons entitled thereto on vouchers classified against the appropriate expenditure item.
 6. No hearing fee or other fee shall be returned, except upon a voucher, payable at the Treasury, in favour of the party entitled to receive the same, signed by the judge before whom the cause or matter is set down and comes on for hearing.

Fees in Criminal Appeals from the High Court

	<i>Fees</i>		
	£	s	d
1. On giving notice of appeal (to include the recording thereof where given orally)	1	0	0
2. On filing memorandum of grounds of appeal	0	7	6
3. (a) On entering an appeal to the Federal Supreme Court ...	2	10	0
(b) On applying for leave to enter such an appeal	1	5	0
4. For copies of proceedings : per folio of 72 words or part thereof	0	0	6
5. On every subpoena (unless specially directed by the Court to be issued)	0	2	6

	<i>Fees</i>		
	£	s	d
6. For service of any document : Initial fee plus mileage fees ...	0	2	0
(a) If within an English mile from the Court ...	0	2	0
(b) If beyond one mile but not beyond five ...	0	2	0
(i) for the first mile ...	2	0	0
(ii) for every subsequent mile or part thereof (one way) ...	0	1	0
(c) If beyond five miles : per day or part thereof of the time needed for travelling ...	0	6	0

Notes.—Where an officer serves more than one document or writ on the same route one mileage rate only is to be charged, and apportioned upon the documents or writs.

Where the sheriff, deputy sheriff or a registrar executes any duty in person by direction of the Court he is entitled, instead of mileage fees, to his actual expenses and such travelling allowance as the Court may allow.

MADE this 4th day of April, 1958.

A. ADE. ADEMOLA,
Chief Justice

APPROVED by the Governor in Council at Ibadan this 9th day of June, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 294 of 1958

*The Education Law, 1954 (No. 6 of 1955)*THE LOCAL EDUCATION AUTHORITY (APPOINTMENT OF
THE AGEGE, IKEJA AND MUSHIN JOINT EDUCATION
BOARD) ORDER, 1958

DATE OF COMMENCEMENT : 26TH JUNE, 1958

In exercise of the powers conferred upon the Minister of Education by section 8 of the Education Law, 1954, the following Order is hereby made :—

1. This Order may be cited as the Local Education Authority (Appointment of Agege, Ikeja and Mushin Joint Education Board) Order, 1958. Short title.

2. The Agege, Ikeja and Mushin District Council Areas Joint Education Board is appointed to be the local education authority for the area over which it exercises authority. Appointment of local education authority.

3. (1) The education committee of the local education authority appointed by this Order shall be composed of the following :— Composition of education committee.

(a) a chairman ;

(b) eight council members ; and

(c) six private members.

(2) (a) The chairman and the eight council members shall be members of the local education authority and shall be appointed by it.

(b) The private members shall, subject to sub-paragraph (3) of this paragraph, be suitable persons who have experience and interest in education and shall be appointed by the local education authority.

(3) Of the private members—

(a) one shall be either a registered teacher or a member of the Nigerian Union of Teachers ;

(b) five shall be appointed by the local education authority from amongst persons approved by the Minister of Education (or any person to whom he has delegated his powers under paragraph (e) of sub-section (2) of section 12 of the Law) as representing the interests of voluntary agencies which are the proprietors of schools situate within the area of authority of the local education authority after consultation by the Minister or his delegate with all such voluntary agencies.

4. (1) The Chairman and the council members of the education committee shall hold office for such term as may be specified by the local education authority upon making their respective appointments but they shall in any case vacate their seats upon ceasing to be members of the Agege, Ikeja or Mushin District Council.

(2) Subject to sub-paragraph (3) of this paragraph a private member shall hold office until the general election to the Agege, Ikeja or Mushin District Councils, occurring next after his appointment.

(3) The seat of a private member of the education committee shall become vacant—

- (a) upon his death ;
- (b) if he is absent from four successive meetings of the committee without having obtained from the chairman before the termination of any such meeting permission to be absent or remain absent therefrom ;
- (c) if he is sentenced to imprisonment for a term exceeding six months ;
- (d) if by order of a competent authority he is disqualified from practising as a legal or medical practitioner or as a teacher ;
- (e) if he is adjudged a lunatic or declared to be of unsound mind under any written law ;
- (f) if he resigns ;
- (g) in the case of a person appointed under sub-paragraph (3) (a) of paragraph 3, if he ceases to possess the requisite qualification.

(4) (a) The Minister of Education may remove from office any member of the education committee appointed under sub-paragraph 3 (b) of paragraph 3 who has in his opinion ceased to represent the interest in respect of which he is appointed.

(b) Before removing a member under the powers conferred by this sub-paragraph the Minister of Education shall consult with the voluntary agencies which are the proprietors of schools situate in the area of authority of the Agege, Ikeja or Mushin District Councils.

MADE at Ibadan the 9th day of May, 1958.

AYODELE OKUSAGA,
Minister of Education

I consent to the making of the above Order.

DATED the 22nd day of May, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 295 of 1958

The Education Law, 1954 (No. 6 of 1955)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 1ST MAY, 1958

In exercise of the powers conferred upon me by section 3 of the Education Law, 1954, I do hereby delegate to the public officers set out in the third column of the Schedule hereto the powers set out in the second column opposite to the said officers subject to the limitations and restrictions set out in the fourth column which said powers are conferred upon me by the sections of the said Law set out in the first column.

<i>Section</i>	<i>Powers conferred</i>	<i>Officers</i>	<i>Restrictions</i>
9 (1) (b)	Direction as to maintenance and establishment of primary and secondary modern schools by Local Education Authorities.	Local Education Advisers.	Limited to primary schools.
10	Consent to Local Education Authorities to incur certain expenditure.	The Permanent Secretary.	
12 (2) (e)	Selection of private members to sit on education committees.	Local Education Advisers.	
20 (1)	Control of secular instruction in public institutions.	The Permanent Secretary.	
23 (2)	Direction in respect of religious instruction in voluntary agency schools in special cases.	The Principal Assistant Secretary.	
		Local Education Advisers.	Limited to primary and secondary modern schools.
25 (2)	Control of arrangements for alternative religious instructions.	The Principal Assistant Secretary.	
		Local Education Advisers.	Limited to primary and secondary modern schools.
38	Appointment of Registrar of private institutions.	The Permanent Secretary.	
41	Withholding consent to open new institutions.	The Permanent Secretary.	
		Local Education Advisers.	Limited to primary schools.
43 (1)	Closing institutions	The Permanent Secretary.	
46	Transfer of institutions	The Permanent Secretary.	
		Local Education Advisers.	Limited to primary schools.
48	Acquisition of land by agreement	The Permanent Secretary.	
49	Restrictions on use of premises	The Principal Assistant Secretary.	
		Local Education Advisers.	Limited to primary schools.
50	Exemption from building bye-laws... ..	The Principal Assistant Secretary.	
51 (3)	Exemption from prescribed standards	The Principal Assistant Secretary.	
		Local Education Advisers.	Limited to primary schools.
52 (1)	Control of Government institutions	The Permanent Secretary.	

Section	Power conferred	Officers	Restriction:
54	Grouping of public primary and modern schools under one management.	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
55	Determination of numerical strength of body of managers.	The Principal Assistant Secretary. Local Education Advisers.	Limited to primary schools.
51 (1)	Appointment of Registrar of Teachers ...	The Permanent Secretary.	
71 (2) (3)	Power in respect of Teachers' Appeals ...	The Permanent Secretary.	
96 (1) (a)	Approval for the raising of loans by local authorities which are Local Education Authorities.	The Permanent Secretary.	
88 (1)	Determination of contribution between local education authorities.	The Permanent Secretary.	Excluding the proviso to this section.
88 (2)	Determination of the local education authority in whose area a child belongs.	The Permanent Secretary.	
51 (4)	Approval of persons who have never been registered teachers to teach any particular subject.	The Principal Assistant Secretary.	
1st Schedule, Part I, paragraph 4.	Approval of temporary members of Regional Advisory Board.	The Permanent Secretary.	
1st Schedule, Part II, paragraph 4.	Approval of temporary members of the Terms of Service Committee.	The Permanent Secretary.	
1st Schedule, Part III, paragraph 4.	Approval of temporary members of Teachers' Council.	The Permanent Secretary.	
51 (2)	Making of Instruments of Government and Instruments of management.	Local Education Advisers.	Limited to Instruments of management.
54	Grouping of public primary and modern schools under one management.	The Principal Assistant Secretary. Local Education Advisers.	
55	Determination of numerical strength of body of managers.	The Principal Assistant Secretary. Local Education Advisers.	

Western Region Legal Notices 238 of 1955 ; 2 of 1956 ; and 81 of 1957 are hereby cancelled.

Made at Ibadan this 16th day of June, 1958.

AYODELE OKUSAGA,
Minister of Education

W.R.L.N. 296 of 1958

The Education Law, 1954 (No. 6 of 1955)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 1ST MAY, 1958

In exercise of the powers conferred upon me by section 3 of the Education Law, 1954, I do hereby delegate to the public officers set out in the second column opposite to the said officers which said powers are conferred upon me by the regulations in the Teachers (General Provisions) Regulations, 1956, set out in the first column.

SCHEDULE

<i>Regulation</i>	<i>Powers conferred</i>	<i>Officers</i>
22A	To give approval for any teacher to act as the teacher in charge of a school where there is difficulty in obtaining the services of a teacher who is qualified under regulations 20, 21 and 22 of the Teachers (General Provisions) Regulations, 1956.	Local Education Advisers.
19 (b)	Approval for holders of the Teachers' Grade II Certificate to teach in certain classes in secondary modern schools, secondary schools and teacher training colleges.	Senior Assistant Secretary.
21 (b)	Approval for trained but uncertificated teachers to teach in class six of a primary school.	Local Education Adviser.
22 (b)	Approval for uncertificated teachers to teach in classes above class four in primary schools.	Senior Assistant Secretary.

Western Region Legal Notices 127 of 1957 and 42 of 1958 are hereby cancelled.

MADE at Ibadan this 18th day of June, 1958.

AYODELE OKUSAGA,
Minister of Education

W.R.L.N. 297 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
IKOSI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 26TH June, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikosi District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikosi District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of May, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 15
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 14th June, 1958.

W.R.L.N. 298 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
CENTRAL URHOB DISTRICT COUNCIL

DATE OF COMMENCEMENT : 26TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Central Urhobo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Central Urhobo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 30th day of December, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 10
of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 20th June, 1958.

W.R.L.N. 299 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
CENTRAL URHOBO DISTRICT COUNCIL

DATE OF COMMENCEMENT : 26TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Central Urhobo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Central Urhobo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 30th day of December, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 20th June, 1958.

W.R.L.N. 300 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957 : IKOSI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 26TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikosi District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikosi District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 24th day of May, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N. 55
of 1957.

I. D. CAMERON,
Acting Permanent Secretary
Ministry of Local Government

Ibadan, 14th June, 1958.

W.R.L.N. 301 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

**THE SLAUGHTERING OF ANIMALS ADOPTIVE BYE-LAWS
ORDER, 1958 : IREPO DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 26TH JUNE, 1958

Notice is hereby given that in exercise of the powers conferred upon the Irepo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Irepo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of May, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted, substituting the following for the Schedule thereof :—

W.R.L.N. 95
of 1958.

SCHEDULE

(Bye-law 3)

						<i>s</i>	<i>d</i>
Cattle per head	...	...	...	...	...	10	0
Sheep, Goat, Swine per head	...	...	...	...	...	2	6

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 19th June, 1958.

W.R.L.N. 302 of 1958

The Forestry Ordinance (Cap. 75)

NOTIFICATION OF WORKING PLANS

DATE OF COMMENCEMENT : 1ST APRIL, 1957

Notice is hereby given under Rule 40A of the Forestry (Southern Provinces Native Authorities) Rules, 1943, as made by the former Ibadan Native Authority that the Working Plan in the first column in the schedule hereto has been decided upon for the area in the second column of the schedule and is available for inspection at the places set out in the third column of the schedule hereto.

SCHEDULE

<i>Name of Working Plan</i>	<i>Description of Area</i>	<i>Available for inspection</i>
African Produce Sales Co. Working Plan.	Part of Ago-Owu Forest Reserve (Oshun Division).	(a) Office of the Chief Conservator of Forests at Ibadan. (b) Office of the Provincial Forest Officer at Ibadan.

Note.—A detailed description of the area set out in the second column of the schedule is given in the Working Plan.

GIVEN at Ikire this 24th day of May, 1958.

J. O. ALABI,
Secretary,
Aiyedade District Council

J. J. AMUSAN,
Chairman,
Aiyedade District Council

APPROVED this 11th day of June, 1958.

H. B. BURGESS,
Chief Conservator of Forests
Western Region

W.R.L.N. 303 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST JULY, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of July, 1958, as the date on which the Customary Courts Law, 1957, shall come into operation in the following parts of the Region :—

- Egba Division ;
- Epe Division ;
- Ibadan Division ; and
- Remo Division.

2. Western Region Legal Notice 273 of 1958 published in the Supplement to the *Western Region of Nigeria Gazette* No. 39, Volume 7, of the 5th day of June, 1958, is hereby cancelled.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 304 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT : 1ST JULY, 1958

In exercise of the powers conferred upon me by section 69 of the Customary Courts Law, 1957, I hereby direct that the councils mentioned in column 1 of the following Schedule shall be the competent councils for the respective Customary Courts mentioned opposite them in column 2 of the said Schedule :—

SCHEDULE	
Column 1 Councils	Column 2 Customary Courts
Egun-Awori District Council.	Badagry Grade B Customary Court
	Apa Grade D Customary Court
	Iworo-Gbankav Grade D Customary Court
	Ilogbo-Ale Grade D Customary Court
Awori District Council	Ojo Grade D Customary Court
	Osolu-Elete Grade D Customary Court
	Eastern Lagoon Grade D Customary Court
	Oto-Janikin Grade D Customary Court
Ajeromi District Council	Ajeromi Grade C Customary Court
Benin Divisional Council	Benin Divisional Grade B Customary Court
	Benin City No. 1 Grade C Customary Court
	Benin City No. 2 Grade C Customary Court
	Iyekuselu District Grade C Customary Court
	Akugbe District Grade C Customary Court
	Iykeorhiomwan District Grade C Customary Court
	Iyekovia District Grade C Customary Court
Uhunmwonde District Grade C Customary Court	
Egba Divisional Council	Alake's Grade A Customary Court
	Egba Grade A Customary Court
	Abeokuta No. 1 Grade B Customary Court
	Abeokuta No. 2 Grade B Customary Court
	Ifo and Ikereku Grade B Customary Court
	Owode... .. Grade B Customary Court
	Odeda and Obafemi Grade B Customary Court
Otta District Council ...	Otta Grade B Customary Court
Imala District Council	Imala Grade B Customary Court
Egbado Divisional Council.	Egbado North Grade B Customary Court
	Egbado South Grade B Customary Court
	Southern Ohoi Ketu... .. Grade C Customary Court
	Northern Ohoi Ketu Grade C Customary Court
	Ibeshe-Igbogila Grade C Customary Court
	Ibora Grade C Customary Court
	Aiyetoro Grade C Customary Court
	Meko Grade C Customary Court
	Ipokia Grade D Customary Court
	Ijoffin Grade D Customary Court
Agosasa Grade D Customary Court	

SCHEDULE—contd.

Column 1 Councils	Column 2 Customary Courts
Egbado Divisional Council—contd.	Ilaro Grade D Customary Court
	Olokuta Grade D Customary Court
	Ado Grade D Customary Court
	Igbessa Grade D Customary Court
	Ikolaje Grade D Customary Court
	Ilashe Grade D Customary Court
	Ifonyintedo Grade D Customary Court
	Ihunbo Grade D Customary Court
	Oke-Odan Grade D Customary Court
	Ajilete Grade D Customary Court
	Ihobi Grade D Customary Court
	Epe Divisional Council	Epe ... .. Grade D Customary Court
Ibeju Grade D Customary Court	
Eredo Grade D Customary Court	
Lekki Grade D Customary Court	
Ejinrin Grade D Customary Court	
Ibadan District Council	Ikosi Grade D Customary Court
	Ibadan No. 1 Grade A Customary Court
	Ibadan No. 2 Grade A Customary Court
	Ibadan No. 1 Grade B Customary Court
	Ibadan No. 2 Grade B Customary Court
	Ibadan No. 3 Grade B Customary Court
	Ibadan No. 4 Grade B Customary Court
	Ibadan No. 5 Grade B Customary Court
	Ibadan No. 6 Grade B Customary Court
	Ibadan No. 7 Grade B Customary Court
Ibarapa District Council	Ibadan No. 8 Grade B Customary Court
	Ibadan No. 9 (Itinerant) Grade B Customary Court
	Eruwa Grade D Customary Court
	Lanlate Grade D Customary Court
	Igbo-Ora Grade D Customary Court
	Idere Grade D Customary Court
Ijebu Divisional Council	Tapa Grade D Customary Court
	Igangan Grade D Customary Court
	Ijebu Divisional Grade A Customary Court
	Ijebu Eastern and Waterside Grade B Customary Court
	Ijebu Grade B Customary Court
	Ijebu-Igbo and North Grade B Customary Court
	Ijebu-Igbo Grade C Customary Court
	Ago-Iwoye Grade C Customary Court
	Odogbolu Grade C Customary Court
	Ijebu-Ife Grade C Customary Court
	Owu-Ikija Grade C Customary Court
	Imushin Grade C Customary Court
	Ijebu-Ode Grade C Customary Court
	Mamu Grade C Customary Court
	Itele-Ogberu Grade C Customary Court
	Odo Alamo Grade D Customary Court
	Alaro Grade D Customary Court
	Idowa Grade D Customary Court

Column 1 Councils				Column 2 Customary Courts	
Ijebu Divisional Council— <i>contd.</i>	Omu ... ..	...	...	Grade D Customary Court
	Okun-Owa ... ..	...	...	Grade D Customary Court
	Abigi ... ..	...	...	Grade D Customary Court
	Makun ... ..	...	...	Grade D Customary Court
	Aiyede ... ..	...	...	Grade D Customary Court
	Oru-Awa ... ..	...	...	Grade D Customary Court
	Itamapako ... ..	...	...	Grade D Customary Court
	Osoa ... ..	...	...	Grade D Customary Court
	Odoṣenlu-Akio ... ..	...	...	Grade D Customary Court
	Aiyepe ... ..	...	...	Grade D Customary Court
	Arijaṅ ... ..	...	...	Grade D Customary Court
	Ode-Omi ... ..	...	...	Grade D Customary Court
	Aiyilla ... ..	...	...	Grade D Customary Court
	Ilugun ... ..	...	...	Grade D Customary Court
	Ishiwó ... ..	...	...	Grade D Customary Court
	Ibefun ... ..	...	...	Grade D Customary Court
	Imobi ... ..	...	...	Grade D Customary Court
Iwopin ... ..	...	...	Grade D Customary Court	
Irokun ... ..	...	...	Grade D Customary Court	
Ijebu Remo Divisional Council.	Ijebu Remo ... ..	...	...	Grade B Customary Court
	Shagamu ... ..	...	...	Grade B Customary Court
	Iperu ... ..	...	...	Grade C Customary Court
	Ode Remo ... ..	...	...	Grade C Customary Court
	Ilishan ... ..	...	...	Grade C Customary Court
	Ikenne ... ..	...	...	Grade D Customary Court
	Ogere ... ..	...	...	Grade D Customary Court
	Ishara ... ..	...	...	Grade D Customary Court
	Ogijo ... ..	...	...	Grade D Customary Court
	Ode Lemo ... ..	...	...	Grade D Customary Court
Orile Oko ... ..	...	...	Grade D Customary Court	
Ikorodu Divisional Council.	} joint-ly.	Ikeja Divisional	Grade B Customary Court
Ikeja District Council					
Agege District Council					
Mushin District Council					
Ikorodu Divisional Council.	Eti-Osa ... ..	...	...	Grade C Customary Court
	Igbogbo-Baiyeku ... ..	...	...	Grade C Customary Court
	Ijede ... ..	...	...	Grade C Customary Court
	Ikorodu ... ..	...	...	Grade C Customary Court
Mushin District Council	Mushin ... ..	...	...	Grade C Customary Court
Agege District Council	Agege ... ..	...	...	Grade C Customary Court
Ikeja District Council ...	Oregun ... ..	...	...	Grade C Customary Court
	Alimosho ... ..	...	...	Grade C Customary Court
	Ojokoro ... ..	...	...	Grade C Customary Court

DATED at Ibadan this 24th day of June, 1958.

F. R. A. WILLIAMS,
Minister of Justice

W.R.L.N. 305 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE COMPULSORY ACQUISITION OF LAND (EGBA-OBAFEMI
DISTRICT COUNCIL) AUTHORISATION ORDER, 1958**

DATE OF COMMENCEMENT : 3RD JULY, 1958

In exercise of the powers conferred upon the Minister of Local Government by section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Egba-Obafemi District Council) Ogunmakin Authorisation Order, 1958.

2. The Egba-Obafemi District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the schedule to this Order.

SCHEDULE

All that parcel of land situated at Ogunmakin in the Egba Division of the Abeokuta Province comprising an area of 3.232 acres more particularly described and delineated on a Plan No. B.K. 2516 a copy of which may be inspected in the office of the Secretary of the Egba-Obafemi District Council.

MADE at Ibadan this 23rd day of June, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 306 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE COMPULSORY ACQUISITION OF LAND (EGBA-OBAFEMI
DISTRICT COUNCIL) AUTHORISATION ORDER, 1958

DATE OF COMMENCEMENT : 3RD JULY, 1958

In exercise of the powers conferred upon the Minister of Local Government by section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Egba-Obafemi District Council) Ajebo Authorisation Order, 1958.

2. The Egba-Obafemi District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the schedule to this Order.

SCHEDULE

All that parcel of land situated at Ajebo in the Egba Division of the Abeokuta Province comprising an area of 3.865 acres more particularly described and delineated on a Plan No. B.K. 2417 a copy of which may be inspected in the office of the Secretary of the Egba-Obafemi District Council.

MADE at Ibadan this 23rd day of June, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 307 of 1958

The Road Traffic Ordinance, 1947
(No. 43 of 1947)THE ROAD TRAFFIC (LICENSING AUTHORITY)
(IBADAN) NOTICE, 1958

DATE OF COMMENCEMENT : 10TH JULY, 1958

In exercise of the powers conferred by paragraph (a) of sub-section (1) of section 3 of the Road Traffic Ordinance, 1947, and section 28 of the Interpretation Ordinance (Cap. 94), the Governor, after consultation with the Executive Council, has issued the following Notice :—

1. This Notice may be cited as the Road Traffic (Licensing Authority) Title. (Ibadan) Notice, 1958.
2. The appointment of the Licensing Officer, Licensing Section, Ministry of Finance, Western Region, Ibadan, to be a Licensing Authority for the purposes of the Road Traffic Ordinance, 1947, is hereby revoked. Revocation of appointment.
3. The Executive Officer, Motor Licensing Office, Ibadan, is hereby appointed a Licensing Authority for the purposes of the Road Traffic Ordinance, 1947, and the distinctive letters "WA" are accordingly assigned to such Licensing Authority. Appointment of new Licensing Authority.

DATED at Ibadan this 23rd day of June, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

B 500

W.R.L.N. 308 of 1958

The Chiefs Law, 1957 (No. 20 of 1957)

ORDER OF SUSPENSION

DATE OF COMMENCEMENT : 23RD JUNE, 1958

In exercise of the powers conferred under and by virtue of section 22 of the Chiefs Law, 1957, the Governor in Council, on being satisfied that the suspension of Chief OYEBOLA SUBERU as Lemo of Ogijo, Ijebu Remo Division, is necessary in the interests of peace, order and good government, hereby suspends the said Chief OYEBOLA SUBERU, the Lemo of Ogijo, Ijebu Remo Division, from his office as the said Lemo of Ogijo, and the Governor in Council further directs that during the period of such suspension the said Chief OYEBOLA SUBERU shall cease to be a member of—

- (a) the Ijebu Remo Divisional Council ;
- (b) the Offin Shagamu Local Council ; and
- (c) the Ogijo Native Court.

MADE at Ibadan this 23rd day of June, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 309 of 1958

The Public Health Law, 1957

(No. 25 of 1957)

The Local Government Law, 1957

(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES

ADOPTIVE BYE-LAWS ORDER, 1957

ERRATA

DATE OF COMMENCEMENT : 5TH DECEMBER, 1957

The Schedules to Western Region Legal Notice 356 of 1957 published in the *Western Region of Nigeria Gazette* No. 58 of 5th December, 1957, is hereby corrected as follows :—

(a) For "igbalao" in the second line of the first column of the First Schedule read "igbalo" ;

(b) For "~~£~~11 0s 0d half-yearly" in the Second Schedule read "£0 11s 0d half-yearly".

W.R.L.N. 310 of 1958

The Interpretation Ordinance (Cap. 94)

THE PUBLICATION OF BYE-LAWS ORDER, 1958

DATE OF COMMENCEMENT : 4TH JULY, 1958

In exercise of the powers conferred upon the Governor by sub-section (5) of section 19 of the Interpretation Ordinance, the following Order is hereby made after consultation with the Executive Council :—

1. This Order may be cited as the Publication of Bye-laws Order, 1958. **Short title.**
2. (1) Bye-laws made by a local government council shall be published in the following manner :—
 - (a) in the case of bye-laws which do not affect persons outside the area of authority of the council, or which contain subject-matter substantially the same as that contained in any subsidiary legislation previously published in the Regional Gazette, by exhibiting a notice that the bye-laws have been made together with a copy of the bye-laws in some conspicuous place on or near the outer door of the office of the council during office hours for a period of not less than three consecutive months :

Method of publication of bye-laws of local government councils.
 - Provided that the approving authority in respect of the bye-laws may in any case direct that publication shall be in the Regional Gazette instead of in the manner provided in this paragraph ;
 - (b) in the case of any bye-laws affecting persons outside the area of authority of the council making the bye-laws, by publication in the Regional Gazette.
- (2) For the purposes of this paragraph, bye-laws shall be regarded as affecting persons outside the area of authority of council if they impose any penalty for breach of or non-compliance with the provisions thereof upon any person other than—
 - (a) the owner or occupier of premises in the area of the council ;
 - (b) a person residing in the area of authority of the council ;
 - (c) a person carrying on a trade, business or profession within the area of authority of the council.

MADE at Ibadan this 4th day of July, 1958.

S. O. BIOBAKU,
Secretary to the Premier and
Executive Council

W.R.L.N. 311 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 16TH JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Home Affairs and Midwest Affairs.	Minister of Trade and Industry.

GIVEN at Ibadan this 10th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 312 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 16TH JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Home Affairs and Midwest Affairs to the Minister of Agriculture and Natural Resources, notified by the Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 313 of 1958*The Interpretation Ordinance (Cap. 94)*

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 1ST JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Works and Transport) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Works and Transport.	Minister of Finance.

GIVEN at Ibadan this 10th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 314 of 1958*The Interpretation Ordinance (Cap. 94)*

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 2ND JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Home Affairs and Midwest Affairs.	Minister of Agriculture and Natural Resources.

GIVEN at Ibadan this 10th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 315 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 24TH JUNE, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Local Government) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office, mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Local Government.	Minister of Finance.

GIVEN at Ibadan this 10th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 316 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 18TH JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

This Notice may be cited as the Delegation of Functions (Minister of Justice) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Justice.	Minister of Education.

GIVEN at Ibadan this 10th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 317 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of August, 1958, as the date on which the Customary Courts Law, 1957 shall come into operation in the following parts of the Region :—

Warri Division ;
Ilesha Division ;
Ife Division ;
Owo Division ; and
Benin Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 318 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

CORRIGENDUM

In paragraph three of the Western Region Legal Notice 284 of 1958 published in the Supplement to the *Western Region of Nigeria Gazette* No. 42, Vol. 7 dated 19th June, 1958, for "Ondo District Council" substitute "Ado District Council".

W.R.L.N. 319 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ADO IGBESSA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 24TH JULY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ado-Igbesa District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ado-Igbesa District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 20th day of March, 1958, that the Control of Motor Parks Adoptive By-laws, 1957 be adopted.

W.R.L.N.
55 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 11th July, 1958.

W.R.L.N. 320 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

VEHICLE LICENSING ADOPTIVE (AMENDMENT)
BYE-LAWS ORDER, 1957

DATE OF COMMENCEMENT : 24TH JULY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikale Idapomaru District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikale Idapomaru District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of April, 1958 that the Vehicle Licensing (Amendment) By-laws, 1957 be adopted.

W.R.L.N.
276 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan 24th July, 1958.

W.R.L.N. 321 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

PREPARATION AND SALE OF PALM WINE ADOPTIVE
BYE-LAWS ORDER, 1957

DATE OF COMMENCEMENT : 24TH JULY, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikale Idapomarun District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikale Idapomarun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of April, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 24th July, 1958.

W.R.L.N. 322 of 1958

The Education Law, 1954 (No. 6 of 1955)

THE SCHOOLS AND INSTITUTIONS (EXAMINATION
FEES) (AMENDMENT) REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred upon the Minister of Education by sections 29 (e) and 76 (b) of the Education Law, 1954, and after consultation with the Regional Board of Education, the following Regulations are hereby made :—

Citation.

1. These Regulations may be cited as the Schools and Institutions (Examination Fees) (Amendment) Regulations, 1958.

Amendment
of Schedule
to the
principal
regulations,
W.R.L.N.
128 of 1957.

2. The Schools and Institutions (Examination Fees) Regulations, 1957, are hereby amended in the following respects—

(a) by adding to paragraph 1 (i) of the Schedule, immediately after "four-year course" the words "or post secondary course".

(b) by deleting in paragraph 1 (ii) of the Schedule, the words "of post-secondary".

(c) by substituting the expression "15s" for the expression "10s" in paragraph 3 of the Schedule.

MADE at Ibadan this 16th day of July, 1958.

G. AKIN DEKO,
for Minister of Education

W.R.L.N. 323 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred upon the Minister of Justice by section 69 of the Customary Courts Law, 1957, and of the powers conferred upon me by Western Region Legal Notice 316 of 1958, I hereby direct that the councils mentioned in column 1 of the following Schedule shall be the competent councils for the respective Customary Courts mentioned opposite them in column 2 of the said Schedule :—

SCHEDULE

<i>Column 1</i> <i>Councils</i>	<i>Column 2</i> <i>Customary Courts</i>
Ife Divisional Council	Ife Divisional Grade B Customary Court
	Ife Grade C Customary Court
	Modakeke Grade D Customary Court
	Edunabo-Moro Grade D Customary Court
	Ipetumodu Grade D Customary Court
	Ifetedo Grade D Customary Court
Ila District Council ...	Ila Grade C Customary Court
Ilesha Divisional Council.	Ilesha Urban District Grade B Customary Court
	Ilesha Northern District Grade B Customary Court
	Ilesha Southern District Grade B Customary Court
	Ipetu-Ijesha Grade D Customary Court
	Ijebu-Ijesha Grade D Customary Court
	Esa-Oke Grade D Customary Court
	Ibokun Grade D Customary Court
	Imesi-Ile Grade D Customary Court
	Iwara Grade D Customary Court
	Ifewara Grade D Customary Court
	Oshu Grade D Customary Court
	Ibodi Grade D Customary Court
Owo Divisional Council	Owo Grade B Customary Court
	Owo District Grade C Customary Court
	Ute Grade D Customary Court
	Afo Grade D Customary Court
	Ifon Grade D Customary Court
	Okeluse Grade D Customary Court
	Idoani Grade D Customary Court
	Sobe Grade D Customary Court
	Ipele Grade D Customary Court

SCHEDULE—*contd.*

Column 1 Councils					Column 2 Customary Courts	
Akoko Divisional Council. Oka District Council	}	joint-ly.	Akoko/Oka	...	...	Grade B Customary Court
Akoko Divisional Council.			Akoko	...	...	Grade C Customary Court
			Ajowa	...	...	Grade D Customary Court
			Isowopo	...	...	Grade D Customary Court
			Ikare	...	...	Grade D Customary Court
			Oba	...	...	Grade D Customary Court
			Ogbagi	...	...	Grade D Customary Court
			Omuo	...	...	Grade D Customary Court
			Ishua	...	...	Grade D Customary Court
			Arigidi	...	...	Grade D Customary Court
			Erushu	...	...	Grade D Customary Court
			Akungba	...	...	Grade D Customary Court
			Shupare	...	...	Grade D Customary Court
			Ikeram	...	...	Grade D Customary Court
			Irun	...	...	Grade D Customary Court
			Ifira-Ipesi	...	...	Grade D Customary Court
			Okeagbe	...	...	Grade D Customary Court
			Ukpe-Epeme	...	...	Grade D Customary Court
Oka District Council ...			Oka...	...	...	Grade C Customary Court
Warri Divisional Council.			Warri Divisional	...	...	Grade B Customary Court
			Ode-Itsekiri	...	...	Grade C Customary Court
			Benin River	...	...	Grade C Customary Court
			Koko	...	...	Grade C Customary Court
			Ogbe-Ijaw	...	...	Grade C Customary Court
			Gborodo	...	...	Grade C Customary Court
			Gbaramatu	...	...	Grade C Customary Court
			Ode-Itsekiri (Aghigho)	...	...	Grade C Customary Court
			Egbeoma	...	...	Grade C Customary Court

DATED at Ibadan this 23rd day of July, 1958.

AYODELE OKUSAGA,
for Minister of Justice

W.R.L.N. 324 of 1958

*Customs Ordinance (Cap. 48)*OPEN GENERAL IMPORT LICENCE No. 2 OF 1956 (SCHEDULE
TERRITORIES AND EASY CURRENCY COUNTRIES)
(AMENDMENT No. 6)

DATE OF COMMENCEMENT : 10TH JULY, 1958

Open General Import Licence No. 2 of 1956 (published as Legal Notice 102 of 1956) is further amended by the addition to the Second Schedule (list of exceptions) after item No. 10 of the following item :—

	<i>Import List No.</i>	
	<i>Group</i>	<i>Item</i>
11. Sugar (beet and cane refined)	061	020

R. E. VIDAL,
Import Licensing Authority,
Federal Department of
Commerce and Industries

Lagos, 14th June, 1958.

EXPLANATORY NOTE

The effect of this notice is that Sugar may no longer be imported against Open General Import Licence No. 2 of 1956 but imports may now be effected from a wide range of countries under Open General Import Licence No. 2 of 1958, published concurrently, with this amendment. This is in accordance with Nigeria's adherence to the International Sugar Agreement.

I.1888

W.R.L.N. 325 of 1958

Customs Ordinance (Cap. 48)

OPEN GENERAL EXPORT LICENCE No. 2 OF 1956 (GOODS AND PRODUCE OF NIGERIAN ORIGIN) (AMENDMENT No. 3)

DATE OF COMMENCEMENT : 24TH JULY, 1958

Open General Export Licence No. 2 of 1956 (published as Legal Notice 105 of 1956) is hereby amended by deleting the following items from the First Schedule thereto :—

	<i>Export List No.</i>	
	<i>Group</i>	<i>Item</i>
1. Beans and yams	054	029
2. Beer	112	XX1
4. Cassava, gari and yam flour	055	XX0
8. Hen and guinea fowl eggs	02X	000
9. Maize	044	010
11. Rice	042	XX0

R. E. VIDAL,
Export Licensing Authority,
Federal Department of
Commerce and Industries

27th June, 1958.

EXPLANATORY NOTE

The effect of this amendment is that beans and yams, beer, cassava, gari and yam-flour, hen and guinea fowl eggs, maize and rice, may now be freely exported to all countries. It is no longer necessary to obtain specific export licences for these commodities.

I.1888

W.R.L.N. 326 of 1958

Customs Ordinance (Cap. 48)

OPEN GENERAL IMPORT LICENCE (SUGAR) No. 2 OF 1958

DATE OF COMMENCEMENT : 10TH JULY, 1958

In exercise of the powers conferred upon me by section 4 of the Control of Imports Order in Council 1950, I hereby authorise, subject to the conditions specified herein, the importation of—

	<i>Import List No.</i>
	<i>Group Item</i>
Sugar (beet and cane refined)	061 020

from any of the countries named in the Schedule hereto.

2. This licence is granted subject to the following conditions :—

(i) that the goods shall be imported through an approved port, Customs airport, Customs post or by post, or in accordance with the provision of regulation 131 of the Customs Regulations ;

(ii) that the goods originate in the countries shown in the Schedule ;

(iii) that the importer shall produce, at the time of importation, a certificate of origin in respect of the goods in such form as the Comptroller of Customs and Excise may from time to time approve.

3. Nothing in this licence shall be deemed to authorise the importation of any goods the importation of which is prohibited or restricted by any written law.

SCHEDULE

Countries of origin covered by this licence :

Aden (Colony and Protectorate), Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Brunei (protected State), Cyprus, Falkland Islands (Colony and Dependencies), Fiji, Gambia (Colony and Protectorate), Gibraltar, Hong Kong, Jamaica (including Turks and Caicos Islands, and the Cayman Islands), Kenya (Colony and Protectorate), Leeward Islands, Antigua, Montserrat, St. Christopher and Nevis, Anguilla and Virgin Islands, Mauritius,

St. Helena (including Ascension Island and Tristan da Cunha), Sarawak, Seychelles, Sierra Leone (Colony and Protectorate), Somaliland Protectorate, Tanganyika (under United Kingdom Trusteeship), Trinidad and Tobago, Uganda Protectorate,

Western Pacific High Commission Territories—
British Solomon Islands Protectorate, Gilbert and Ellice Islands Colony, Central and Southern Line Islands,

Windward Islands,—Dominica, Grenada, St. Lucia, St. Vincent, Zanzibar Protectorate,

Japan, United Kingdom, Australia, Belgium, China, Netherlands, Portugal, South Africa, France, Indonesia.

R. E. VIDAL,
Import Licensing Authority,
Federal Department of
Commerce and Industries

Lagos, 14th June, 1958,

NOTES

1. Payment for goods imported under this Open General Licence is subject to the conditions prescribed in Nigerian Exchange Control Notice No. 13 (Second Issue).

2. Approved ports include all ports, port stations, approved places of unloading, approved places of loading and government warehouses appointed by the Governor-General under section 2 of the Customs Ordinance (Cap. 48). The approved ports are at present Lagos, Burutu, Warri, Sapele, Degema, Port Harcourt, Calabar, Victoria and Tiko.

3. Customs airports are defined in Article 60 of the Colonial Air Navigation Order, 1955, published as Legal Notice No. 108 of 1955. Customs airports are at present Kano, Lagos, and Maiduguri.

4. It is not necessary for importers to hold this licence or to produce it to the Customs authorities. Importers are nevertheless advised to retain the Public Notice for reference as copies are not being distributed. Specimens may, however, be seen on application at any Custom House or Post Office.

I.1888/133

W.R.L.N. 327 of 1958

The Public Order Law, 1957
(No. 24 of 1957)

THE PROHIBITION OF PUBLIC PROCESSIONS
(BENIN DIVISIONAL COUNCIL AREA) ORDER, 1958

DATE OF COMMENCEMENT : 25TH JULY, 1958

In exercise of the powers conferred upon me by sub-section (2) (c) of section 9 of the Public Order Law, 1957, I hereby make the following Order :—

1. This Order may be cited as the Prohibition of Public Processions (Benin Divisional Council Area) Order, 1958.

2. All public processions within the area of authority of the Benin Divisional Council are hereby prohibited during the period of fourteen days commencing on the 25th July, 1958 and ending 7th August, 1958.

MADE by me at Benin City this 24th day of July, 1958.

E. K. KEAZOR,
Superior Police Officer

W.R.L.N. 328 of 1958

ADDITIONAL INSTRUCTIONS to Our Governor-General and Commander-in-Chief of the Federation of Nigeria and High Commissioner for the Southern Cameroons or other Officer for the time being Administering the Government of the Federation and discharging the functions of the Office of High Commissioner.

DATED THE 18TH DAY OF JULY, 1958.

ELIZABETH R.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

1. These Instructions shall be construed as one with the Instructions under Our Sign Manual and Signet to the Governor-General and Commander-in-Chief of the Federation bearing date the third day of September, 1954 (which Instructions, as amended by the Additional Instructions under Our Sign Manual and Signet to Our said Governor-General bearing date the thirtieth day of August, 1957, and the first day of April, 1958, are hereinafter called "the principal Instructions"). Construction.
2. The principal Instructions are amended by the insertion after Clause 1 of the following clause :— Insertion of clause 1A in Instructions of 1954.
 "Citation. 1A. These Instructions may be cited as the Federation of Nigeria Royal Instructions, 1954."
3. Clause 9 of the principal Instructions is amended by the insertion in paragraph (1) after the words "material prejudice by" in sub-paragraph (a) of the words "reason of his". Amendment of clause 9 of Instructions of 1954.
4. Clause 12 of the principal Instructions is amended by the deletion of the word "bank" in paragraph (d) and the substitution of the word "banking". Amendment of clause 12 of Instructions of 1954.
5. Clause 23 of the principal Instructions is amended by the deletion from paragraph (2) of sub-paragraph (a) and the substitution of the following sub-paragraph :— Amendment of clause 23 of Instructions of 1954.
 "(a) Whenever any offender has been condemned by any civil court in Nigeria to suffer death for any offence to which section 9 of the Offices Order applies, the Governor-General shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Governor-General may require, to be taken into consideration at a meeting of the Privy Council."
6. Clause 25 of the principal Instructions is amended by the insertion in paragraph 2 of the directions after the words "material prejudice by" in paragraph (a) of the words "reason of his". Amendment of clause 25 of Instructions of 1954.

GIVEN at Our Court at Saint James's, this Eighteenth day of July, 1958 in the seventh year of Our Reign.

W.R.L.N. 329 of 1958

ADDITIONAL INSTRUCTIONS to Our Governors of the Northern, Western and Eastern Regions of Nigeria or other Officer for the time being Administering the Government of any of the said Regions.

We do hereby direct and enjoin and declare Our will and pleasure as follows :—

Construction.

1. These Instructions shall be construed as one with the Instructions under Our Sign Manual and Signet to the Governors of the Northern, Western and Eastern Regions of Nigeria bearing date the third day of September, 1954 (which Instructions, as amended by the Additional Instructions under Our Sign Manual and Signet to Our said Governors bearing date the eighth day of August, 1957, and the first day of April, 1958, are hereinafter called "the principal Instructions").

Insertion of clause 1A in Instructions of 1954.

2. The principal Instructions are amended by the insertion after clause 1 of the following clause :—

"Citation. 1A. These Instructions may be cited as the Regions of Nigeria Royal Instructions, 1954."

Amendment of clause 5 of Instructions of 1954.

3. Clause 5 of the principal Instructions is amended by the deletion from paragraph (1) of the words "Deputy President" and the substitution of the words "Deputy Speaker".

Amendment of clause 8 of Instructions of 1954.

4. Clause 8 of the principal Instructions is amended by the insertion in paragraph (1) after the words "material prejudice by" in sub-paragraph (a) of the words "reason of his".

Amendment of clause 22 of Instructions of 1954.

5. Clause 22 of the principal Instructions is amended by the deletion from paragraph (2) of sub-paragraph (a) and the substitution of the following sub-paragraph :—

"(a) Whenever any offender has been condemned by any civil court in Nigeria to suffer death for any offence to which section 18 of the Offices Order applies, the Governor shall cause a written report of the case of that offender from the judge who tried the case, together with such other information derived from the record of the case or elsewhere as the Governor may require, to be taken into consideration at a meeting of the Privy Council."

GIVEN at Our Court at Saint James's, this Eighteenth day of July, 1958 in the seventh year of Our Reign.

W.R.L.N. 330 of 1958*The Interpretation Ordinance (Cap. 94)*

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 28TH JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Local Government to the Minister of Finance, notified by the Delegation of Functions (Minister of Local Government) Notice, 1958, has been revoked.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 331 of 1958*The Interpretation Ordinance (Cap. 94)*

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 29TH JULY, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Agriculture and Natural Resources) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Agriculture and Natural Resources	Minister of Economic Planning.

GIVEN at Ibadan this 30th day of July, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 332 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE SLAUGHTERING OF ANIMALS ADOPTIVE
BYE-LAWS ORDER, 1958
IPOKIA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 7TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ipokia District Council by section 82 (2) and 271 of the Local Government Law, 1957, the Ipokia District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 11th June, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted, substituting the following for the schedule thereof :—

W.R.L.N. 95
of 1958.

SCHEDULE
(BYE-LAW 3)

	s	d
Cattle per head	7	6
Sheep, goat, swine per head	2	0

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 25th July, 1958.

W.R.L.N. 333 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
WARRI URBAN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 7TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Warri Urban District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Warri Urban District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of February, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957 be adopted, substituting the following for the Second Schedule thereof :—

W.R.L.N.
357 of 1957.

SECOND SCHEDULE

	£	s	d
Fee for a yearly licence (Wine tapping and selling not within premises)	2	0	0
Fee for a half-yearly licence (Wine tapping and selling not within premises)	1	5	0
Fee for a yearly licence (Sale of wine within premises for consumption off the premises)	2	10	0
Fee for a yearly licence (Sale of wine within premises for consumption on the premises)	5	0	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 26th July, 1958.

W.R.L.N. 334 of 1958

The Peace Preservation Ordinance
(Cap. 166)

THE PROCLAIMED DISTRICTS (CANCELLATION) NOTICE, 1958

DATE OF COMMENCEMENT : 14TH AUGUST, 1958

In exercise of the power conferred on him by sub-section (3) of section 3 of the Peace Preservation Ordinance, the Governor after consultation with the Executive Council hereby notifies as follows :—

1. This Notice may be cited as the Proclaimed Districts (Cancellation) Notice, 1958.
2. The Proclaimed Districts Proclamation, 1958, is hereby cancelled in so far as it relates to the areas of jurisdiction of the following Local Government Councils :—
 - (a) The Oyo Divisional Council ;
 - (b) The Iwo District Council ;
 - (c) The Aiyedade District Council.

GIVEN at Ibadan this 13th day of August, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 335 of 1958

The Chiefs Law, 1957
(No. 20 of 1957)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 21st AUGUST, 1958

In exercise of the powers conferred by sub-section (3) (a) of section 22 of the Chiefs Law, 1957, the Governor in Council hereby delegates to the respective Prescribed Authorities mentioned in the second column of the Schedule the powers conferred upon him by sub-sections (1) and (2) of that section with respect to minor Chiefs whose chieftaincy titles are associated with the native communities in the respective areas mentioned in the third column of the Schedule.

SCHEDULE

<i>Serial</i>	<i>Prescribed Authority</i>	<i>Area</i>
1.	The Alake	Egba Alake Section
2.	The Oshile	Egba Oshile Section
3.	The Agura	Egba Agura Section
4.	The Olowu	Egba Olowu Section
5.	The Chieftaincy Committee of Otta District Council appointed under section 5 of the Chiefs Law.	Otta District
6.	Oba of Ijale Papa	Ijale Papa and Ijale Orile
7.	The Amala of Imala	The remainder of Imala District
8.	The Onimeko of Meko	Meko
9.	The Oba of Idofa	Idofa
10.	The Oba of Aiyetoro	Aiyetoro
11.	The Oba of Iboro	Iboro
12.	The Olu of Imashai	Imashai
13.	The Oba of Eggua	Eggua
14.	The Oba of Ijale	Ijale
15.	The Oba of Ijoun	Ijoun
16.	The Oba of Ibeshe	Ibeshe
17.	The Oba Abepa of Jiga	Jiga
18.	The Oniko of Ikolaje	Ikolaje
19.	The Alashe of Ilashe	Ilashe
20.	The Onihumbo of Ihumbo	Ihumbo
21.	The Olokeodan of Okeodan	Okeodan
22.	The Bale of Ajilete	Ajilete
23.	The Bale of Ifonyintedo	Ifonyintedo
24.	The Olobi of Ilobi	Ilobi
25.	The Oba of Ado	Ado
26.	The Oba of Igbessa	Igbessa
27.	The Oba of Ipokia	Ipokia
28.	The Olu of Ilaro	Ilaro
29.	The Oni of Ife	Ife Division excluding Ila District
30.	The Orangun of Ila	Ila District
31.	The Asagba of Asaba	Asaba Urban District
32.	The Oba of Benin	Benin Division
33.	The Olubadan	Ibadan District

SCHEDULE—*contd.*

<i>Serial</i>	<i>Prescribed Authority</i>	<i>Area</i>
34.	The Olu of Warri	Warri Division excluding Egbeoma, Gbaramatu and Ogbe-Ijaw Local Council areas.
35.	The Chieftaincy Committee of the Makun-Shagamu Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Makun-Shagamu.
36.	The Chieftaincy Committee of the Ishara Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ishara town.
37.	The Chieftaincy Committee of the Iperu Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Iperu town.
38.	The Alakenne of Ikenne	The area traditionally associated with Ikenne town.
39.	The Chieftaincy Committee of the Ode-Remo Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ode-Remo town.
40.	The Chieftaincy Committee of the Ilishan Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ilishan town.
41.	The Chieftaincy Committee of the Ogere Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ogere town.
42.	The Chieftaincy Committee of the Akaka Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Akaka town.
43.	The Chieftaincy Committee of the Ilara Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ilara town.
44.	The Chieftaincy Committee of the Ipara Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ipara town.
45.	The Chieftaincy Committee of the Irolu Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Irolu town.
46.	The Chieftaincy Committee of the Ode-Lemo Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Ode-Lemo town.
47.	The Chieftaincy Committee of the Orile-Okoko Local Council appointed under section 5 of the Chiefs Law, 1957.	The area traditionally associated with Orile-Okoko town.
48.	The Akran of Badagry	The area of jurisdiction of the Egun-Awori District Council.

SCHEDULE—*contd.*

<i>Serial</i>	<i>Prescribed Authority</i>	<i>Area</i>
49.	The Chieftaincy Committee of the Aiyedade District Council appointed under section 5 of the Chiefs Law, 1957.	The area of authority of the Aiyedade District Council.
50.	The Chieftaincy Committee of the Egbedore District Council appointed under section 5 of the Chiefs Law, 1957.	The area of authority of the Egbedore District Council.
51.	The Ewi of Ado-Ekiti	Ado District
52.	The Atta of Aiyede	The area traditionally associated with Aiyede town.
53.	The Onire of Ire	The area traditionally associated with Ire town.
54.	The Onishan of Ishan	The area traditionally associated with Ishan town.
55.	The Onitaji of Itaji	The area traditionally associated with Itaji town.
56.	The Oloye of Oye	The area traditionally associated with Oye town.
57.	The Elemure of Emure	The area traditionally associated with Emure town.
58.	The Ogoga of Ikerre	The area traditionally associated with Ikerre town.
59.	The Arinjale of Ise	The area traditionally associated with Ise town.
60.	The Alawe of Ilawe	The area traditionally associated with Ilawe town.
61.	The Ologotun of Ogotun	The area traditionally associated with Ogotun town.
62.	The Arajaka of Igbaraodo	The area traditionally associated with Igbaraodo town.
63.	The Alara of Aramoko	The area traditionally associated with Aramoko including Erijiyan.
64.	The Alaye of Effon	The area traditionally associated with Effon town.
65.	The Olojudo of Iddo-Irappa	The area traditionally associated with Iddo-Irappa town.
66.	The Oloja-Oke of Okemessi	The area traditionally associated with Okemessi town.
67.	The Ajero of Ijero	The Ijero District
68.	The Elekole of Ikole	The Ikole District
69.	The Ore of Otun	The Otun District
70.	The Olojudo of Iddo	The area traditionally associated with Iddo town.
71.	The Olosi of Osi	The area traditionally associated with Osi town.
72.	The Oluwo of Iwo	The Iwo District

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

WR.L.N. 336 of 1958

The Chiefs Law, 1957
(No. 20 of 1957)

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred upon him by section 3 of the Chiefs Law, 1957, the Minister hereby applies Part II of the Chiefs Law, 1957 to the chieftaincies referred to in the first column of the Schedule to this notice and designates as the competent local government council in respect of each chieftaincy the respective local government council specified opposite thereto in the second column of the said Schedule.

SCHEDULE

<i>Chieftaincies to which Law is to be applied</i>	<i>Competent Local Government Council</i>
1. The Elawure of Usen	} Iyekovia District Council
2. The Uwangué of Udo	
3. The Eribo of Udo	
4. The Eriyo of Udo	
5. The Ihama of Udo	
6. The Ogiefa of Udo	
7. The Inc of Igbesanmwán of Udo	
8. The Aragua of Udo	
9. The Ohen Odighi of Udo	
10. The Okakuo of Uhen	
11. The Okao of Iyera	
12. The Enogie of Uvbe	} Akugbe District Council
13. The Enogie of Ake	
14. The Enogie of Ugo (Ugo Niyekikpoba)	
15. The Enogie of Umolua	
16. The Enogie of Oghada	
17. The Enogie of Umoghunmwun	} Iykeorhionmwon District Council
18. The Onogie of Ugo	
19. The Enogie of Evbomade	
20. The Okaevo of Urhonigbe	
21. The Senior Okakuo of Idumwongo, Urhonigbe	
22. The Senior Okakuo of Idunmwéhen, Urhonigbe	
23. The Senior Okakuo of Idunmwéhen, Urhonigbe	
24. The Senior Okakuo of Iselokhua, Urhonigbe	
25. The Enogie of Uwan... ..	} Iyekuselu District Council
26. The Enogie of Obagie	
27. The Enogie of Aideyanba	
28. The Ohonkun of Ughoton	
29. The Enogie of Ehor	} Uhunmwonde District Council
30. The Enogie of Ugiamwen	
31. The Enogie of Orior (Orior Senior)	

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 21st August, 1958.

W.R.L.N. 337 of 1958*The Chiefs Law, 1957*
(No. 20 of 1957)

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred upon him by section 3 of the Chiefs Law, 1957, the Minister hereby applies Part II of the Chiefs Law, 1957 to the chieftaincies set out in the Schedule to this notice and designates the Asaba Urban District Council as the competent local government council in respect of each such chieftaincy.

SCHEDULE

The Onihe ;
The Ajie ;
The Ogene ;
The Izoma ;
The Akwue ;

The Imagwe ;
The Isama ;
The Odogwu ;
The Iyase.

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 21st August, 1958.

W.R.L.N. 338 of 1958*The Customary Courts Law, 1957*
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of September, 1958, as the date on which the Customary Courts Law, 1957, shall come into operation in the following parts of the Region :—

ASABA DIVISION
URHOBO DIVISION
OYO DIVISION

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 339 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957 : IPOKIA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ipokia District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ipokia District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 11th day of June, 1958 that the Control of Drumming Adoptive Bye-laws, 1956 be adopted with the following Schedules substituted for the first and third schedules thereof :—

W.R.L.N.
13 of 1956.

FIRST SCHEDULE

- | | |
|--------------------|----------------------|
| 1. Kiriboto | 6. Iya-Ilu or Dundun |
| 2. Ahangere | 7. Kete or Agasa |
| 3. Kokoma/Agidigbo | 8. Batakoto |
| 4. Woro/Alemo | 9. Apala/Juju |
| 5. Hungan | |

THIRD SCHEDULE

<i>Description of Drum</i>	<i>Period</i>	<i>Fees</i>
		<i>s d</i>
1. Iya-Ilu or Dundun...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
2. Kete or Agasa ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
3. Batakoto ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
4. Apala/Juju ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
5. Kiriboto ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
6. Ahangere ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
7. Kokoma/Agidigbo ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
8. Woro/Alemo ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0
9. Hungan ...	For any period between 6 a.m. to 6 p.m. ...	3 6
	For any period between 6 p.m. to 6 a.m. ...	6 0

J. R. BROMAGE,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 1st August, 1958.

W.R.L.N. 340 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
BENIN CITY COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Benin City Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Benin City Council in accordance with section 82 (3) (a) of the said, Law has resolved at its meeting held on the 20th day of December, 1957 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted, substituting the following for the Second Schedule thereof :—

W.R.L.N.
357 of 1957.

SECOND SCHEDULE

	£	s	d
Fee for a yearly licence (Wine tapping and selling not within premises)	6	0	0
Fee for a half-yearly licence (Wine tapping and selling not within premises)	3	10	0
Fee for a yearly licence (Sale of palm wine within premises) ...	7	10	0

I. D. CAMERON,
Acting Permanent Secretary,
Ministry of Local Government

Ibadan, 28th July, 1958.

W.R.L.N. 341 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE UKWUANI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21st AUGUST, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957, the Instrument amending the Ukwuani District Council published as Western Region Legal Notice 147 of 1955 is hereby amended as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of forty-nine members, namely :
Eleven traditional members ;
Thirty-eight elected members”.

2. *Delete* paragraph 6 and *substitute* therefor—

“6. The quorum shall be seventeen members”.

3. *Insert* new paragraph 6A :

“6A. Eight of the traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

The Aje of Ogume ;	The Aje of Onicha ;
The Aje of Obiaruku ;	The Aje of Umukwata ;
The Aje of Abbi ;	The Aje of Utagba Ogbe ;
The Aje of Emu ;	The Aje of Utagba Uno”.

(2) Two of the traditional members shall be the two persons holding the titles set out in the list following in the order appearing thereon and shall retire after one year and shall be succeeded by the next two persons and so on in rotation :—

The Aje of Umutu ;	The Aje of Abedei ;
The Aje of Akoku ;	The Aje of Amai.

(3) One of the traditional members shall be one of the persons holding the titles in the list following in annual rotation in the order stated therein :—

The Aje of Umuebu ;
The Aje of Eziokpor ;
The Aje of Ezionum”.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 342 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE ABEOKUTA URBAN DISTRICT COUNCIL AMENDING
INSTRUMENT, 1958

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred upon the Governor in Council by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Abeokuta Urban District Council published as Western Region Legal Notice 165 of 1955 as follows :—

- (1) by *deleting* paragraph 4 of the said Instrument and *substituting* therefor—
“4. A Chairman of the Council shall be elected in accordance with the provisions of section 30 of the Law”.
- (2) by *deleting* paragraphs 5 and 6 of the said Instrument and *substituting* therefor—
“5. The Council shall consist of sixty-one elected members.
6. The quorum shall be twenty-one members”.
- (3) by *deleting* paragraph 7 of the said Instrument.
- (4) by *re-numbering* paragraphs 8 to 15 of the Instrument as paragraphs 7 to 14.

MADE by the Governor in Council this 21st day of August, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 343 of 1958*The Local Government Law, 1957*
(No. 12 of 1957)THE GOVERNOR IN COUNCIL'S POWERS
(DELEGATION) NOTICE, 1958

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred on the Governor in Council by section 257A of the Local Government Law, 1957, as inserted therein by the Local Government (Amendment) Law, 1958, the following Notice is issued :—

1. This Notice may be cited as the Governor in Council's Powers (Delegation) Notice, 1958.

2. The Governor in Council hereby deposes the Minister responsible for local government to exercise and perform on his behalf the powers and duties conferred upon him by or under sections 7, 19, 63, 77, 113, 118 and 215 of the Local Government Law, 1957.

Delegation
to Minister
responsible
for local
government.

DATED at Ibadan this 21st day of August, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 344 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IYEKORHIONMWON DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing Iyekorhionmwon District Council as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of forty-eight members, namely :

Eight traditional members ;

Forty elected members”.

2. *Delete* the word “fourteen” in paragraph 6 of the Instrument and *substitute* therefor the word “sixteen”.

3. After paragraph 6 of the Instrument *insert* new paragraph 6A :

“6A. The eight traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

(i) Enogie of Umoghunmwun ;

(ii) Enogie of Ugo ;

(iii) Enogie of Evbomade ;

(iv) Okaevbo of Urhonigbe ;

(v) Senior Okakuo of Idumwongo, Urhonigbe ;

(vi) Senior Okakuo of Idunmwennen, Urhonigbe ;

(vii) Senior Okakuo of Idunmwenska, Urhonigbe ;

(viii) Senior Okakuo of Iselokhua, Urhonigbe.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 345 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IYEKUSELU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Iyekuselu District Council as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of fifty-four members, namely :
Four traditional members ;
Fifty elected members”.

2. *Delete* the word “seventeen” in paragraph 6 of the Instrument and *substitute* therefor the word “eighteen”.

3. After paragraph 6 of the Instrument *insert* new paragraph 6A :

“6A. The four traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) Enogie of Uwan ;
- (ii) Enogie of Obagie ;
- (iii) Enogie of Aideyanba ;
- (iv) Ohonkun of Ughoton.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 346 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE IYEKOVIA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Iyekovia District Council as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of forty-five members, namely :
Eleven traditional members ;
Thirty-four elected members”.

2. *Delete* the word “thirteen” in paragraph 6 of the Instrument and *substitute* therefor the word “fifteen”.

3. *Delete* paragraph 7 of the Instrument and *substitute* therefor—

“7. The eleven traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles:—

- | | |
|-----------------------|------------------------------------|
| (i) Elawure of Usen ; | (vii) Ine of Igbesanmwani of Udo ; |
| (ii) Uwangué of Udo ; | (viii) Aragua of Udo ; |
| (iii) Eribo of Udo ; | (ix) Ohen Odighi of Udo ; |
| (iv) Eriyo of Udo ; | (x) Okakuo of Uhen ; |
| (v) Ihama of Udo ; | (xi) Okao of Iyera. |
| (vi) Ogiefa of Udo ; | |

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 347 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE IRRUA/EWU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957, the Instrument establishing the Irrua/Ewu District Council published as Western Region Legal Notice 211 of 1955, is hereby amended as follows :—

(1) *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of fifty-one members, namely :
The President ;
Twelve traditional members ;
Thirty-eight elected members”.

(2) *Delete* paragraph 6 of the Instrument and *substitute* therefor—

“6. The quorum shall be seventeen members”.

(3) *Delete* paragraph 7 of the Instrument and *substitute* therefor—

“7. The twelve traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- | | |
|------------------------------|--------------------------------|
| (i) The Ogirrua of Irrua ; | (viii) The Idalogho of Irrua ; |
| (ii) The Onogie of Ewu ; | (ix) The Edohen of Irrua ; |
| (iii) The Ezomo of Irrua ; | (x) The Eson of Ewu ; |
| (iv) The Iyasele of Irrua ; | (xi) The Inneh of Ewu ; |
| (v) The Oniho of Irrua ; | (xii) The Ewagwe of Ewu ; |
| (vi) The Inneh of Irrua ; | (xiii) The Idalogho of Ewu ; |
| (vii) The Esogban of Irrua ; | |

Provided that the persons for the time being holding the office of the President of the Council shall not at the same time be a traditional member of the Council”.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 348 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE AKUGBE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Akugbe District Council as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of forty-five members, namely :
Five traditional members ;
Forty elected members”.

2. *Delete* the word “fourteen” in paragraph 6 of the Instrument and *substitute* therefor the word “fifteen”.

3. After paragraph 6 of the Instrument *insert* new paragraph 6A :

“6A. The five traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) Enogie of Uvbe ;
- (ii) Enogie of Ake ;
- (iii) Enogie of Ugo (Ugo Niyekikpoba) ;
- (iv) Enogie of Umolua ;
- (v) Enogie of Oghada.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 349 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE UHUNMWONDE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred by sub-section (1) of section 7 of the Local Government Law, 1957, the Governor in Council hereby amends the Instrument establishing the Uhunmwonde District Council as follows :—

1. *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of forty-seven members, namely :
Three Traditional Members ;
Forty-four elected members”.

2. *Delete* the word “fifteen” in paragraph 6 of the Instrument and *substitute* therefor the word “sixteen”.

3. After paragraph 6 of the Instrument *insert* new paragraph 6A :

“6A. The three traditional members shall continue to hold office and shall not retire with the elected members and shall be the persons for the time being holding the following titles :—

- (i) Enogie of Ehor ;
- (ii) Enogie of Ugiamwen ;
- (iii) Enogie of Orior (Orior Senior).

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 21st August, 1958.

W.R.L.N. 350 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ISOKO DISTRICT COUNCIL (DEFAULT) ORDER, 1958

DATE OF COMMENCEMENT : 21ST AUGUST, 1958

In exercise of the powers conferred upon the Governor in Council by section 89 (1) (b) of the Local Government Law, 1957, the following Order is hereby made :—

- | | | | | | | | | | | | | | |
|---|---|--|-----------------|------------------|-------------------|---------------------|----------------|------------------|---------------|--------------|-----------------|-----------------|----------------|
| Short title. | 1. This Order may be cited as the Isoko District Council (Default) Order, 1958. | | | | | | | | | | | | |
| Declaration that Council is in default. | 2. The Isoko District Council is hereby declared to be in default in the performance of the functions listed in the schedule hereto conferred and imposed upon them by the Local Government Law, 1957, hereinafter referred to as "the Law". | | | | | | | | | | | | |
| Transfer of functions. | 3. The functions listed in the Schedule hereto shall be transferred to a committee comprising the following persons with effect from the date of commencement of this order :— | | | | | | | | | | | | |
| | <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">(i) Chief J. A. Akiri—<i>Chairman</i></td> <td style="width: 50%;">(vii) F. Akpove</td> </tr> <tr> <td>(ii) J. K. Oziwo</td> <td>(viii) Alagba Ige</td> </tr> <tr> <td>(iii) F. O. Omodior</td> <td>(ix) Agono Edo</td> </tr> <tr> <td>(iv) V. Osayerie</td> <td>(x) J. Edwira</td> </tr> <tr> <td>(v) D. Agobe</td> <td>(xi) Obi Omuofu</td> </tr> <tr> <td>(vi) A. Agbroje</td> <td>(xii) J. Aboma</td> </tr> </table> | (i) Chief J. A. Akiri— <i>Chairman</i> | (vii) F. Akpove | (ii) J. K. Oziwo | (viii) Alagba Ige | (iii) F. O. Omodior | (ix) Agono Edo | (iv) V. Osayerie | (x) J. Edwira | (v) D. Agobe | (xi) Obi Omuofu | (vi) A. Agbroje | (xii) J. Aboma |
| (i) Chief J. A. Akiri— <i>Chairman</i> | (vii) F. Akpove | | | | | | | | | | | | |
| (ii) J. K. Oziwo | (viii) Alagba Ige | | | | | | | | | | | | |
| (iii) F. O. Omodior | (ix) Agono Edo | | | | | | | | | | | | |
| (iv) V. Osayerie | (x) J. Edwira | | | | | | | | | | | | |
| (v) D. Agobe | (xi) Obi Omuofu | | | | | | | | | | | | |
| (vi) A. Agbroje | (xii) J. Aboma | | | | | | | | | | | | |
| Direction to perform functions. | 4. The persons listed in paragraph 3 above are hereby directed to perform the functions listed in the Schedule hereto. | | | | | | | | | | | | |

SCHEDULE

- (i) the function of levying rates in accordance with the provisions of sections 129, 130 and 131 of the Law ;
- (ii) the function of making and publishing the rates as prescribed by section 175 of the Law ;
- (iii) the function of preparing annual estimates for the 1958-59 Financial Year in accordance with the provisions of section 120 of the Law ;
- (iv) the function of appointing rate collectors in accordance with the provisions of section 178 of the Law ;
- (v) the function of determining the number of assessment committees, the number of members of each such committee, their method of appointment or selection and their term of office as provided by section 143 of the Law.

MADE by the Governor in Council at Ibadan this 21st day of August, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 351 of 1958

*The Nigeria (Constitution) (Amendment No. 2)
Order in Council, 1958*STATUTORY INSTRUMENTS, 1958 No. 1257
WEST AFRICAMADE 30TH JULY, 1958
LAID BEFORE PARLIAMENT ... 7TH AUGUST, 1958
COMING INTO OPERATION ... 8TH AUGUST, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

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 :—

1. (1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957 (b), and the Nigeria (Constitution) (Amendment) Order in Council, 1958 (c). Citation,
construction
and com-
mencement.

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, is amended by the deletion of sub-section (2).

(4) This Order shall come into operation on the eighth day of August, 1958 :

Provided that—

(a) sections 9, 13, 15, 16, 17, 18, 21, 37, 41, 42 and 43 shall be deemed to have come into operation on the first day of April, 1958 ; and

(b) sections 20, 22, 23, 24, 27, 28, 39 and 40 shall come into operation on a date to be fixed by the Governor-General, acting in his discretion, by Proclamation published in the Official Gazette of the Federation.

2. Section 7 of the Nigeria (Constitution) Order in Council, 1954 (d), (hereinafter called "the principal Order") (as amended by section 5 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957 (e)) is amended— Amendment
of s. 7 of
Order of
1954.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953). (c) S.I. 1958/429.
(d) S.I. 1954/1146 (1954 II, p. 2829). (e) S.I. 1957/1530.

(a) by the insertion in sub-section (4) after paragraph (a) of the proviso of the following paragraph :—

“(aa) when, after any dissolution of the House of Representatives, he is informed by the Governor-General that the Governor-General is about to re-appoint him as Deputy Speaker or to appoint another person as Deputy Speaker ; or” ; and

(b) by the insertion in sub-section (4) after the words “House of Representatives” in paragraph (b) of the proviso of the words “for any reason other than a dissolution of that House”.

Amendment
of s. 20 of
Order of
1954.

3. Section 20 of the principal Order (as set out in section 8 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in sub-section (2) after paragraphs (a), (b) and (c) of the proviso of the word “or”.

Amendment
of s. 23 of
Order of
1954.

4. Section 23 of the principal Order (as amended by section 10 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the insertion in sub-section (3) after paragraph (a) of the proviso of the following paragraphs :—

“(aa) in the case of a person appointed Speaker in pursuance of paragraph (a) of sub-section (1) of this section, when, after any dissolution of the Northern House of Assembly, he is informed by the Governor that the Governor is about to re-appoint him as Speaker or to appoint another person as Speaker ; or

(aaa) in the case of the Deputy Speaker, when, after any dissolution of the Northern House of Assembly, he is informed by the Governor that the Governor is about to re-appoint him as Deputy Speaker or to appoint another person as Deputy Speaker ; or” ; and

(b) by the insertion in sub-section (3) after the words “Northern House of Assembly” in sub-paragraph (i) of paragraph (c) of the words “for any reason other than a dissolution of that House”.

Amendment
of s. 28 of
Order of
1954.

5. Section 28 of the principal Order (as amended by section 11 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from sub-section (3) of the words “by reason of a dissolution of the Western House of Chiefs” and the substitution of the words “when the Western House of Chiefs first sits after any dissolution thereof” ; and

(b) by the deletion from sub-section (4) of paragraph (a) and the substitution of the following paragraph :—

“(a) when the House first sits after any dissolution thereof ; or”.

Amendment
of s. 31 of
Order of
1954.

6. Section 31 of the principal Order (as amended by section 14 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from sub-section (3) of the words “by reason of a dissolution of the Western House of Assembly” and the substitution of the words “when the Western House of Assembly first sits after any dissolution thereof” ; and

(b) by the deletion from sub-section (4) of paragraph (a) and the substitution of the following paragraph :—

“(a) when the House first sits after any dissolution thereof ; or”.

7. Section 32 of the principal Order is amended by the deletion from sub-section (2) of the word "appointed" and the substitution of the word "elected".

Amendment of s. 32 of Order of 1954.

8. Section 33 of the principal Order is revoked and the following section is substituted :—

Replacement of s. 33 of Order of 1954.

"Speaker and Deputy Speaker of Eastern House of Assembly. 33. (1) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) a member of the House ; or

(b) a person who is not a member of the House.

(2) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House.

(3) As often as the office of the Speaker or the Deputy Speaker falls vacant otherwise than when the Eastern House of Assembly first sits after any dissolution thereof, the members of that House shall as soon as practicable elect a person to that office in like manner as is provided in sub-section (1) or sub-section (2) of this section, as the case may be.

(4) The office of the Speaker or the Deputy Speaker of the Eastern House of Assembly shall become vacant—

(a) when the House first sits after any dissolution thereof ; or

(b) if he resigns his office by writing under his hand addressed to the House ; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of sub-section (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof ; or

(ii) if he becomes a Regional Minister, Attorney-General of the Eastern Region or a Parliamentary Secretary to a Regional Minister."

Section 34 of the principal Order (as amended by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "and Development" in paragraph (b).

Amendment of s. 34 of Order of 1954.

10. Section 35 of the principal Order (as set out in sub-section (1) of section 18 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

Amendment of s. 35 of Order of 1954.

(a) by the insertion in sub-section (2) after paragraph (a) of the proviso of the following paragraph :—

"(aa) in the case of a person appointed Speaker in pursuance of paragraph (a) of sub-section (1) of this section, when, after any dissolution of the House of Assembly of the Southern Cameroons, he is informed by the Commissioner that the Commissioner is about to re-appoint him as Speaker or to appoint another person as Speaker ; or" ; and

(b) by the insertion in sub-section (2) after the words "Southern Cameroons" in sub-paragraph (f) of paragraph (c) of the words "for any reason other than a dissolution of that House".

Replacement of s. 50 of Order of 1954.

11. Section 50 of the principal Order (as amended by section 28 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted :—

"Discharge of functions of Speaker or President of Legislative House. 50. (1) If the office of Speaker or President of a Legislative House (other than the House of Assembly of the Southern Cameroons) is vacant, or if the Speaker or President is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by the Deputy Speaker or Deputy President of the House.

(2) If the office of Speaker of the House of Assembly of the Southern Cameroons is vacant, or the Speaker is for any reason unable to perform any functions conferred upon him by this Order or any other law, those functions may be performed by such person, if any, as the Commissioner of the Cameroons, acting in his discretion, may appoint in that behalf.

(3) The references in this section to the functions conferred upon the Speaker or President of a Legislative House by this Order do not include the functions conferred upon him by sections 61, 62, 72 and 75 of this Order."

Replacement of s. 61 of Order of 1954.

12. Section 61 of the principal Order is revoked and the following section is substituted :—

"Restrictions with regard to Bills, etc., that charge the revenue. 61. (1) Except upon the recommendation of the Governor-General, the House of Representatives shall not—

(a) proceed upon any Bill (including any amendment to a Bill) that, in the opinion of the Speaker or other person presiding in the House, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Revenue Fund of the Federation or the other public funds of the Federation or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Federation ; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker or other person presiding in the House, is that provision should be made as aforesaid ; or

(c) receive any petition that, in the opinion of the Speaker or other person presiding in the House, requests that provision should be made as aforesaid.

(2) The provisions of sub-section (1) of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Region and the Governor of the Region.

(3) The provisions of sub-section (1) of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Federation and the

Governor-General shall be construed as if they were references to the Southern Cameroons and the Commissioner of the Cameroons."

13. Section 75 of the principal Order (as amended by section 4 of the Nigeria (Constitution) (Amendment) Order in Council, 1956 (f), and section 48 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "section 24 of this Order shall not" in paragraph (ii) of the proviso to paragraph (a) and the substitution of the words "section 29 of this Order shall not". Amendment of s. 75 of Order of 1954.
14. Section 80 of the principal Order (as amended by section 50 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended— Amendment of s. 80 of Order of 1954.
- (a) by the deletion from sub-section (1) of the words "The first session of the House of Representatives shall begin within twelve months after the commencement of this Order; and thereafter sessions of the House" in paragraph (b) and the substitution of the words "Sessions of the House of Representatives"; and
- (b) by the insertion in sub-section (3) after the words "the Governor-General" and after the words "the High Commissioner for the Southern Cameroons" of the word "and".
15. Section 109 of the principal Order (as amended by section 57 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (1) of the word "Eastern" in paragraph (b) and the substitution of the word "Western". Amendment of s. 109 of Order of 1954.
16. Section 125 of the principal Order (as set out in section 64 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (4) of the words "the Council of Ministers" and the substitution of the words "the Executive Council". Amendment of s. 125 of Order of 1954.
17. Section 126 of the principal Order (as amended by section 65 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "and Development" in paragraph (b). Amendment of s. 126 of Order of 1954.
18. Section 128 of the principal Order (as set out in section 66 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of the words "the Legislative House from among the members of which he was appointed" in paragraph (a) of the proviso and the substitution of the words "the House of Assembly of the Southern Cameroons". Amendment of s. 128 of Order of 1954.
19. Section 142c of the principal Order (as set out in sub-section (1) of section 76 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after sub-section (4) of the following sub-section:— Amendment of s. 142c of Order of 1954.

"(5) The provisions of section 6, section 7 (other than the proviso) and sections 8 to 20 of the Commissions of Inquiry Ordinance (g) as in force on the twenty-ninth day of August, 1957, shall apply in relation to a tribunal appointed under sub-section (3) of this section as they apply in relation to commissioners appointed under that Ordinance, and for that purpose those provisions shall have effect as if they formed part of this Order."

(f) S.I. 1956/836 (1956 II, p. 2953).

(g) Laws of Nigeria, Rev. 1948, Chapter 37.

Amendment of s. 172 of Order of 1954. 20. Section 172 of the principal Order (as amended by section 45 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 92 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion of sub-section (1).

Amendment of s. 180c of Order of 1954. 21. Section 180c of the principal Order (as set out in section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (7) of the word "duties", and the substitution of the word "duties)".

Amendment of s. 189 of Order of 1954. 22. Section 189 of the principal Order (as amended by section 101 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (3) of the words "section 190B, 195 and 197" and the substitution of the words "Sub-section (1) of section 190B".

Revocation of s. 190 of Order of 1954. 23. Section 190 of the principal Order is revoked.

Revocation of s. 190A of Order of 1954. 24. Section 190A of the principal Order (as set out in sub-section (1) of section 102 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Replacement of s. 190b of Order of 1954. 25. (1) Section 190b of the principal Order (as set out in sub-section (1) of section 102 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked and the following section is substituted :—

190B. (1) Power to grant benefits under any pensions law in force in the Western Region or the Eastern Region shall vest in the Governor.

(2) No benefits as aforesaid shall be withheld, reduced in amount or suspended except in accordance with the provisions of sub-section (3) of this section.

(3) If any person who has been granted, or who is eligible for the grant of, any benefits under any pensions law in force in the Western Region or the Eastern Region—

(a) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(b) has been sentenced by a court in any part of Her Majesty's dominions to imprisonment (by whatever name called), and has not received a free pardon ; or

(c) has been guilty of negligence, irregularity or misconduct while serving as an officer in the public service of the Region ; or

(d) having served as such an officer, has without the written permission of the Governor, acting (in the case of permissions granted after this section comes into force) after consultation with the Public Service Commission of the Region, accepted employment as a director, officer or servant of a company the principal part of whose business is concerned with Nigeria,

the Governor, after consultation with the Public Service Commission of the Region, may withhold, reduce or suspend those benefits in accordance with any provisions in that behalf in that pensions law if he is satisfied that those benefits ought to be withheld, reduced or suspended.

(4) Any benefits granted under any pensions law in force in the Western Region or the Eastern Region shall be a charge on the Consolidated Revenue Fund of the Region.

(5) In this section "pensions law" means any law enacted by any legislature in Nigeria relating to the grant of pensions, gratuities and other like benefits to persons who are or have been officers in the public service of the Western Region or the public service of the Eastern Region in respect of their service in that public service or to the widows, children, dependants and personal representatives of such persons in respect of such service and includes any instrument made under any such law."

(2) For the purposes of sub-sections (1), (2) and (3) of section 190B of the principal Order (as set out in sub-section (1) of this section) the regulations made under Part 2 of Chapter VII of the principal Order shall, in so far as they relate to the grant of benefits to officers in the public service of the Western Region or the public service of the Eastern Region, as the case may be, be deemed to be a pensions law.

26. Section 191 of the principal Order (as amended by section 9 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 47 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 103 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Revocation
of s. 191 of
Order of
1954.

27. Section 191A of the principal Order (as set out in section 48 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and as amended by section 104 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked.

Revocation
of s. 191A of
Order of
1954.

28. (1) Sections 192, 193, 194, 195, 196 and 197 of the principal Order (as set out in sub-section (1) of section 49 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) are revoked.

Revocation
of ss. 192 to
197 of Order
of 1954.

(2) The regulations made under Part 2 of Chapter VII of the principal Order and in force immediately before the commencement of this section shall continue in force in so far as they relate to the grant of benefits to officers in the public service of the Federation or a Region who retired before the thirtieth day of August, 1957, and may be amended or revoked as if this Order had not been made; and the provisions of sub-section (2) of section 197 of the principal Order shall continue to apply in relation to benefits granted thereunder as if that section had not been revoked by sub-section (1) of this section.

29. Sections 202, 203, 204, 205, 206, 207, 208, 209, 210 and 211 of the principal Order are revoked.

Revocation
of ss. 202 to
211 of Order
of 1954.

30. Section 212 of the principal Order is amended—

- (a) by the deletion from sub-section (2) of paragraph (a);
- (b) by the deletion from sub-section (2) of the words "and the former Western Region" and the words "and the Western Region" in paragraph (b);
- (c) by the deletion from sub-section (2) of paragraph (c); and
- (d) by the deletion from sub-section (3) of the words "the Federal Legislature or the Legislative Houses of any Region or the Southern Cameroons" and the substitution of the words "the Legislative Houses of the Northern Region".

Amendment
of s. 212 of
Order of
1954.

Amendment
of s. 213 of
Order of
1954.

31. Section 213 of the principal Order is amended—

(a) by the deletion from sub-section (2) of the words "and the former Western Region" and the words "and the Western Region" in paragraph (f);

(b) by the deletion from sub-section (2) of the words "the Eastern House of Assembly and" in paragraph (e); and

(c) by the deletion from sub-section (3) of the words "any Region or the Southern Cameroons" and the substitution of the words "the Northern Region and the House of Assembly of the Southern Cameroons and the members thereof".

Amendment
of s. 214 of
Order of
1954.

32. Section 214 of the principal Order is amended by the deletion of paragraphs (b), (c), (d) and (e).

Revocation
of ss. 215 to
219 of Order
of 1954.

33. Sections 215, 216, 217, 218 and 219 of the principal Order are revoked.

Amendment
of s. 231 of
Order of
1954.

34. Section 231 of the principal Order (as set out in sub-section (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from sub-section (1) of the words "against any law enacted by the Federal Legislature or any regulation made under section 8, 135, 177 or 177c of this Order" in paragraph (a) and the substitution of the words "to which this section applies";

(b) by the deletion from sub-section (1) of paragraph (b);

(c) by the insertion in sub-section (1) after the words "criminal proceedings" in paragraph (d) of the words "as aforesaid"; and

(d) by the insertion after sub-section (7) of the following sub-sections :—

"(8) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty's Privy Council shall be deemed to be part of those proceedings.

(9) The offences to which this section applies are offences against any law in force in Nigeria other than—

(a) offences against a law enacted by the Legislature of a Region or against any instrument made under any law so enacted;

(b) offences against any instrument made by the Governor otherwise than under any law so enacted; or

(c) such offences against any other law in force in a Region, not being a law enacted by a legislature in Nigeria or an instrument made under a law so enacted, as the Governor-General may by Order published in the Official Gazette of the Federation prescribe."

Amendment
of s. 232 of
Order of
1954.

35. Section 232 of the principal Order (as set out in sub-section (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

(a) by the deletion from sub-section (1) of the words "not being an offence against any law enacted by the Federal Legislature or any regulations made under sections 8, 135, 177 or 177c of this Order," in paragraph (a) and the substitution of the words "to which this section applies"; and

(5) by the insertion after sub-section (6) of the following sub-sections :—

“(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty’s Privy Council shall be deemed to be part of those proceedings.

(8) The offences to which this section applies are offences against any law in force in the Northern Region other than offences to which section 231 of this Order applies.”

36. Section 233 of the principal Order (as set out in sub-section (1) of Section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended— Amendment of s. 233 of Order of 1954.

(a) by the deletion from sub-section (1) of the words “not being an offence against any law enacted by the Federal Legislature or any regulations made under section 8, 135, 177 or 177c of this Order” in paragraph (a) and the substitution of the words “to which this section applies” ; and

(b) by the insertion after sub-section (6) of the following sub-sections :—

“(7) For the purposes of this section any appeal from any determination in any criminal proceedings before any court or any case stated or question of law reserved for the purposes of any such proceedings to any other court in Nigeria or to the Judicial Committee of Her Majesty’s Privy Council shall be deemed to be part of those proceedings.

(8) The offences to which this section applies in relation to the Western Region or the Eastern Region are offences against any law in force in that Region other than offences to which section 231 of this Order applies.”

37. Section 235 of the principal Order (as set out in sub-section (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (3) of the words “section 7” and the substitution of the words “section 17”. Amendment of s. 235 of Order of 1954.

38. Section 236 of the principal Order (as set out in sub-section (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after sub-section (5) of the following sub-section :— Amendment of s. 236 of Order of 1954.

“(6) (a) All questions proposed for determination in the House of Chiefs of the Southern Cameroons shall be determined by a majority of the votes of the members present and voting :

Provided that—

(i) the President shall not have an original vote but he may give a casting vote if on any question the votes are equally divided ;

(ii) the members of the House mentioned in paragraph (c) of sub-section (2) of this section shall not have an original vote.

(b) If on any question the votes are equally divided and the President does not exercise the casting vote the motion shall be lost.”

39. The Fourth Schedule to the principal Order (as amended by section 17 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 52 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 108 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is revoked. Revocation of Fourth Schedule of Order of 1954.

Amendment of s. 49 of Order of 1957. 40. Section 49 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, is amended by the deletion of sub-sections (2) and (3).

Amendment of s. 9 of Order of 1958. 41. Section 9 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, is amended by the deletion from sub-section (1) of the words "sub-section (1)" and the substitution of the words "sub-section (2)".

Amendment of s. 64 of Order of 1958. 42. Section 64 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, is amended by the deletion from paragraph (b) of the words "the following sub-section" and the substitution of the words "the following sub-sections".

Amendment of s. 80 of Order of 1958. 43. Section 80 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, is amended by the deletion of the words "sub-section (3)" in paragraph (a) and the substitution of the words "sub-section (4)".

Amendment of s. 102 of Order of 1958. 44. Section 102 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, is amended by the deletion of sub-section (2).

Validation of appointment. 45. The appointment of Geoffrey Lionel Jobling to be a judge of the High Court of Justice of Lagos made by the Governor-General on the thirty-first day of December, 1955, in purported exercise of the powers conferred upon him by paragraph (b) of sub-section (2) of section 142 of the principal Order as it applied in relation to Lagos by virtue of sub-section (3) of that section shall for all purposes whatsoever be, and be deemed always to have been, duly made notwithstanding that the said Geoffrey Lionel Jobling had attained the age of sixty-two years before that date, and all acts and things done by the said Geoffrey Lionel Jobling before the commencement of this Order in exercise of the functions of the office of judge of the High Court of Justice of Lagos or the office of judge of the High Court of Justice of the Southern Cameroons shall accordingly be deemed to have been validly and effectually done.

Adaptation of existing laws. 46. (1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of the principal Order, as amended by this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

EXPLANATORY NOTE

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

This Order amends certain provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the legislatures established by the Order, the Executive Council of the Southern Cameroons, officers in the public services of the Federation and the Regions of Nigeria, powers in relation to prosecutions and the Council of Chiefs of the Southern Cameroons and revokes certain transitional provisions. It also validates the appointment of a judge of the High Court of Lagos.

W.R.L.N. 352 of 1958

*The Nigeria (Electoral Provisions) Order in
Council, 1958*

STATUTORY INSTRUMENTS, 1958 No. 915
WEST AFRICA

MADE ... 3RD JUNE, 1958

LAI'D BEFORE PARLIAMENT ... 9TH JUNE, 1958

COMING INTO OPERATION ... 10TH JUNE, 1958

At the Court at Buckingham Palace, the 3rd day of June, 1958
Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course there should be established for the Federation of Nigeria a House of Representatives (hereinafter referred to as "the proposed House of Representatives") containing three hundred and twenty elected members and it is expedient that the Governor-General and Commander-in-Chief of the Federation of Nigeria should be empowered to make provision for the election of those members :

Now, therefore, 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 :—

1. (1) This Order may be cited as the Nigeria (Electoral Provisions) Order in Council, 1958. Citation and commencement.

(2) This Order shall come into operation on the 10th day of June, 1958.

2. The provisions of section 2 of the Nigeria (Constitution) Order in Council, 1954 (b), as amended (c), shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Order. Interpretation.

3. (1) There shall be for the Federation an Electoral Commission. Electoral Commission.

(2) The members of the Commission shall be—

(a) a Chief Electoral Commissioner, who shall be Chairman ; and

(b) four other members, or such other number of members as the Governor-General, acting in his discretion, may from time to time prescribe.

(3) The members of the Commission shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal.

(4) A person shall not be qualified for appointment as a member of the Commission if he is a member of a Legislative House or if he holds or is acting in any office of emolument under the Crown other than the office of member of the Public Service Commission of the Federation, the Police Service Commission of the Federation or the Public Service Commission of a Region or (unless the Governor-General, acting in his discretion, otherwise directs) if he is a party to, or is a partner in a firm that is a party to, or is a director or manager of a company that is a party to, any contract on account of public services with the government of the Federation :

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

(b) S.I. 1954/1146 (1954 II, p. 2829).

(c) S.I. 1955/432, 1956/836, 1957/1363, 1530, 1958/429 (1955 II, p. 3163 ;

1956 II, p. 2953).

Provided that the Governor-General may appoint a person who is not an officer in the public service of the Federation or the public service of a Region to be a member of the Commission other than the Chief Electoral Commissioner notwithstanding that he holds or is acting in an office of emolument under the Crown if he is satisfied that he will be required to perform only part-time duties as a member of the Commission.

(5) The office of a member of the Commission shall become vacant—

(a) at the expiration of five years from the date of his appointment, or at such earlier date as may be specified in the Instrument by which he is appointed ; or

(b) if he resigns his office by writing under his hand addressed to the Governor-General ; or

(c) if he becomes a member of a Legislative House ; or

(d) if the Governor-General, acting in his discretion, directs that he shall be removed from office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(6) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion, may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall continue to act until his appointment is revoked by the Governor-General, acting in his discretion.

(7) The Governor-General may make regulations providing for the salaries and allowances to be paid to members of the Commission :

Provided that the salary of a member of the Commission and his conditions of service other than allowances shall not be altered to his disadvantage during his continuance in office.

(8) The salaries and allowances of the members of the Commission shall be a charge on the Consolidated Revenue Fund of the Federation and shall be statutory expenditure for the purposes of section 154B of the Nigeria (Constitution) Order in Council, 1954, as amended.

Electoral
districts.

4. The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that Nigeria shall be divided into areas and that each such area shall be an electoral district for the purpose of returning members to the proposed House of Representatives.

Electoral
regulations.

5. (1) The Governor-General may by regulation make provision for the election of persons as Representative Members of the proposed House of Representatives to represent the electoral districts prescribed under section 4 of this Order, including (without prejudice to the generality of the foregoing power) the following matters :—

(a) qualifications for registration as a voter or for voting at elections ;

(b) the registration of voters ;

(c) the ascertainment of the qualifications of candidates for election and voters ;

(d) the division of electoral districts for any purpose connected with elections ;

(e) the holding of elections.

(2) Regulations made under this section shall provide that the registration of voters and the conduct of elections shall be subject to the direction and supervision of the Electoral Commission in such manner as may be provided in those regulations.

(3) The Governor-General may by regulation make provision for—

(a) the disqualification of any person for membership of the proposed House of Representatives by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register ;

(b) the definition and trial of offences relating to elections and the imposition of penalties for such offences, including disqualification for membership of the proposed House of Representatives or for registration as a voter, or for voting at elections, of any person concerned in any such offence ; and

(c) the definition and trial of offences connected with the functions of the Electoral Commission (including, without prejudice to the generality of this paragraph, offences relating to the bringing of improper influence on the Commission and misconduct by members of the Commission) and the imposition of penalties for such offences.

(4) No elections of members to the proposed House of Representatives shall be held under regulations made under sub-section (1) of this section until provision shall have been made by Order of Her Majesty in Council for the establishment of the proposed House of Representatives and that provision shall have come into operation ; but electoral districts may be established, registration of voters may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of such regulations at any time after the commencement of this Order.

6. (1) The Governor-General, acting in his discretion, may by writing under his hand give directions to the members of the Commission for the purpose of ensuring the impartial discharge of their functions as such.

Power to give directions.

(2) The members of the Commission shall comply with any directions given to them under this section or shall cause them to be complied with.

7. The references in section 180C of the Nigeria (Constitution) Order in Council, 1954, as amended, and clause 7 of the Instructions under Her Majesty's Sign Manual and Signet to the Governor-General bearing date the third day of September, 1954, as amended, to an office of emolument under the Crown shall not include references to the office of member of the Electoral Commission.

Construction of Nigeria (Constitution) Order in Council, 1954, and Royal Instructions to Governor-General.

W. G. AGNEW

EXPLANATORY NOTE

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

This Order enables the Governor-General of the Federation of Nigeria to make provision for the election of members to a new House of Representatives that it is proposed should hereafter be established for the Federation of Nigeria in accordance with the recommendations of the Nigeria Constitutional Conference held in London in May and June 1957 and permits registration of voters to take place and other preliminary measures to be taken in pursuance of any such provision.

W.R.L.N. 353 of 1958

The Income Tax Ordinance (Cap. 92)

THE INCOME TAX APPEALS (WESTERN REGION) RULES, 1958

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred by section 59 (10) of the Income Tax Ordinance, Cap. 92 and section 55 (1) of the Western Region High Court Law, 1955, the following Rules of Court are hereby made by the Chief Justice of the High Court with the approval of the Governor in Council.

1. These Rules may be cited as the Income Tax Appeals (Western Region) Rules, 1958, and shall come into force on the first day of September, 1958. Citation and Commencement.

2. In these Rules, unless the context otherwise requires : the term "Commissioner" has the meaning assigned to it by section 2 of the Ordinance ; Interpretation.

"Registrar" means the Registrar of the Court in the appropriate Judicial Division or any subordinate officer designated from time to time by the Chief Registrar of the Court for the purpose of these Rules ;

"solicitor" means any legal practitioner entitled to practise before the Court and includes any Law Officer to whom section 3 of the Law Officers Ordinance applies ; Cap. 109.

"the Board" means the Board of Commissioners appointed under section 60 of the Ordinance.

"the Court" means the High Court of Justice of the Western Region and includes the Chief Justice and Judges thereof sitting together or separately ;

"the Ordinance" means the Income Tax Ordinance. Cap. 92 as reprinted in 1954.

3. In all proceedings under these Rules the parties may be represented by a solicitor. Representation.

4. (1) Any person authorised to appeal by virtue of the provisions of section 59 of the Ordinance and who has given notice of appeal in accordance with the provisions of the section aforesaid shall deliver or cause to be delivered to the Registrar, for filing his grounds of appeal in writing before the expiration of the thirtieth day after the day on which the notice of appeal was served on the other party. Filing of grounds of appeal.
 - (2) There shall be annexed to the grounds of appeal :—
 - (a) a duplicate or a true copy of the notice of appeal, and a true copy of the assessment if any, appealed against ; and
 - (b) where the appeal is made by a person aggrieved by an assessment, an affidavit or affidavits of the date on which such person was served with notice of the Commissioner's refusal to amend the assessment as desired or of the revised assessment made by the Commissioner, or of the date of the decision of the Board, as the case may be, and of the date of the service of the notice of appeal on the Commissioner ; or
 - (c) where the appeal is made by the Commissioner, an affidavit or affidavits of the date of the decision of the Board and of the day of the service of the notice of appeal on the respondent.

(3) The appellant shall, when presenting for filing his grounds of appeal and the documents (if any) annexed thereto, pay to the Registrar the fees for filing and service and shall supply the Registrar with additional copies of the grounds of appeal and of any other document mentioned in the last preceding paragraph for service on the respondent.

(4) If the appellant fails to comply with the provisions of the last preceding paragraph or fails to give an address for service as prescribed by paragraph (4) of the next succeeding Rule, the Registrar shall refuse to accept the documents presented for filing.

(5) Save where the Court otherwise orders in exercise of the powers conferred by the proviso to sub-section (1) of section 59 of the Ordinance or of rule 13 of these Rules, as the case may be, the Registrar shall refuse to accept the documents presented for filing where it appears that the appellant failed to give notice in writing to the other party within the time prescribed by sub-section (1) of section 59 of the Ordinance or where the documents are presented for filing after the time prescribed by paragraph (1) of this Rule.

(6) In the case of an appeal from a direction given by the Commissioner under section 49 of the Ordinance, the foregoing provisions of this Rule shall be construed subject to the modifications set out in rule 20.

Form and contents of grounds of appeal.

5. (1) The grounds of appeal shall be signed by the appellant or by any of the persons authorised to sign on his behalf as provided by the next succeeding Rule.

(2) The grounds of appeal shall set out concisely in separate paragraphs the relevant facts (but not the evidence by which they are to be proved) or any point of law, or both, upon which the appellant intends to rely in support of his appeal and the concluding paragraph shall, where the appeal is against an assessment, set out :—

(a) the amount of the income shown on such assessment and upon which tax has been assessed, and also the amount of the tax as assessed and the identification number of the assessment ; and

(b) the amount of the income upon which the appellant considers the tax should have been assessed, and the amount of the tax thereon payable, which the Court is asked to find and adjudge as being the proper amounts :

Provided that this paragraph shall be read where necessary, subject to the modifications set out in rule 20.

(3) Any ground of appeal which is vague or general in terms may be struck out by the Court.

(4) At the foot of the grounds of appeal there shall be stated the address for service in the Region, at which documents intended for the appellant may be served in accordance with the provisions of rule 14.

Who may sign documents.

6. Any document which is required by these Rules to be signed by the appellant or by the respondent may be signed—

(a) by a person holding a special power of attorney given by the appellant or the respondent, as the case may be ; or

(b) by the appellant's solicitor or the respondent's solicitor, as the case may be ; or

(c) where the appellant or the respondent is a body corporate, by the secretary or other duly authorised officer of such body corporate.

7. (1) Upon the filing of grounds of appeal, the Registrar shall indorse thereon the date of filing the same, and the appeal shall be entered in a register of income tax appeals to be kept for that purpose.

Steps to be taken by Registrar after filing.

(2) The Registrar shall cause a copy of the grounds of appeal and of any affidavit annexed thereto to be served upon the respondent, whose address shall be furnished by the appellant.

8. (1) Before the expiration of the thirtieth day after the day on which the grounds of appeal were served upon him, the respondent shall deliver or cause to be delivered to the Registrar, for filing, a concise statement of the relevant facts (but not of the evidence by which they are to be proved) or any point of law, or both, upon which he intends to rely at the hearing of the appeal, and shall comply with the provisions of paragraphs (2) and (4) (a) of this Rule.

Filing and service of respondent's answer.

(2) Such statement shall be signed by the respondent or by any of the persons authorised to sign on his behalf as provided by rule 6 and shall hereafter be referred to as the "respondent's answer".

(3) At the foot of the respondent's answer there shall be inserted an address for service in the Region, at which documents intended for the respondent may be served as prescribed by rule 14. If an address for service is not given, the respondent's answer shall not be filed.

(4) (a) The respondent shall, when presenting his answer for filing, pay to the Registrar the fees for filing and service and supply the Registrar with a copy of the said answer for service on the appellant.

(b) In default of compliance by the respondent with the requirements of the preceding sub-paragraph, the Registrar shall refuse to accept the respondent's answer for filing.

(5) Upon filing the respondent's answer, the Registrar shall indorse thereon the date of filing.

(6) The Registrar shall cause a copy of the respondent's answer to be served upon the appellant fifteen days at least before the date fixed for the hearing of the appeal.

9. (1) The Registrar shall give fifteen clear days' notice in writing to the parties of the date fixed for the hearing of the appeal. Such notice shall not be given before the appellant has been served with a copy of the respondent's answer in accordance with the provisions of rule 8 (6).

Notice of hearing.

(2) The provisions of rule 14 shall apply to the service of notices of hearing.

10. (1) If a party to an appeal omits to do any act or take any proceeding, within the time prescribed therefor or fixed by an order enlarging the time, the other party may move the Court to give judgment against the party in default, and the Court may thereupon give judgment against the party in default.

Party in default.

(2) A motion under paragraph (1) shall be made on notice to the party in default and the party who files such a notice of motion shall supply the Registrar with a copy thereof for service on the other party to the appeal and shall pay the fees for filing and service to the Registrar. If the requirements of this paragraph are not complied with, the Registrar shall refuse to accept the notice of motion for filing.

3. The Court may, on good cause shown by affidavit or otherwise, dispense with service of the notice of motion or make an order for substituted service.

4. If the respondent to an appeal files a notice of motion under this Rule before the appellant has filed his grounds of appeal or any other document, the heading of the notice shall be as follows:—

"Between A. B. _____ Appellant,
and
C. D. _____ Respondent.
Notice of motion by Respondent C. D."

5. A notice of motion given under the provisions of this Rule shall mention the respondent's address for service in the Region and it shall not be necessary for the respondent to give an address for service in any answer he may file after giving such an address in the notice of motion. The address thus given shall be deemed to be the address for service for all the purposes of these Rules.

Setting aside
of judgment.

11. (1) Where judgment is given against a party in his absence and in the absence of his solicitor, whether under rule 10 or any other Rule applicable to the appeal, the other party shall give him notice of the judgment and attach thereto an office copy thereof.

(2) The Court may in a proper case, upon motion supported by affidavit, after notice to the party who obtained the judgment in the absence of the other party, set aside the judgment and give directions for the hearing of the appeal on such terms as the Court may think just; but no such motion shall be entertained unless notice thereof has been duly filed with the Registrar within fifteen days of the date on which notice of the judgment was served; nor shall the time hereby prescribed be extended under rule 13 in any circumstances whatsoever.

(3) Where a party delivers a notice of motion under the last preceding paragraph of this Rule for filing, he shall supply the Registrar with a copy of the notice and of the affidavit for service on the party who obtained the judgment and shall pay the fees for filing and service.

(4) If the requirements of the last preceding paragraph are not complied with, the Registrar shall refuse to accept the documents for filing.

(5) Subject to paragraph (2) of this Rule, no judgment of the Court shall be set aside or reviewed by the Court, any rule to the contrary notwithstanding.

Appeal out of
time.

12. (1) Where an intending appellant wishes to avail himself of the provisions set out in the proviso to sub-section (1) of section 59 of the Ordinance, he shall proceed by way of motion supported by one or more affidavits establishing the cause which prevented him from giving notice of appeal within the period prescribed by the sub-section aforesaid and showing that there was no unreasonable delay on his part.

(2) The notice of motion and the affidavit or affidavits shall be filed with the Registrar.

(3) The intending appellant shall pay the fees prescribed for filing and for service on the other party and shall supply the Registrar with copies for service. If the provisions of this paragraph are not complied with, the Registrar shall refuse to accept the documents for filing.

(4) The Court may for good cause shown dispense with notice to the other party.

(5) Where the Court allows a motion made under the provisions of this Rule, the order of the Court shall be drawn up and filed, and shall be served on the other party at the expense of the appellant unless the other party aforesaid was present when the order was made or unless the Court, for good reason, otherwise directs.

13. (1) The Court shall have power to enlarge or abridge the time appointed by these Rules or fixed by any order enlarging time for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for such enlargement is not made until after the expiration of the time appointed or allowed :

Application for enlargement or abridgment of time.

Provided that where the time for delivering or filing any document, or doing any act, is or has been fixed or limited by any of these Rules or by any direction or order of the Court, the costs of any application to extend such time and of any order made thereon shall be borne by the party making such application unless the Court shall otherwise order.

(2) Every application for enlargement or abridgment of time shall be made by motion on notice supported by one or more affidavits.

(3) The provisions of paragraphs (2), (3), (4) and (5) of the last preceding Rule shall apply *mutatis mutandis* to an application made under this Rule.

14. (1) Where any notice or other document has to be served on any party to an appeal under these Rules, the following provisions shall apply :—

Service by post, etc.

(a) Where an address for service in the Region has been given by the party to be served, service shall be sufficiently effected by sending the notice or other document by registered post to the said address or by a bailiff of the Court delivering it at the said address to an adult person employed or residing at such address.

(b) If the party to be served is carrying on a business either alone or jointly with other persons, service shall be sufficiently effected by a bailiff of the Court delivering the notice or other document to any person employed at the place where such business is being carried on or by sending it by registered post to the said place.

(c) Where the party to be served is acting by a solicitor who has given his address for service in the Region, service shall be sufficiently effected by a bailiff of the Court delivering the notice or other document to any clerk or other person in the employment of such solicitor at the address for service or by sending it by registered post to the aforesaid address.

(d) Where the notice or other document is sent by registered post, it shall, unless the contrary be proved, be deemed to have been served at the time when the registration slip should have reached the addressee in the ordinary course of post, and in proving service of the notice or document it shall be sufficient to prove that it was properly addressed, franked or prepaid, and sent by registered post.

(e) A person may change his address for service by giving notice in writing to the Registrar and paying the prescribed fee for service on the other party to the appeal. Until these requirements have been fulfilled, the old address for service shall continue to be effective for the purposes of these Rules.

B. 501

Personal service

2. In addition to the modes of service mentioned in paragraph (1) of these Rules, service of a notice or other document on a party to an appeal shall be sufficiently effected by personal service in the manner prescribed by the High Court civil procedure rules for the time being in force in respect of writs of summons.

Substituted service

3. The High Court civil procedure rules for the time being in force shall also apply in respect of service of any subpoena on any person.

4. Where service of a notice or other document on a party to an appeal in one of the foregoing modes has proved impracticable, an application may be made *ex parte* to the Court or to a Judge of the Court in Chambers for leave to effect service in some other manner and the Court or Judge may thereupon direct service to be effected by advertisement in the *Regional Gazette* or in a local daily newspaper or in any other manner which may seem fit. An application made under this paragraph shall be supported by affidavit.

Rules of civil actions to be applied

15. (1) Subject to the express provisions of section 59 of the Ordinance and of these Rules, the practice and procedure of the Court in relation to an appeal under the provisions of these Rules shall be assimilated as nearly as may be to the practice and procedure of the Court in the exercise of its civil jurisdiction as if the appellant and the respondent were respectively the plaintiff and the defendant in an action, and the civil procedure rules of the Court for the time being in force shall apply with such modifications as may be necessary.

(2) Evidence in relation to any such appeal may be adduced in any manner in which it may be adduced in an action.

(3) The Court may give such directions as it may deem fit to give effect to the foregoing provisions of this Rule.

Fees.

16. (1) The scale of fees for the time being in force in respect of civil actions in the Court shall be applied in the case of appeals under these Rules as if they were civil actions and as if the grounds of appeal were a writ of summons and the respondent's answer were a statement of defence :

Provided that the fee payable for the filing of the grounds of appeal shall be charged at the rate applicable to writs of summons on the difference between the amount of the tax payable under the assessment appealed against and the amount of the tax which the Court is asked to adjudge as being the proper amount of the tax :

Provided further that no fees shall be payable by the Commissioner.

(2) The first proviso to paragraph (1) of this Rule shall be read, where necessary, subject to the modifications set out in rule 20.

Pending appeals.

17. (1) These Rules shall not apply to any appeal pending on the date when these Rules come into operation if the grounds of appeal and the respondent's answer have already been duly filed. When notice of appeal has been duly given, an appeal shall be deemed to be pending.

(2) Where in any appeal pending as aforesaid no grounds of appeal have been filed prior to the date when these Rules come into operation, such grounds shall be filed within thirty days from the date aforesaid and these Rules shall apply.

(3) Where in any appeal pending as aforesaid the grounds of appeal have been filed prior to the date when these Rules come into operation but the respondent's answer has not been filed prior to the said date, such answer shall be filed within thirty days from the said date and these Rules shall apply.

(4) Where, by reason of paragraph (1) of this Rule, the provisions of these Rules do not apply to a particular appeal, such appeal shall be governed by the provisions of the Income Tax (Appeals to Court) Rules which, for that purpose, shall be deemed to be still in force notwithstanding rule 21 of these Rules.

18. The Chief Justice may, at any time or at any stage of appeal before final judgment, transfer any appeal from one judge to any other judge in the High Court, in the same manner as an action may be transferred; and an order transferring an appeal shall have the same effect as an order transferring an action. Transfer.

19. (1) At any time during the hearing of an appeal, before the final decision of the Court has been given, the Court may state a case on a point of law for the opinion of the Federal Supreme Court. Case stated.

(2) The statement shall be headed with the cause number and the names of the parties to the appeal, and shall be divided into paragraphs setting out the circumstances in which the question of law reserved by the Court arises. The question of law shall be separately stated in the final paragraph of the case stated.

(3) The case stated shall give the addresses of the parties.

(4) Where a case has been stated as above provided, it shall be sent to the Chief Registrar of the Federal Supreme Court (together with three copies for the use of the Federal Supreme Court) and the hearing of the appeal shall be stayed until the opinion of the Federal Supreme Court has been received.

20. Rules 4, 5 and 16 shall apply subject to the modifications set out in this Rule in the case of any appeal arising under any of the provisions of the Ordinance or of the Aid to Pioneer Industries Ordinance, 1952 (which is to be construed as one with the Ordinance) specified in this Rule :— Modification of rules 4, 5, and 16 in certain cases.

(a) in relation to the proviso to section 13 (3), section 20 (4), section 30 (2) (b), the proviso to section 32 (6), section 34 (9) and the proviso to section 68 (2) of the Ordinance, the "concluding paragraph" mentioned in paragraph (2) of rule 5 of these Rules shall set out the amount of the claim or deduction, as the case may be, sought by the appellant, and the first proviso to rule 6 shall not apply;

(b) in relation to section 41 (3) of the Ordinance, the concluding paragraph mentioned in paragraph (2) of rule 5 shall be omitted, the first proviso to rule 16 shall not apply, and the fee payable for the filing of the grounds of appeal shall be £3 10s 0d;

(c) in relation to section 49 (2) of the Ordinance—

(i) Rule 4 shall be construed as if it was therein provided that the grounds of appeal shall be delivered for filing before the expiration of the thirtieth day after the day on which the notice under section 49 (1) of the Ordinance was given to the appellant and that there shall be annexed to the grounds of appeal a true copy of the said notice;

(ii) Paragraph (2) of rule 5 shall be construed as if there were no mention therein of a "concluding paragraph";

(iii) The first proviso to rule 16 shall not apply and the fee payable for the filing of the grounds of appeal shall be £3 10s 0d ;

(d) in relation to sub-section (2) of section 18 of the Aid to Pioneer Industries Ordinance, 1952, the "concluding paragraph" mentioned in paragraph (2) of rule 5 of these Rules shall set out the amount of the income as shown in the statement issued by the Commissioner under that sub-section and the amount which the appellant avers to be the proper amount of the income to be shown in the said statement, and, for the purpose of the first proviso to rule 16, the fee shall be calculated on the difference between the amounts referred to above.

Revocation. 21. The Income Tax (Appeals to Court) Rules are hereby revoked.

MADE by the Chief Justice of the High Court of Justice of the Western Region on the 23rd day of July, 1958.

O. JIBOWU,
Chief Justice

APPROVED by the Governor in Council on the day of 18th of August, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

THE UNIFIED LOCAL GOVERNMENT SERVICE
(STAFF) REGULATIONS, 1958
ARRANGEMENT OF REGULATIONS
PART I.—INTRODUCTORY

Regulation

1. Citation and application.
2. Definitions.

PART II.—APPOINTMENTS

3. Vacancies to be advertised.
4. Appointments to be made by the Board.
5. Certificate of candidate.
6. Age limit.
7. Medical examination.
8. Offer of appointment.
9. Agreement.
10. Bond.
11. Probation and confirmation.

PART III.—SALARIES

12. Salaries.
13. Qualifications required.
14. Normal point of entry.
15. Point of entry for holder of special qualifications.
16. Initial salary on promotion.
17. Limitation upon point of entry on promotion.
18. Regulations 16 and 17 not to apply in exceptional cases.
19. Rectification of errors.
20. Adjustment of arrears upon rectification of errors.
21. Board to determine adjustments of arrears and overpayments.
22. Increments.
23. Increments limited.
24. Increment may be deferred.
25. Increment may be withheld.
26. Employee's right of election on revision of salaries.
27. Employee electing to remain on old scale.

PART IV.—PROMOTION AND TRANSFERS

28. Examinations and retrospective promotion.
29. Councils to be consulted as to transfers.

PART V.—DISCIPLINE

30. Council to report offence to Board.
31. Interdiction.
32. Effect of interdiction.
33. Handing over of property.
34. Suspension.
35. Salary on suspension.
36. Effect of suspension.
37. Notice of interdiction or suspension.
38. Period of interdiction or suspension.
39. Reinstatement.
40. Provision where some charges proved.

Regulation

41. Disciplinary procedure.
42. Further provisions as to procedure.
43. Summary dismissal.
44. Dismissal.
45. Termination of appointment.
46. Effect of criminal proceedings on disciplinary proceedings.
47. Conviction on criminal charge.
48. Acquittal on criminal charge.
49. Disciplinary proceedings before acquittal on criminal charge.

PART VI.—DUTIES AND RESPONSIBILITIES OF EMPLOYEES

50. Undertaking duties assigned.
51. Manner towards superior officer and public.
52. Reporting misconduct or negligence of subordinates.
53. Reporting crimes of other employees.
54. Retention of authorised fees.
55. Disclosure of interests and investments.
56. Acquisition of interests and investments.
57. Restrictions on undertaking private agencies.
58. Restrictions on publishing, lecturing and broadcasting.
59. Professional assistance by council employees to third parties.
60. Access to records and disclosure of information.
61. Institution of legal proceedings on behalf of the Board or Council.
62. Collections for presentations prohibited.
63. Sickness.
64. Political activities.

PART VII.—LEAVE

65. Vacation leave : established staff.
66. Effect of promotion on rates of leave.
67. Leave normally granted after one year.
68. Accumulation of leave.
69. Free leave transport.
70. "Free transport" extends from door to door.
71. Normal casual leave.
72. Special casual leave.
73. Free transport not provided for casual leave.
74. Delegation of power to grant casual leave.
75. Sick leave.
76. Pregnancy leave.
77. Sick or pregnancy leave not to be granted until earned vacation leave exhausted.
78. Free transport for sick or pregnancy leaves.
79. Special leave to attend meetings of N.U.L.A.S., etc.

PART VIII.—ALLOWANCES

80. Acting allowances.
81. Board may extend list of posts attracting acting allowance.
82. Rates of acting allowance.
83. Bicycle and canoe allowances.
84. Treasurer to maintain schedule of posts attracting bicycle and canoe allowances.
85. Occasional bicycle and canoe allowances.
86. Council regulations regarding bicycle and canoe mileage allowances to certain employees.
87. Eligibility for motor cycle or car allowances.

Regulation

88. Rates of motor cycle or car mileage allowances.
89. Motor cycle or bicycle allowance in lieu of car allowance.
90. Bicycle allowance in lieu of motor cycle allowance.
91. Basic car allowances require approval of Local Government Adviser.
92. Employee may elect between combined allowance or full mileage allowance.
93. Travelling allowances.
94. Travelling allowances payable in respect of nights necessarily absent.
95. Cessation of travelling allowances.
96. Rates of travelling allowances.
97. Countersignature of travelling claims.
98. Late travelling claims lapse.
99. Travelling allowance not payable on leave.
100. Free transport.
101. Rates of transport allowance.
102. Amount of transport allowance.
103. Advances for out-of-pocket transport expenses.
104. Refund of unexpended balance of advances.
105. Eligibility of employees drawing car allowance for transport allowance.

PART IX.—MOTOR VEHICLE AND BICYCLE ADVANCES

106. Advances for purchases of vehicles and bicycles.
107. Bicycle advances to holders of unscheduled posts.
108. Grant of advance does not guarantee allowance.

PART X.—SERVICE CARDS

109. Service cards.
110. Custody and contents of service cards.
111. Completion of service cards on termination service.
112. Custody of service cards.

PART XI.—GENERAL CONDITIONS OF SERVICE

113. Employee liable to serve anywhere.
114. Posting and transfers.
115. Service on transfer to be continuous.
116. Established employees' overtime.

PART XII.—MISCELLANEOUS

117. Other staff liable for rent.
118. Housing allowances not payable.
119. Provision of uniforms.
120. Maintenance of uniforms.
121. Medical and dental treatment.
122. Courses of instruction.
123. Retirement age.
124. Method of resignation.
125. *Ex-gratia* awards on resignation.
126. Retiring benefits of employees on contract.
127. Engagement of temporary staff.
128. Method of engagement of temporary staff.
129. Termination of temporary appointments.
130. Petitions to Board or Council.

The Local Government Law, 1957
(No. 12 of 1957)

THE UNIFIED LOCAL GOVERNMENT SERVICE
(STAFF) REGULATIONS, 1958

DATE OF COMMENCEMENT : 28TH AUGUST, 1958

In exercise of the powers conferred upon the Governor in Council by section 95 of the Local Government Law, 1957, the following Regulations are hereby made :—

PART I.—INTRODUCTORY

1. These Regulations may be cited as the Unified Local Government Service (Staff) Regulations, 1958, and shall apply to all members of the unified local government service. Citation and application.

2. In these Regulations, unless the context otherwise requires— Definitions.

“the Board” means the Local Government Service Board ;

“the council” means the council to which the member of the service is posted and from which he receives his emoluments ;

“the Chairman” means the Chairman of the Board ;

“functions” includes powers and duties ;

“Head of Department” means the person declared by the council to be responsible for the direction or supervision of a branch or department of the council ;

“the Law” means the Local Government Law, 1957 ;

“member of the service” means a person who is the substantive holder of a post in the service ;

“the Minister” means the Regional Minister responsible for local government matters ;

“misconduct” includes—

(i) general misconduct to the scandal of the public or to the prejudice of discipline or the proper administration of the business of the council or the Board, and, without prejudice to the generality of this definition, includes corruption, dishonesty, drunkenness, false claims against the Board, a council or against Government, foul language, insubordination, negligence, failure to keep or falsification or suppression of records ;

(ii) conviction on a criminal charge ;

(iii) serious debt or serious pecuniary embarrassment arising from imprudence or other reprehensible cause ;

(iv) absence without leave from place of work, without adequate excuse ;

(v) engaging in local, regional or national political activities ;

(vi) engaging in, directly or indirectly, any business, profession, trade or calling other than in the capacity of a member of the service or as an election officer ;

(vii) negligence stated by an auditor to have been the occasion of a loss of funds to a council ;

(viii) disobedience of an order to proceed on transfer or to accept a posting, or of any other lawful order issued by the Board or the council ;

(ix) failure to appear, or to answer questions, in any investigation held under regulation 41 ;

“the Secretary” means the secretary of the Board ;

“the service” means the Unified Local Government Service ;

“substantive holder”, in relation to a post, means a person appointed by the Board to that post but does not include—

(a) a person substantively holding the post, having been appointed to it before it became a post in the service and not having transferred to the service ; or

(b) a person appointed to act in the post.

“the Treasurer” means the treasurer of the council.

PART II.—APPOINTMENTS

Vacancies to be advertised. 3. Vacancies in the service which are to be filled otherwise than by promotion or transfer shall be advertised in such manner as the Board may direct.

Appointments to be made by the Board. 4. Appointments to the service shall be made by the Board.

Certificate of candidate. 5. When applying for appointment, a candidate for appointment shall be required to certify—

(i) that he has not been convicted of an offence or had any previous employment of any kind terminated by dismissal for misconduct or inefficiency ;

(ii) the nature of any interest, as defined in regulation 55 which he may possess.

Age limit. 6. No person who is more than fifty years of age shall be appointed as a substantive member of the service.

Medical examination. 7. (1) Every person selected for appointment to the service shall be required to present himself to such qualified medical practitioner as the Board may direct for examination to ascertain if he is physically fit for duty.

(2) If the candidate is not passed as physically fit for duty he shall not be appointed.

Offer of appointment. Form A. First Schedule. 8. (1) A person selected shall be given an offer of appointment in writing in the form set out as Form A in the First Schedule.

(2) The appointment shall not be valid until the offer has been accepted in writing.

Agreement. Form B. First Schedule. 9. Every person appointed to the service shall be required to enter into an agreement in the form set out as Form B in the First Schedule.

10. (1) Every person who is appointed to a post which may require the holder to take charge of public money, stores or goods, or receipt books or books of account, shall be required to produce two sureties who shall enter into a bond with the council to which he is posted in the form set out as Form C in the First Schedule before he takes up duty. The amount of such bond shall be related to the amount of cash or to the value of the stores, goods, receipt books or books of account normally in the custody of the employee.

Bond.
Form C.
First
Schedule.

(2) Every person who is appointed to a post with a council, and who may be required to take charge of public money, stores or goods, or receipt books or books of account on behalf of one or more other councils shall be required to produce two sureties who will enter into a bond in the form set out as Form D in the First Schedule before he undertakes such duties. A separate bond shall be required in respect of each such other council. The amount of such bond shall be related to the amount of cash, or to the value of the stores, goods, receipt books, or books of account normally in the custody of the employee.

Form D.
First
Schedule.

11. (1) All persons appointed to the service shall be on probation for three years, after which they shall become eligible for confirmation by the Board. Notice of confirmation shall be given to the employee in writing in the form set out as Form E in the First Schedule.

Probation
and confirm-
ation.

(2) An employee on probation may be granted annual increments of salary up to a maximum of three increments.

Form E.
First
Schedule.

(3) An employee may be required to pass such examinations as the Board may from time to time direct before being confirmed in his appointment.

(4) An employee on probation may have his appointment terminated at any time and for any cause on the giving of one month's notice in writing.

PART III.—SALARIES

12. Members of the service shall be paid in accordance with the scales or fixed amounts as shown in the Second Schedule.

Salaries.
Second
Schedule.

13. Members of the service shall be in possession of the qualifications set out in the Third Schedule before being appointed : provided that the Board may, in its discretion in exceptional cases, appoint a person who does not possess the qualifications set out in the Third Schedule.

Qualifica-
tions
required.
Third
Schedule.

14. Subject to regulation 15, the point of entry into a salary scale for a member of the service on first appointment shall normally be the lowest salary in that scale.

Normal
point of
entry.

15. A new appointee possessing exceptional previous experience, particular technical ability or other special qualifications may be permitted to enter a salary scale at a point higher than the lowest, at the discretion of the Board.

Point of
entry for
holder of
special
qualifica-
tions.

16. Subject to the terms of regulation 17, a member of the service shall on promotion be permitted to enter the higher scale, to which he

Initial salary
on
promotion.

- is promoted, at the first point in that scale, to which he is promoted at the first point in that scale which is higher than the maximum point of his previous scale as shown in the Second Schedule.
- Second Schedule.**
- Limitation upon point of entry on promotion.** 17. Notwithstanding the terms of regulation 16, a member of the service shall not be permitted to enter a scale on promotion at a higher point than he would have reached if he had originally been appointed to the higher scale.
- Regulations 16 and 17 not to apply in exceptional cases.** 18. Notwithstanding the provisions of regulations 16 and 17 a member of the service who has gained exceptional experience, particular technical ability or other special qualifications may be permitted to enter a salary scale on promotion at a point higher than the first point in that scale which is higher than the maximum point of his previous scale, at the discretion of the Board.
- Rectification of errors.** 19. Where it is found that a member of the service has been wrongly graded, or placed upon the wrong point in a salary scale, the Board may at any time rectify the error.
- Adjustment of arrears upon rectification of errors.** 20. A member of the service whose salary is altered under the terms of regulation 19 shall be eligible to receive such arrears as may be due, or may be called upon to refund any overpayments made since the original error.
- Board to determine adjustment of arrears and overpayments.** 21. Arrears to be paid or overpayments to be refunded in accordance with regulation 20 shall be fixed at the discretion of the Board.
- Increments.** 22. An annual increment shall be granted on the anniversary of the first day of the month in which the member of the service was originally appointed or promoted to his current salary scale unless the Board otherwise directs.
- Increments limited.** 23. No increment shall be granted to a member of the service who has reached the maximum salary of his grade.
- Increment may be deferred.** 24. (1) The Board may defer the increment of a member of the service where—
- (a) he has within the previous six months been warned in writing that his service has not in all respects of conduct, efficiency, diligence and fidelity been entirely satisfactory and has not remedied such defect ;
- (b) he has been punished under regulation 41 (f) as a result of disciplinary proceedings.
- (2) The period for which an increment is deferred shall be fixed at the time of the deferment, and shall be not less than three months nor more than six months ; if the period of deferment is less than six months in the first instance it may be increased to six months by an additional specific deferment.

(3) If a deferred increment is eventually granted it shall be paid with effect from the day following the expiration of the specific period of deferment, but the recipient shall, subject to the provisions of these Regulations, be eligible for subsequent increments with effect from his normal incremental date.

(4) If a deferred increment is not granted at or before the expiration of six months from the date it was originally due, it shall be withheld

25. (1) The Board may withhold the increment of a member of the service where— Increment may be withheld.

(a) it has previously been deferred under regulation 24 and has not been granted within six months of the date on which it was originally due ;

(b) the penalty prescribed in regulation 41 (f) has been imposed as a result of disciplinary proceedings.

(2) If an increment is withheld, the member of the service concerned shall cease to be eligible therefor until his next normal incremental date, and his salary shall remain for the rest of his service in the incremental scale appropriate to his post one increment behind what it would have been had the increment not been withheld.

26. When any salary scale is revised every member of the service on that scale shall be given the opportunity to elect either to convert to the revised scale or to remain on the old scale and an election so made shall not be altered unless or until the salary scale is again revised. Employee's right of election on revision of salaries.

27. An employee who elects, under regulation 26 to remain on the old scale shall retain that scale as personal to himself until such time as a subsequent revision is made or he is promoted, or his post is regraded. Employee electing to remain on old scale.

PART IV.—PROMOTION AND TRANSFERS

28. (1) A member of the service may be required to pass such examinations as the Board may from time to time prescribe before being considered for promotion. Examinations and retrospective promotion.

(2) A member of the service who is acting in a post which is higher than his current substantive appointment, and who has been debarred from promotion to the higher post solely by reason of an unusual delay in the holding of any requisite test, and through no fault, negligence or inefficiency on his own part, may, on subsequently passing the promotion test, be promoted retrospectively from the date of his acting appointment.

29. Before transferring any member of the service from a post in the employment of one Council to a post in the employment either of that Council or of another Council, the Board shall consult in such manner as they think fit with the councils affected. Councils to be consulted as to transfers.

PART V.—DISCIPLINE

- Council to report offence to Board. 30. Where the Permanent Secretary, Ministry of Local Government, a Local Government Adviser or the Council considers that a member of the service has committed an offence which should result in criminal or disciplinary proceedings, the facts of the alleged offence shall be reported in writing to the Board.
- Interdiction. 31. If, on considering a report submitted in accordance with regulation 30, the Chairman considers that an offence, whether criminal or disciplinary, of such a nature as to warrant dismissal upon proof thereof has been committed, he may interdict the member of the service concerned from performing his official duties.
- Effect of interdiction. 32. A member of the service under interdiction shall be forbidden to carry out his duties or to visit his place of business without the express permission of the Board and shall be entitled to receive only such portion of his salary not being less than one half of the amount due to him from time to time as the Board may direct.
- Handing over of property. 33. When a member of the service has been interdicted, he may be called upon to hand over any uniform, account books and records and any other property of the council in his charge to such other employee of the council as the Board shall order.
- Suspension. 34. Where a member of the service has been found guilty of a criminal offence which in the opinion of the Chairman is of such nature as to warrant his dismissal, the Chairman may suspend him from his duties forthwith.
- Salary on suspension. 35. Where a member of the service has been suspended he shall not receive any salary.
- Effect of suspension. 36. A member of the service who is under suspension shall be required to hand over any uniforms, account books and records and any other property of the council in his charge to such person as the Board shall order, and shall be forbidden to carry on his duties and to visit his place of business except with the express permission of the Board.
- Notice of interdiction or suspension. Form F. First Schedule. 37. Formal notice of interdiction or suspension shall be given to the member of the service concerned in writing in the form set out as Form F in the First Schedule. The notice shall state the date from which the interdiction or suspension takes effect (which shall not be earlier than the date on which the member of the service ceased to perform his duties) and the charges on which he is suspended or interdicted.
- Period of interdiction or suspension. 38. A period of interdiction or suspension shall be ended on the final determination of all charges, whether criminal or disciplinary or both, stated in the notice of interdiction or suspension.
- Reinstatement. 39. Where a member of the service under interdiction is found not guilty on all the charges both criminal and disciplinary stated in the notice of interdiction, he shall be reinstated and shall receive the balance of his salary for the whole period of his interdiction.

40. A member of the service under interdiction who is found guilty of any of the charges, criminal or disciplinary, stated in the notice of suspension shall not subsequently receive any part of his salary withheld in pursuance of regulation 32 notwithstanding that he may have been found not guilty of some of the charges.

Provision where some charges proved.

41. When disciplinary proceedings are being taken against a member of the service, the following procedure shall be observed :—

Disciplinary procedure.

(a) he shall, by direction of the Board, be notified in writing of the grounds on which it is proposed to discipline him and he shall be given the opportunity to state in writing before a day to be specified (not less than fourteen days after the posting of notification) any grounds upon which he relies to exculpate himself ;

(b) the member of the service concerned shall be informed of the day on which the question of his alleged offence will be brought before the Board and that he shall be allowed (and, if the Board shall so determine, required) to appear before the Board and defend himself ;

(c) if witnesses are examined by the Board, the member of the service shall be given an opportunity of being present and of putting questions to the witnesses on his own behalf, and shall be permitted to examine any documentary evidence used in the proceedings ;

(d) if during the course of the inquiry further evidence of a disciplinary offence is disclosed, and the Board decides to act upon that evidence, the member of the service shall, if he so requests, be furnished with a written statement thereof and the same steps shall be taken as are above prescribed in respect of the original charge ;

(e) the service card or file of any member of the service who is being examined by the Board shall be produced for examination by the Board before any punishment is inflicted, but it shall not be taken into consideration before the charge itself has been established ;

(f) after considering the evidence before it, the Board may either summarily dismiss, dismiss, terminate the appointment of the member of the service or impose on him one or more of the following lesser penalties :—

- (i) withholding of an increment ;
- (ii) deferment of an increment ;
- (iii) reprimand ;
- (iv) reduction in grade ;
- (v) refund of any monies lost ;
- (vi) forfeiture of salary for any period of absence without leave.

42. Notwithstanding the provisions of regulation 41 the Board may appoint the Secretary, or a Local Government Adviser, to examine a member of the service accused of a disciplinary offence and witnesses in the matter, and the examination shall be conducted in the same manner as an examination by the Board under that Regulation. After considering the report of the person so appointed, the Board may impose on an employee any of the punishments prescribed in paragraph (f) of regulation 41.

Further provisions as to procedure

Summary dismissal.

43. (1) Where a member of the service has been convicted of an offence under section 248 of the Law, or has been convicted on a charge of felony or has been absent without leave for more than seven days, he shall be summarily dismissed and the Board shall not be required to follow the procedure prescribed in regulation 41.

(2) No notice, or salary in lieu of notice, shall be given to a member of the service summarily dismissed under this Regulation, and such dismissal shall date from the date on which the Board passes the resolution of dismissal.

(3) An employee summarily dismissed under this Regulation shall not be eligible for leave or free transport.

Dismissal.

44. (1) Without prejudice to the rights of the Board under regulation 43 summarily to dismiss a member of the service or under regulation 45 to terminate the appointment of a member of the service confirmed in his appointment, a member of the service who is confirmed in his appointment may be dismissed by the Board if he—

(a) fails to make a disclosure of his pecuniary interest in a contract in accordance with section 100 of the Law ;

(b) whilst employed in a full time capacity acts as an attorney or agent against the Board or a council in any claim or proceeding by or against the Board or a council in respect of land appropriated for local government purposes ;

(c) fails to make the disclosures required of him by regulation 5 (ii) or falsifies his age, testimonials or personal records ;

(d) commits an act of misconduct ;

(e) is found guilty of a criminal offence.

(2) Any one of the acts or omissions set out in paragraph (1) of this Regulation shall of itself be deemed to be sufficient ground for dismissal, and no warning need precede any steps taken to dismiss a member of the service for such act or omission.

(3) No notice, or salary in lieu of notice, shall be given to a member of the service dismissed under this Regulation, but dismissal shall take effect three days after the date on which the official notification of dismissal is posted to the address of the member of the service as recorded on his Record of Service.

(4) A member of the service dismissed under this Regulation shall not be eligible for leave or free transport.

Termination of appointment.

45. (1) Without prejudice to the rights of the Board under regulations 43 and 44, and subject to the provisions of these Regulations, a member of the service who is confirmed in his appointment may have his appointment terminated on the grounds of general inefficiency, provided that—

(a) he has, during the immediately preceding period of six months, been warned in writing at least once that his work has been unsatisfactory ; or

(b) he has failed to pass any departmental, technical or trade test which he may under these Regulations be required to pass ; or

(c) he becomes financially embarrassed, as a result of imprudence or other reprehensible cause ; or

(d) he has been persistently absent from, or late for, duty without adequate excuse and has been warned in writing at least once during the immediately preceding period of six months ; or

(e) his increment has previously been withheld or deferred.

(2) The appointment of a confirmed member of the service shall not be terminated until he has been given an opportunity of submitting his representations to the Board and such representations shall be submitted within fourteen days of the date of the notification issued in accordance with regulation 41 (a).

(3) A confirmed member of the service whose appointment is terminated for inefficiency shall be given one month's notice, or alternatively may be discharged with one month's pay in lieu of notice at any time provided that notice shall be calculated from the date on which the notice may reasonably be expected to be received to the day numerically corresponding to that day in the following month, less one day.

(4) Leave shall be granted to a confirmed member of the service whose appointment is terminated for inefficiency, in accordance with the following provisions :—

(a) where the period of service counting for leave is less than one year, leave shall be granted on a *pro rata* basis ;

(b) the grant of leave shall be so arranged as to run concurrently with the notice and to expire, if possible, on the same date as the notice.

(5) A confirmed member of the service whose appointment is terminated for inefficiency shall be granted free transport to his home for himself, his family and his baggage in accordance with the provisions of these Regulations.

46. (1) If criminal proceedings are instituted against a member of the service, disciplinary action upon any grounds stated in the criminal charge shall not be taken, pending determination of the criminal proceedings, but he may be interdicted forthwith in accordance with the provisions of regulation 31. Effect of criminal proceedings on disciplinary proceedings.

(2) Nothing in these Regulations shall be construed as precluding the Board from taking independent disciplinary action against a member of the service on grounds arising out of circumstances which had led to a criminal charge against such person, provided that those grounds are not substantially identical with any counts stated in such criminal charge.

(3) Nothing in these Regulations shall be construed as precluding an auditor from making any investigation or taking any action which he is authorised to make or take by section 195, 198 or 200 of the Law.

Conviction on criminal charge.

47. (1) Where a member of the service has been convicted on a criminal charge, then if disciplinary action has not already been taken the Board shall as soon as possible consider the whole circumstances of the case and shall decide whether such circumstances as are not substantially identical with any counts stated in the charge on which the member of the service concerned was convicted are sufficient to warrant his being disciplined.

(2) If the Board decides to dismiss the member of the service or terminate his appointment, he shall be dismissed or have his appointment terminated with effect from the date on which he was suspended or interdicted, or on which he ceased to perform his duties, but he shall not be required to refund any salary he has received since the date of his interdiction.

Acquittal on criminal charge.

48. If a member of the service is acquitted on a criminal charge (either at first instance or on appeal), and if he has not already been disciplined, the Board shall decide whether he shall be reinstated with full arrears of salary or whether he shall be disciplined on any grounds, arising out of his conduct in the matter, which are not substantially identical with any counts stated in the criminal charge on which he has been acquitted.

Disciplinary proceedings before acquittal on criminal charge.

49. A member of the service who has been disciplined and who is subsequently acquitted (either at first instance or on appeal) on any criminal charges arising out of the circumstances connected with the grounds on which he has been dealt with under these Regulations, shall not by reason of his acquittal be entitled to any compensation or to have such dismissal or disciplinary action annulled, reviewed or varied.

PART VI.—DUTIES AND RESPONSIBILITIES OF EMPLOYEES

Undertaking duties assigned.

50. A member of the service shall undertake any lawful duty that the Board or the council to which he is posted shall assign to him and shall obey all lawful orders of his superiors.

Manner towards superior officer and public.

51. A member of the service shall at all times conduct himself in a manner respectful to his superiors in the service of the Board, the Government and the council, and be polite in his official dealing with members of the public.

Reporting misconduct or negligence of subordinates.

52. It is the duty of every member of the service to report to his immediate superior any misconduct or negligence of a subordinate employee which may come to his notice.

Reporting crimes of other employees.

53. It is the duty of every member of the service, immediately he becomes aware of it, to report to his immediate superior any disciplinary offence and to the police any criminal offence, committed by another member of the service, or other employee of the council in the course of his official duties.

Retention of authorised fees.

54. Any member of the service may accept and retain any fees duly authorised and lawfully payable to him by the Government or the council, or by any employees of the Government or council duly

authorised in that behalf, in respect of any services performed by him in connection with elections, or other services for which fees are lawfully payable, provided that he has been duly appointed or authorised to render those services in addition to his normal duties.

55. (1) A candidate for appointment shall, before appointment to the service, disclose to the Board the particulars of any investment or share-holding which he possesses in any company carrying on business in the area under the jurisdiction of the council to which he is to be posted, or any other direct or indirect interests in that company, or in any local occupation or undertaking.

Disclosure of interests and investments.

(2) If the Board decides that by reason of the facts disclosed the candidate's private affairs might be brought into real or apparent conflict with his public duties or in any way influence him in the discharge of his duties, the Board may require the candidate to divest himself of all or any part of those investments or interest as a condition of appointment to the vacant post.

56. A member of the service shall not directly or indirectly acquire investments or interests of the nature mentioned in regulation 55 or regulation 57 without the express permission of the Board.

Acquisition of interests and investments.

57. A member of the service shall not without the express permission of the Board undertake any private agency in any matter connected with the exercise of his public duties.

Restrictions on undertaking private agencies.

58. A member of the service shall not, without the express permission of the Board, act as the editor of any newspaper nor take part directly or indirectly in the management thereof, nor contribute anonymously thereto, nor publish in any manner, nor lecture or broadcast upon anything which may be reasonably regarded as of a political or administrative nature. He may, however, publish in his own name matter relating to subjects of general interest.

Restrictions on publishing, lecturing and broadcasting.

59. (1) No member of the service may render professional assistance to private persons or firms or accept remuneration except with the written permission of the Board.

Professional assistance by council employees to third parties.

(2) Permission shall not usually be given unless it is to the public advantage that it should not be withheld and the amount of the remuneration shall be subject to the approval of the Board.

(3) The remuneration shall be paid into the treasury of the council to which the member of the service is posted and shall be placed on deposit until the orders of the Board as to the share, if any, which may be received by the member of the service personally is known.

60. (1) No member of the service shall, without authority of the Board, have access to records relating personally to himself, nor shall he without special permission take copies of any such records, or of minutes or correspondence concerning the Board or a council, even though the records pass through his hands in the course of his duties.

Access to records and disclosure of information.

(2) No member of the service shall, unless it is necessitated by the discharge of his duties, disclose to any member of the public the contents of any Board, Council or Government document or report to which he has had access whether in the course of his duties or not.

Institution of legal proceedings on behalf of the Board or council.

61. (1) No member of the service shall, without prior sanction of the Board, threaten or begin legal proceedings on behalf of the Board.

(2) No member of the service shall, without prior sanction of the council to which he is posted, threaten or begin legal proceedings on behalf of that council.

Collections for presentations prohibited.

62. The collection of subscriptions from subordinate employees to defray the cost of testimonials or presentations to or entertainment of superior employees is prohibited unless the prior consent of the Local Government Adviser is first obtained.

Sickness.

63. (1) A member of the service who is sick shall forthwith report the fact to the nearest dispensary attendant or physician who may make a report of the fact to the council and recommend sick leave in accordance with regulations 75 to 78.

(2) A member of the service who absents himself by reason of sickness without obtaining such a report from a dispensary attendant or physician shall be regarded as being absent without leave.

Political activities.

64. No member of the service whether on duty or leave shall—

(a) hold any office, paid or unpaid, permanent or temporary, in any political organisation ;

(b) offer himself, or nominate anyone else, as a candidate at any election, or any stage thereof, of members of the Federal or Regional Legislatures or of a local government council ;

(c) indicate publicly his support of, or opposition to, any party, candidate or policy ;

(d) engage in canvassing in support of political candidates :

Provided that nothing in this Regulation shall be deemed to prohibit a member of the service from voting at any election.

PART VII.—LEAVE

Vacation leave : established staff.

65. Vacation leave on full pay may be granted by the council at its discretion at the same rates and subject to the same conditions as apply in the case of employees of the Government of the Western Region.

Effect of promotion on rates of leave.

66. A member of the service promoted from one grade to another during a leave-earning period may be granted a period of leave calculated *pro rata* in accordance with the leave-earning period in each grade.

Leave normally granted after one year.

67. Leave shall normally be granted after a period of service of not less than one year and not more than two years and may be granted *pro rata* in respect of each completed month of service.

68. (1) A member of the service shall not be permitted to accumulate leave in excess of the respective maximum periods stated in regulation 67 except with the prior written approval of the council. Accumulation of leave.

(2) Approval for a member of the service to accumulate leave shall only be given if it is in the interest of the council's service.

69. A member of the service shall be eligible for free transport at the expense of the council in accordance with the provisions of regulations 100 to 105 to and from his home as stated in his record of service, in respect of every period of vacation leave due to him under these Regulations, provided that the privilege of free transport shall not be granted more frequently than once a year. Free leave transport.

70. The term "free transport", for the purposes of regulation 69, means free transport from door to door. "Free transport" extends from door to door.

71. (1) A member of the service may be granted occasional permission to be absent from duty for not more than three days on casual leave. Normal casual leave.

(2) Such casual leave shall be granted by the council and shall not normally be granted more than once in any one year.

72. A member of the service may, in special circumstances, be granted casual leave in excess of three days and in these circumstances the whole period of casual leave granted shall, at the discretion of the council, either count against the annual leave for which the member of the service is eligible under the terms of regulation 65 or be regarded as leave without pay. Special casual leave.

73. Free transport shall not be provided by the council in respect of any casual leave. Free transport not provided for casual leave.

74. The power to grant leave (both annual and casual) may be delegated to a Head of Department. Delegation of power to grant casual leave.

75. (1) When in accordance with regulation 63 a member of the service has been recommended for sick leave and there is reasonable prospect of his recovery and return to duty the council which employs him may grant leave on full pay for a period not exceeding 183 days in the aggregate during any period of twelve months. Sick leave.

(2) If any further sick leave is recommended, the member of the service may be granted a further period, not exceeding 365 days in aggregate during any period of four years or less, on half pay but after that any further sick leave granted shall be without pay.

76. (1) A married female member of the service who has served for at least one year may be granted twelve weeks' pregnancy leave on full pay. Six weeks shall be taken before confinement and six weeks after confinement. Pregnancy leave.

(2) An unmarried female member of the service shall not be granted pregnancy leave, but may be granted casual leave in accordance with regulations 71 and 72.

Sick or pregnancy leave not to be granted until earned vacation leave exhausted.

77. No sick or pregnancy leave shall be granted until all earned vacation leave from which the member of the service is eligible under the terms of regulation 68 has been exhausted, and absence owing to sickness in excess of three days shall count, in the first instance, against earned vacation leave.

Free transport for sick or pregnancy leaves.

78. Free transport shall not be provided by the council in respect of sick or pregnancy leave, except in exceptional circumstances and with the specific approval in writing of the council.

Special leave to attend meetings of N.U.L.A.S., etc.

79. The council may grant a member of the service special leave for the purpose of attending a meeting of the Nigerian Union of Local Authority Staffs, attending a conference, taking an examination or attending to urgent private affairs and any such leave, if in excess of three days in any one year, shall either count against earned vacation leave or shall be leave without pay.

PART VIII.—ALLOWANCES

Acting Allowances.

80. (1) Acting allowance may be paid to temporary holders of the following posts, subject to the approval of the Board :—

- (i) the senior executive post in the establishment of a council ;
- (ii) the treasurer ;
- (iii) the senior tax clerk ;
- (iv) any other post deemed by the Board to be of such importance as to attract acting allowance.

(2) Acting allowance shall only be paid in respect of periods of more than twenty-eight days.

Board may extend list of posts attracting acting allowance.

81. Acting allowances to temporary holders of other posts may be paid in exceptional circumstances and subject to the recommendation of the council and the approval of the Board.

Rates of acting allowance.

82. (1) Acting allowance shall not exceed one hundred per cent of the difference between the member of the service's substantive salary and the promotion entry point to the scale of the post in which he is acting.

(2) Where the higher post carries a fixed salary, the acting allowance shall not exceed one hundred per cent of the difference between that salary and the substantive salary of the temporary holder.

Bicycle and canoe allowances.

83. (1) A council may designate certain posts in the establishment which shall carry bicycle or canoe allowance.

(2) A member of the service holding such a post, who is in possession of a bicycle or a canoe which he uses on official duty, may be paid bicycle or canoe allowance, at the rate of fifteen shillings per month.

84. (1) The treasurer shall maintain a schedule of posts carrying bicycle or canoe allowance which schedule shall be approved by the council and shall not thereafter be altered except on the authority of the council.

Treasurer to maintain schedule of posts attracting bicycle and canoe allowances.

(2) No member of the service who does not hold such a scheduled post may draw bicycle or canoe allowance.

(3) A member of the service shall cease to draw bicycle or canoe allowance with effect from the date on which he relinquishes such a scheduled post.

85. (1) A member of the service who is required to use a bicycle or canoe on duty and who is not eligible to receive a bicycle or canoe allowance under regulation 83 may be permitted to receive a personal allowance of nine pence for every day on which he uses his bicycle or canoe on duty, up to a maximum of fifteen shillings in respect of any one month.

Occasional bicycle and canoe allowances.

(2) Allowances under this regulation shall only be paid in exceptional circumstances on the specific approval of the council.

86. (1) A council may, if it so desires, make regulations governing the grant of bicycle or canoe mileage allowances to members of the service who are not eligible for bicycle or canoe allowance.

Council regulations regarding bicycle and canoe mileage allowances to certain employees.

(2) Any such mileage allowances shall not exceed two pence for every completed five miles run on duty by the employee using his own bicycle or canoe.

(3) Mileage between the member of service's quarters and place of business shall not be regarded as mileage "on duty" for the purposes of this Regulation.

87. A council may designate certain posts in the establishment which shall carry motor cycle allowance or car allowance and the treasurer shall maintain a schedule thereof which shall be approved in the same manner and subject to the same conditions as are laid down in regulation 84 ; and the class of allowance, approved in accordance with regulations 88 to 93, shall be stated in the schedule.

Eligibility for motor cycle or car allowances.

88. (1) A member of the service holding a post carrying motor vehicle allowance who is in possession of a motor cycle or car (as appropriate to the post) shall (subject to regulation 91) be entitled to draw mileage allowance in accordance with the rates set out in the Fourth Schedule hereto.

Rates of motor cycle or car mileage allowances. Fourth Schedule.

(2) The council may fix a maximum allowance payable in any one month.

89. A member of the service holding a post carrying car allowance, who does not own a car but who owns a motor cycle or bicycle, may draw motor cycle allowance or bicycle allowance as the case may be, in lieu of car allowance.

Motor cycle or bicycle allowance in lieu of car allowance.

Bicycle allowance in lieu of motor cycle allowance.

90. A member of the service holding a post carrying motor cycle allowance, who does not own a motor cycle, but who owns a bicycle, may draw bicycle allowance in lieu of motor cycle allowance.

Basic car allowances require approval of Local Government Adviser.

91. Basic car allowances shall only be granted subject to the specific recommendation in writing of the council and the approval of the Local Government Adviser.

Employee may elect between combined allowance or full mileage allowance. Fourth Schedule.

92. (1) A member of the service employed in a post which carries car allowance may, if in possession of his own car and subject to the provisions of regulation 91 draw a basic allowance and reduced mileage allowance in lieu of occasional mileage allowance as set out in the Fourth Schedule.

(2) A member of the service shall be required to elect to draw either basic and reduced mileage allowance, or mileage allowance alone and the election so made may not be altered.

(3) Nothing in the provisions of this Regulation shall be construed as entitling a member of the service to draw basic allowance.

Travelling allowances.

93. A member of the service may be eligible to receive travelling allowance, but it is within the discretion of the council which employs him to give instructions in writing—

(i) specifying that the holders of certain posts only may receive travelling allowances ;

(ii) granting consolidated allowances to the holder of certain posts in lieu of travelling allowances ;

(iii) limiting the amount that may be claimed as travelling allowance in any one month.

Travelling allowances payable in respect of nights necessarily absent.

94. Subject to the provisions of regulation 93, travelling allowance is payable to a member of the service only in respect of nights necessarily spent away from his station.

Cessation of travelling allowances.

95. The rates of travelling allowance shall be halved for any period spent in one place in excess of seven consecutive days, and shall cease after any period of two weeks in one place.

Rates of travelling allowances. Fourth Schedule.

96. Travelling allowances approved by the council shall be paid at the rates shown in the Fourth Schedule hereto.

Counter-signature of travelling claims.

97. Claims for travelling allowance must be countersigned by the Head of Department.

98. Claims for travelling allowance submitted later than two months after they become due shall not be considered. Late travelling claims lapse.
99. Travelling allowance shall not be payable in respect of travelling when on leave. Travelling allowance not payable on leave.
100. (1) A member of the service shall be entitled to transport at the expense of the council on assumption of duty, transfer, travelling on duty, leave granted in accordance with regulation 65, and returning home on retirement, or on termination of appointment under regulation 45. Free transport.
- (2) Free transport shall not be provided when a member of the service is travelling whilst on leave other than that granted under the terms of regulations 65 and 78.
101. Rates of transport allowance shall be in accordance with those set out in the Fourth Schedule hereto. Rates of transport allowance. Fourth Schedule.
102. (1) Transport allowances shall be paid in respect of expenses, at rates not exceeding those set out in the Fourth Schedule, actually disbursed by the member of the service. Amount of transport allowance. Fourth Schedule.
- (2) Should it be established that a member of the service has wilfully submitted a fraudulent claim he shall be liable to forfeit all rights to transport allowance in respect of the journey in question in addition to being liable to any other disciplinary action which the Board may take.
103. (1) In cases where it would be unreasonable to expect a member of the service to pay out-of-pocket expenses on transport in the first instance a cash payment may be made to him. Advances for out-of-pocket transport expenses.
- (2) Such a cash payment shall be calculated from the distance to be travelled and the rates of transport allowance set out in the Fourth Schedule hereto. Fourth Schedule.
104. The unexpended balance of any cash payments made in accordance with regulation 103 shall be refunded to the council and a member of the service may be called upon to account for the amount paid and shall refund any balance for which he cannot account. Refund of unexpended balance of advances.
105. A member of the service who draws a car allowance may claim such allowance in respect of a journey to and from his leave destination or may claim transport allowance for such journeys at the rates prescribed in the Fourth Schedule. Eligibility of employees drawing car allowances for transport allowance. Fourth Schedule.

PART IX.—MOTOR VEHICLE AND BICYCLE ADVANCES

Advances for purchase of vehicles and bicycles.

106. A member of the service holding a post carrying bicycle, canoe or car allowance shall be eligible to receive an advance to purchase an appropriate vehicle, subject to the specific approval of the council, the Local Government Adviser or the Minister, according to the amount to be advanced, and subject to the conditions governing the grant of these advances and as prescribed in Financial Memoranda.

Bicycle advances to holders of unscheduled posts.

107. A member of the service who does not hold a post scheduled under regulation 84, but who lives more than three miles from his place of duty, may be granted an advance to purchase a bicycle or canoe subject to the approval of the council which employs him.

Grant of advance does not guarantee allowance.

108. The grant of an advance to purchase a vehicle shall not in itself constitute grounds for a claim to any type of vehicle allowance.

PART X.—SERVICE CARDS

Service cards. Form G. First Schedule.

109. Every member of the service shall have a service card which shall be in the form set out in the Form G in the First Schedule hereto.

Custody and contents of service cards.

110. (1) A service card shall be allotted to a member of the service as soon as he is engaged, the particulars at the top of the card being completed.

(2) The service card shall be filed in the office of the Board and a duplicate shall be filed in the office of the council.

(3) Details of every change of salary, promotion and period of leave whether with or without pay (except casual leave), together with the dates thereof, shall be entered on the service card.

(4) A written record shall be made on the card of every commendation and of every disciplinary action taken against the member of the service except oral warnings by his immediate superior.

Completion of service cards on termination of service.

111. When a member of the service ceases to be employed the reason therefor shall be entered on his service card, together with a reference to the authority and details of the last salary drawn, and the card shall then be checked by the Secretary who shall sign it, below the last entry, as being correct.

Custody of service cards.

112. The original service card of every member of the service shall remain in the custody of the Board.

PART XI.—GENERAL CONDITIONS OF SERVICE

Employee liable to serve anywhere.

113. A member of the service shall be liable to serve anywhere within the Western Region.

Posting and transfers.

114. Subject to the provisions of these Regulations the Board shall be responsible for the posting and transfer of members of the service.

115. Where a member of the service is transferred from one council to another his service shall be counted as continuous and cumulatively pensionable. Service on transfer to be continuous.

116. (1) A member of the service shall not normally be entitled to payment for overtime. Established employees' overtime.

(2) In special cases overtime may be paid at such rates as may be authorised by the Board.

PART XII.—MISCELLANEOUS

117. A member of the service occupying council quarters shall be liable to pay rent in accordance with a scale to be fixed by the council and shall be required to pay the same by monthly deductions from salary. Other staff liable for rent.

118. (1) Housing allowance in lieu of quarters shall not be paid to any member of the service. Housing allowances not payable.

(2) No member of the service shall have a right to occupy council quarters or any particular quarters or class of quarters unless provision has been made therefor in his letter of appointment.

119. Every member of the service required to wear uniform while on duty shall be provided with uniforms at the expense of the council. Provision of uniforms.

120. A member of the service shall be responsible for the maintenance of his uniforms in good condition and he may be charged with the cost of replacement of any uniform or equipment in his charge which has become unserviceable through neglect, lack of reasonable care, or wilful damage on his part. Maintenance of uniforms.

121. (1) A member of the service and his family shall be entitled to the same medical and dental treatment in Government hospitals and dispensaries as Government officials, at the expense of the council, and to the same medical and dental treatment in the council's hospitals and dispensaries as are enjoyed by Government officials in Government hospitals and dispensaries. Medical and dental treatment.

(2) In this Regulation—

“family” means the wife and the unmarried and dependent children under eighteen years of age of a member of the service.

122. (1) The Board may require a member of the service to attend courses of instruction. Courses of instruction.

(2) A member of the service who undergoes a course of instruction at the expense of the Board may be called upon to enter into an agreement to serve the Board for a specified period after completion of the course.

(3) The successful completion of a course shall not of itself, entitle a member of the service to an increment or promotion, or to a particular post.

Retirement age.

123. (1) A member of the service who has reached the age of sixty years, or who is incapable of carrying out his duties owing to ill-health, or who is considered unfit for further duties, may be permitted or ordered to retire.

(2) In special circumstances, a member of the service may be permitted or ordered to retire after reaching the age of fifty.

(3) If a member of the service is to retire before reaching the age of sixty, he shall be given six months' notice or six months' salary in lieu of notice.

Method of resignation.

124. A member of the service who is not under any written agreement to serve for a specified period of time may resign his appointment either—

(a) by giving one month's notice in writing ; or

(b) by paying or forfeiting to the council one month's salary in lieu of notice.

Ex-gratia awards on resignation.

125. The council may, in special circumstances and subject to the approval of the Board, grant an *ex-gratia* allowance or award, in recognition of long and meritorious service, to a member of the service who resigns.

Retiring benefits of employees on contract.

126. (1) A member of the service engaged for a specified period who voluntarily declines re-engagement on expiry of a term of engagement shall not be entitled to any retiring benefits.

(2) Such a member of the service who is refused re-engagement by the Board may, if otherwise qualified, be eligible to receive retiring benefits.

Engagement of temporary staff.

127. Every temporary member of the service shall be engaged on a fixed salary for a period of time which shall not exceed a specified number of months and this shall be made clear in his letter of appointment.

Method of engagement of temporary staff.

128. The engagement of temporary members of the service shall be carried out in such manner as the Board may determine.

Termination of temporary appointments.

129. (1) A temporary member of the service may be dismissed at any time upon giving of one month's notice, or upon the expiry of the maximum period stated in his letter of appointment.

(2) Upon expiry of this period of service any further extension of service shall be made by offering a further temporary appointment in the manner provided by regulation 127.

130. All petitions to the Board or a council, including enquiries and complaints regarding conditions of service, written by an employee, shall be forwarded through the appropriate Head of Department, and, in the case of a petition to the Board through the council, and in accordance with such instructions regarding submission of petitions as the Board may from time to time issue.

Petitions to
Board or
Council.

MADE by the Governor in Council at Ibadan this 18th day of August, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

FIRST SCHEDULE

Form A

ORIGINAL
DUPLICATE

LETTER OF APPOINTMENT
(REGULATION 8)

Ref.....
.....19.....

Sir/Madam,

I am directed by the Local Government Service Board to offer you an appointment as..... at a salary of £..... per annum in the Salary Scale..... to take effect on....., 19.....

2. If you accept this offer you are liable to be posted to any council in the Western Region. On first appointment you will be posted to the..... Council.

3. This appointment and your conditions of service will be subject to such Regulations as may be issued under section 95 of the Local Government Law, 1957. A copy of the Regulations at present in force is attached.

4. For the first three years of your appointment you will be on probation. The Board reserves the right to terminate your appointment at any time within this period, without giving any reason.

*5. In addition to the conditions stated in the Regulations, the following special conditions will be applicable in your case :

6. Please inform me in writing as soon as possible whether you accept this appointment or not. If you accept, you should signify acceptance by completing the acceptance form on the duplicate copy of this letter and returning the whole to me together with the signed Form of Agreement attached hereto.

I have the honour to be, Sir,
Your obedient servant,

.....
*Secretary,
Local Government Service Board*

* delete if not applicable.

ACCEPTANCE

To :

THE SECRETARY,
LOCAL GOVERNMENT SERVICE BOARD,
c/o MINISTRY OF LOCAL GOVERNMENT,
IBADAN.

I (BLOCK CAPITALS).....hereby
accept the offer of appointment made in your letter No.....of
....., 19.....

2. I return herewith a signed Form of Agreement (Form B).

Signed.....

FIRST SCHEDULE

Form B

DECLARATION AND FORM OF AGREEMENT TO BE SIGNED BY ALL
MEMBERS OF THE UNIFIED LOCAL GOVERNMENT SERVICE
ON FIRST APPOINTMENT

(REGULATIONS 6 AND 9)

I, declare that I was born on
the day of....., 19.....

And I further declare that I have never been convicted of an offence save as stated
hereunder.....

And I further declare that I have never been dismissed, or had my appointment
terminated, by any employer, for misconduct or inefficiency, save as stated hereunder
.....

And I further declare that I possess no interest as defined in regulation 56 of the
Unified Local Government Service (Staff) Regulations, 1958, of which said Regulation
I have read a copy, save as stated hereunder.....

Now therefore, I,in
consideration of my appointment as a.....under
the terms and conditions of employment for unified local government service employees
and at a salary of £.....in the scale £.....
do hereby agree that I will diligently and faithfully perform my duties to the best of my
ability, and obey the provisions of the Unified Local Government Service (Staff) Regula-
tions and Financial Memoranda, and any other lawful orders, directions or instructions
applicable to me.

And that this agreement may be terminated by either side at one full month's notice
in writing or by the payment of one month's salary in lieu of such notice in writing.

And I further agree that if the Local Government Service Board for any reason
desires or is required by law to transfer me to the service of Government or any Council,
I shall accept service under Government or such council on the same terms and conditions
as are set out in this Agreement which shall remain in full force and effect and be binding
on me.

And I further agree and acknowledge that the conditions of my employment require my full-time services and that so long as I remain a member of the Unified Local Government Service I shall not accept any other paid employment whatsoever or undertake any private enterprise for profit without the written permission of the Local Government Service Board first had and obtained.

And I further agree and acknowledge that the date of my appointment is the day of....., 19....., that I shall be on probation for a period of years, and that if at any time during my probationary period the Local Government Service Board so desires it may terminate my appointment without necessarily stating any reason for doing so.

MADE at this day of, 19.....

Witness to signature :—

Note.—Exempt from stamp duties, but to be stamped as exempt by the Commissioner of Stamp Duties.

FIRST SCHEDULE

Form C

FORM OF BOND TO BE EXECUTED ON BAHALF OF ALL MEMBERS OF THE UNIFIED LOCAL GOVERNMENT SERVICE WHOSE DUTIES ENTAIL THE HANDLING OF COUNCIL MONIES, STORES, BOOKS OF ACCOUNT OR REVENUE EARNING BOOKS

(REGULATION 10 (1))

KNOW ALL MEN BY THESE PRESENTS THAT WE

..... (Occupation)

of.....

..... (Occupation)

of.....

and.....

of.....

and..... (Occupation)

of.....

are jointly and severally bound to the..... Council in the sum of £..... to be paid to the said..... Council. For which payment we jointly and severally bind ourselves and each of our heirs, executors and administrators firmly by these presents. Sealed with our seals.

DATED this day of....., 19.....

WHEREAS the said
was on the day of, 19.....
appointed in the employ of the said
Council, and the said and
have agreed to enter into the above obligation as sureties for the fidelity of the said
..... while in the service of the said
..... Council.

NOW THE CONDITION of the above written bond or obligation is such, that, if the said
..... shall from time to time and at all
times hereafter during his continuance in the service of the
Council faithfully, honestly and diligently execute, perform and discharge the terms of
the Agreement entered into between him and the said Council on the.....
and his duties under such employment and shall if and whenever he shall be so required
give and deliver a just and true account of all moneys, securities for money, goods and
effects whatsoever, which in the said service shall come to his hands or which he shall be
entrusted with, by, or on account of the said..... Council ;

AND shall save harmless and keep indemnified the said.....
Council against all losses, costs, charges, damages and expenses which the.....
Council may sustain, pay or be put by reason of (or as a direct or indirect
result of) any act, deed, matter or thing whatsoever done or omitted to be done by the
said..... in or during his employment ; then the above
written bond shall be void or otherwise shall be and remain in full force.

SIGNED, SEALED AND DELIVERED by
the said.....

in the presence of—

.....
..... (Occupation) } Witness.
..... (Address) }

SIGNED, SEALED AND DELIVERED by
the said.....

in the presence of—

.....
..... (Occupation) } Witness.
..... (Address) }

SIGNED, SEALED AND DELIVERED by
the said.....

in the presence of—

.....
..... (Occupation) } Witness.
..... (Address) }

FIRST SCHEDULE

Form D

FORM OF BOND TO BE EXECUTED ON BEHALF OF ALL MEMBERS OF THE UNIFIED LOCAL GOVERNMENT SERVICE WHOSE DUTIES WITH A COUNCIL ENTAIL THE HANDLING OF MONIES, STORES, BOOKS OF ACCOUNT OR REVENUE EARNING BOOKS ON BEHALF OF ONE OR MORE OTHER COUNCILS

(REGULATION 10 (2))

KNOW ALL MEN BY THESE PRESENTS THAT WE

.....
(Occupation)

of.....

.....
(Occupation)

and.....

.....
(Occupation)

of.....

are jointly and severally bound to the..... Council in the sum of £..... to be paid to the said Council. For which payment we jointly and severally bind ourselves and each of our heirs, executors and administrators firmly by these presents. Sealed with our seals.

DATED this..... day of....., 19.....

WHEREAS the said..... was on the..... day of....., 19..... appointed..... in the employ of the..... Council, and the said..... has been required to take charge of public money, stores or goods or keep receipt books or books of account on behalf of the said..... Council, and the said..... and..... have agreed to enter into the above obligation as sureties for the fidelity of the said.....

NOW THE CONDITION of the above written bond or obligation is such that if the said..... shall from time to time and at all times hereafter during his continuance in the service of the said..... Council shall if and whenever he shall be so required give and deliver a just and true account of all moneys, securities for money, goods and effects whatsoever, which he shall be entrusted with, by or on account of the said..... Council ;

AND shall save harmless and keep indemnified the said..... Council against all losses, costs, charges, damages and expenses which the..... Council may sustain, pay or be put by reason of (or as a direct or indirect result of) any act, deed, matter or thing whatsoever done or omitted to be done by the said..... ; then the above written bond shall be void or otherwise shall be and remain in full force.

B 592

SIGNED, SEALED AND DELIVERED by

the said.....

in the presence of—

.....

.....(Occupation)

.....(Address)

} Witness.

SIGNED, SEALED AND DELIVERED by

the said.....

in the presence of—

.....

.....(Occupation)

.....(Address)

} Witness.

SIGNED, SEALED AND DELIVERED by

the said.....

in the presence of—

.....

.....(Occupation)

.....(Address)

} Witness.

FIRST SCHEDULE

Form E

NOTICE OF CONFIRMATION OF APPOINTMENT

(REGULATION 11)

Ref.....

.....19.....

Sir/Madam,

I am directed by the Local Government Service Board to refer to my*.....
and to regulation 11 (1) of the Unified Local Government Service
(Staff) Regulations, 1958, and to inform you that you have been confirmed in your
appointment as..... with
effect from.....

.....
Secretary,
Local Government Service Board

* Here insert reference of letter of appointment.

FIRST SCHEDULE
Form F
NOTICE OF INTERDICTION/SUSPENSION
(REGULATION 37)

Ref.....
.....

Sir/Madam,

I am directed by the Local Government Service Board to inform you that you have been interdicted/suspended from duty with effect from.....

2. The charges made*/to be made against you are as follows :-

*3. You are hereby forbidden to carry out your duties or to visit your place of duty without express permission from this office.

*4. You are hereby directed to hand over to.....
at at on
(Place) (Time) (Date)

the following :-

*5. I am directed to say that during the period of your interdiction you will receive the following salary :-

6. Please acknowledge receipt of this letter by signing the certificate at the foot of the duplicate copy, and returning the whole to me without delay.

I have the honour to be,
Sir/Madam,
Your obedient servant,

.....
Secretary,
Local Government Service Board

* Delete where necessary.

CERTIFICATE

To :

THE SECRETARY,
LOCAL GOVERNMENT SERVICE BOARD

I (BLOCK CAPITALS)..... hereby acknowledge receipt of your letter No..... of....., 19.....

Signed.....

Form G
RECORD OF SERVICE CARD
 (REGULATION 109)

B 591

NAME..... DATE OF BIRTH..... COUNCIL..... FILE NO.....

PREVIOUS EMPLOYMENT				UNIFIED LOCAL GOVERNMENT SERVICE APPOINTMENTS AND PROMOTIONS				
Date	Department or Firm	Nature of Duties	File Reference	Date	Rank	Grade	Station	File Reference

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS	TERMINATION OF SERVICE
Education.....	Date of termination.....
Professional Qualifications.....	Cause of termination.....
Local Government Courses.....	Retiring Benefits (if any).....
	(a) Pension of £..... per annum from.....
	(b) Gratuity of.....
	File Reference.....

Languages with which conversant (including Nigerian Languages) with details of examinations passed	SICK HISTORY		LOCAL OR CASUAL LEAVE	
	From	To	From	To

MARRIED OR SINGLE	CHILDREN
Nationality and Birth Place :	Home Address :
	Leave Address :

SCALE OF SALARY			LEAVE PARTICULARS								File Reference	Names and Addresses of Next-of-Kin		
Salary Scale	INCREMENTS		Leave Begin	ORDINARY LEAVE				EXTENSIONS OF LEAVE					Leave Balance (Days)	
	New Rate	Date Drawn		LEAVE DUE		ACTUAL LEAVE		From	To	Nature				Salary (full or half)
				Months	Days	Months	Days							
													(a)	
													(Relationship)	
													(b)	
													(Relationship)	

B 595

SECOND SCHEDULE
SALARY SCALES
(REGULATION 12)

1. Secretary, Secretary/Treasurer :

	£	£	£	£	£	£	£	£
Class 1	1,500	1,560	1,620					
Class 2	624	660	696	804	846	888	930	972
	1,014	1,056	1,098	1,140	1,188	1,236	1,284	1,332
	1,380							
Class 3	540	564	588	660	684	714	744	774
	804	834						
Class 4	390	408	426	444	468	492	540	564
	588	660	684	714				
Class 5	270	282	294	306	318	390	408	426
	444	468	492					
Class 6	207	216	225	234	246	253	270	282
	294	306	318	330	345	360		

2. Treasurer :

Class A	1,188	1,236	1,284	1,332	1,380			
Class B	600	630	660	750	780	816	852	888
	930	972						
Class C	390	408	426	444	468	492	516	540
	564	588	612	636	660			
Class D	390	408	426	444	468	492		

3. Local Education Officer :

Grade I	1,188	1,236	1,284	1,332	1,380			
Grade II	624	660	696	804	846	888	930	972
	1,014	1,056	1,098	1,140	1,188	1,236	1,284	1,332
	1,380							
Grade III	456	474	492	510	528	546	564	582
	600	618	636	660	684	708	732	756
	780	804	828	852				
Grade IV	351	366	381	396	411	426	441	456
	474	492	510	528	546	564	582	600
	618	636	660	684	708	720		
Grade V	258	267	276	285	294	306	318	330
	342	354	366	378	390	405	420	450
	468	492						
Grade VI	216	228	240	252	264	276	288	300
	312	324	336	348	360	372	384	396
	408	420	432	444	456	468		

4. Other members of the service :

Salaries shall be paid in accordance with the scales approved by the Ministry of Local Government.

THIRD SCHEDULE

QUALIFICATIONS (REGULATION 13)

1. *Secretary, Classes 1, 2 & 3.*—Normally one of the following :—
 - (i) A degree of a University recognised by the Board ;
 - (ii) A Diploma in Public Administration issued by a body recognised by the Board ;
 - (iii) A Call to the Bar ;
 - (iv) A pass in the final examination of the Chartered Institute of Secretaries ;
 - (v) A pass in the final examination of the Corporation of Secretaries *plus* five years' experience in Government or Local Government service : Provided that a person with at least ten years' Government or Local Government service who does not possess any of the academic qualifications prescribed above may be appointed if the Board is satisfied that by reason of his experience and efficiency he is suitable.
2. *Secretary, Class 4, Secretary/Treasurer, Class 4.*—Normally, a pass on the nine months' Local Government Training Course : Provided that a person with at least eight years' Government or Local Government service who has not passed the course may be appointed if the Board is satisfied that by reason of his experience and efficiency he is suitable.
3. *Secretary, Treasurer, Classes 5 and 6.*—Normally, the West African School Certificate or such other certificate as the Board may consider its equivalent : Provided that a person with at least five years' Government or Local Government service who has not obtained the West African School Certificate may be appointed if the Board is satisfied that by reason of his experience and efficiency he is suitable.
4. *Treasurer, Classes A and B.*—Normally, a pass in the final examination of any accounting body recognised by the Board ; or a pass in the final examination of the Chartered Institute of Secretaries : Provided that a person with at least ten years' Government or Local Government service experience who does not possess professional qualifications may be appointed if the Board is satisfied that by reason of his experience and efficiency he is suitable.
5. *Treasurer, Classes C and D.*—Normally, a pass on the nine months' Local Government Training Course : Provided that a person with at least eight years' Government or Local Government service who does not possess the qualifications prescribed above may be appointed if the Board is satisfied that by reason of his experience and efficiency he is suitable.
6. *Local Education Officer, Grade I.*—A degree of a University recognised by the Board *plus* at least five years' experience as a teacher, or in Government or Local Government service.
7. *Local Education Officer, Grade II.*—One of the following :—
 - (a) A degree of a University recognised by the Board *plus* at least one year's experience as a teacher, or in Government or Local Government service ;
 - (b) A pass in the final examination of either the Chartered Institute of Secretaries or the Corporation of Secretaries *plus* at least one year's experience as a teacher, or in Government or Local Government service.
8. *Local Education Officer, Grades III and IV.*—One of the following :—
 - (a) The Diploma in Public Administration of a University recognised by the Board *plus* at least one year's experience as a teacher or in Government or Local Government service :

(b) The Teachers' Certificate, Grade I, with passes in at least two subjects at the "Advanced" level ;

(c) The Teachers' Professional Certificate ;

(d) The General Certificate of Education with passes in at least two subjects at the "Advanced" level, *plus* at least five years' experience as a teacher or in Government or Local Government service.

9. *Local Education Officer, Grade V.*—The Teachers' Certificate, Grade II *plus* either—

(a) The General Certificate of Education at the "Ordinary" level ; or

(b) A certificate to show that the candidate has completed the full course at a recognised secondary school.

10. *Local Education Officer, Grade VI.*—The Teachers' Certificate, Grade II.

FOURTH SCHEDULE

A.—Motor-Cycle and Car Allowances (regulations 88, 91 and 92) :

1. Rates of Basic Allowance and Reduced Mileage Allowance—

Basic Allowance—At the rates prescribed in General Order 22124 read in conjunction with General Order 22102.

Reduced Mileage Allowance—At the rates prescribed in General Order 22123 read in conjunction with General Order 22102.

2. Rates of Occasional Mileage Allowance—

Motor-Cycles—At the rates prescribed in General Order 22121.

Motor Cars—At the rates prescribed in General Order 22122 read in conjunction with General Orders 22102, 22104 and 22109.

B.—Travelling Allowance (regulation 96) :

At the rates prescribed in General Order 23007.

C.—Free Transport Allowance (regulation 101) :

Salary Scale, Class 3, Class B, Grade II (Local Education Officer) and above—At the scales prescribed in General Orders 17202, 17203, 17204, 17205 and 17213 as the case may be.

Salary scales below Class 3, Class B and Grade II (Local Education Officer)—At the scales prescribed in General Orders 17308, 17309 and 17310 as the case may be.

W.R.L.N. 355 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS
ORDER, 1957 : EGBA-IKEREKU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 28TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egba-Ikereku District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba-Ikereku District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting on the 24th day of August, 1957, that the Registration of Marriages Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 4
of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 13th August, 1958.

W.R.L.N. 356 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1958 : ONDO SOUTHERN DISTRICT
COUNCIL

DATE OF COMMENCEMENT : 28TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ondo Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ondo Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of December, 1957, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957 be adopted, substituting the following for the second schedule thereof :—

W.R.L.N.
356 of 1957.

SECOND SCHEDULE

(BYE-LAW 5)

	£	s	d	
Bakehouse	1	0	0	yearly
	0	11	0	half yearly
Other Regulated Premises	0	10	6	yearly
	0	6	0	half yearly

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 15th August, 1958.

W.R.L.N. 357 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE SLAUGHTERING OF ANIMALS ADOPTIVE
BYE-LAWS ORDER, 1958
OKEHO/IGANNA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 28TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 16th May, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted. W.R.L.N. 95 of 1958.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th August, 1958.

W.R.L.N. 358 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
OKEHO/IGANNA DISTRICT COUNCIL

DATE OF COMMENCEMENT : 28TH AUGUST, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 16th May, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted. W.R.L.N. 356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th August, 1958.

W.R.L.N. 359 of 1958

The Waterworks Ordinance (Cap. 227)

THE WATERWORKS (IRRUA/EWU DISTRICT GENERAL
WATER RATE) (AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made :—

Short title
and
application.

1. This Order may be cited as the Waterworks (Irrua/Ewu District General Water Rate) (Amendment) Order, 1958, and shall apply to the Irrua/Ewu Rating Authority area.

Amendment
of W.R.L.N.
97 of 1958.

2. Paragraph 2 of the Waterworks (Irrua/Ewu District General Water Rate) Order, 1958, is hereby amended by *deleting* the words "seven shillings and sixpence" and *substituting* therefor the words "twenty shillings".

PRINCE GODWILL SHAKA MOMODU,
Chairman,
Irrua/Ewu District Council

R. I. ABHULIMEN,
Secretary,
Irrua/Ewu District Council

APPROVED by the Minister of Local Government this 15th day of August, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 360 of 1958

The Waterworks Ordinance (Cap. 227)

THE WATERWORKS (IVIE-UDA-ESABA DISTRICT
GENERAL WATER RATE) (AMENDMENT) ORDER, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred upon the prescribed authority by section 9 of the waterworks Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Waterworks (Ivie-Uda-Esaba District General Water Rate) (Amendment) Order, 1958, and shall apply to the Ivie-Uda-Esaba Rating Authority area. Short title and application.

2. Paragraph 2 of the Waterworks (Ivie-Uda-Esaba District General Water Rate) Order, 1958 is hereby amended by *deleting* the words "eight shillings" and *substituting* therefor the words "twenty shillings". Amendment of W.R.L.N. 98 of 1958.

P. DAME OBOH,
Chairman,
Ivie-Uda-Esaba District Council

B. M. OBOH,
Secretary,
Ivie-Uda-Esaba District Council

APPROVED by the Minister of Local Government this 15th day of August, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 361 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made :—

1. This Notice may be cited as the Delegation of Functions (Minister of Finance) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the Schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the Schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Finance	Minister of Economic Planning

GIVEN at Ibadan this 21st day of August, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 362 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred upon the Minister of Justice by section 69 of the Customary Courts Law, 1957, and of the powers conferred upon me by Western Region Legal Notice 316 of 1958, I hereby direct that the Councils mentioned in column 1 of the following schedule shall be the competent Councils for the respective Customary Courts mentioned opposite them in column 2 of the said schedule :—

SCHEDULE	
<i>Column 1</i> <i>Councils</i>	<i>Column 2</i> <i>Customary Courts</i>
Oyo Divisional Council ...	Oyo Divisional Grade A Customary Court
	Oyo Northern Grade B Customary Court
	Oyo Southern Grade B Customary Court
	Oyo Grade C Customary Court
	Fiditi Grade C Customary Court
	Ilorin Grade C Customary Court
	Ikoyi Grade C Customary Court
	Iseyin Grade C Customary Court
	Okeiho Grade C Customary Court
	Shaki Grade C Customary Court
	Awe Grade D Customary Court
	Akinmorin Grade D Customary Court
	Iware Grade D Customary Court
	Ado-Awaiye Grade D Customary Court
	Ipapo Grade D Customary Court
	Okaka Grade D Customary Court
	Otu Grade D Customary Court
	Komu Grade D Customary Court
	Ilero Grade D Customary Court
	Iganna Grade D Customary Court
	Iwere Grade D Customary Court
	Ago-Arc Grade D Customary Court
	Tede Grade D Customary Court
	Aha Grade D Customary Court
	Shepeteri Grade D Customary Court
	Irawo Grade D Customary Court
	Offiki Grade D Customary Court
	Kishi Grade D Customary Court
	Igbeho Grade D Customary Court
	Igbetti Grade D Customary Court
Central Urhobo District Council.	Central Urhobo Grade B Customary Court
	Ogelle-Agbadu Grade C Customary Court
	Uwerun-Evereni Grade C Customary Court
	Jeremi Grade C Customary Court
	Ewu-Arhavbarien-Okparabe Grade C Customary Court
	Olomu-Effuruntor Grade C Customary Court
	Orogun Grade C Customary Court

Column 1 Councils		Column 2 Customary Courts			
Western Urhobo District Council.	Western Urhobo	...	...	...	Grade B Customary Court
	Agbon ...	...	...	...	Grade C Customary Court
	Abraka ...	...	...	...	Grade C Customary Court
	Jesse ...	...	...	...	Grade C Customary Court
	Oghara ...	...	...	...	Grade C Customary Court
	Udu ...	...	...	...	Grade C Customary Court
	Uybie ...	...	...	...	Grade C Customary Court
	Orerokpe ...	...	...	...	Grade C Customary Court
	Adeje ...	...	...	...	Grade C Customary Court
Elume ...	...	...	...	Grade C Customary Court	
Isoko District Council ...	Isoko ...	...	...	...	Grade B Customary Court
	Iyede-Emevor-Olomoro ...	...	...	...	Grade C Customary Court
	Usere-Aviara-Oleh ...	...	...	...	Grade C Customary Court
	Owe-Okpe-Uzoro ...	...	...	...	Grade C Customary Court
	Igbide-Okpolo-Emede-Arokwa-Umeh	...	...	...	Grade C Customary Court
Asaba Urban District Council.	Asaba ...	...	...	...	Grade B Customary Court
Aniocha District Council	Aniocha ...	...	...	...	Grade B Customary Court
	Ibusa ...	...	...	...	Grade C Customary Court
	Nsukwa ...	...	...	...	Grade C Customary Court
	Ogwashi-Uku ...	...	...	...	Grade C Customary Court
	Idumuje ...	...	...	...	Grade C Customary Court
	Okpanam ...	...	...	...	Grade C Customary Court
	Oko ...	...	...	...	Grade C Customary Court
	Illah-Ebu ...	...	...	...	Grade C Customary Court
	Ezechima ...	...	...	...	Grade C Customary Court
	Akwukwu-Atuma ...	...	...	...	Grade C Customary Court
	Ubulu ...	...	...	...	Grade C Customary Court
Odiani ...	...	...	...	Grade C Customary Court	
Ika District Council ...	Ika ...	...	...	...	Grade B Customary Court
	Agbor ...	...	...	...	Grade C Customary Court
	Akumazi ...	...	...	...	Grade C Customary Court
	Igbodo ...	...	...	...	Grade C Customary Court
	Umunede ...	...	...	...	Grade C Customary Court
	Ute-Okpu ...	...	...	...	Grade C Customary Court
	Otolokpo ...	...	...	...	Grade C Customary Court
	Mbiri ...	...	...	...	Grade C Customary Court
	Idumessah ...	...	...	...	Grade C Customary Court
	Owa ...	...	...	...	Grade C Customary Court
Abavo ...	...	...	...	Grade C Customary Court	
Ute-Ogbeje ...	...	...	...	Grade C Customary Court	
Ilesha Divisional Council	Ilesha Divisional	...	...	...	Grade A Customary Court

DATED at Ibadan this 22nd day of August, 1958.

AYODELE OKUSAGA,
Minister of Education,
for Minister of Justice

W.R.L.N. 363 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREVENTION OF ROAD OBSTRUCTION ADOPTIVE
BYE-LAWS ORDER, 1958

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

In exercise of the powers conferred by section 82 of the Local Government Law, 1957, upon the Minister to whom responsibility for local government is assigned, the following Order is hereby made :—

1. This Order may be cited as the Prevention of Road Obstructions Adoptive Bye-laws Order, 1958. Short title.
2. (1) The adoptive Bye-laws contained in the Schedule to this Order are hereby made. Making and adoption of scheduled Bye-laws.
(2) The said Bye-laws may be adopted, in accordance with the provisions of section 82 of the Local Government Law, 1957, as a whole, but not in parts, by a local government council to whose functions they relate.

SCHEDULE

1. These Bye-laws may be cited as the Prevention of Road Obstructions Adoptive Bye-laws, 1958. Short title.
2. (1) In these Bye-laws, unless the context otherwise requires—
 “council” means the council which has adopted these Bye-laws ;
 “road” means any of the roads or streets maintained by the Council set out in the Schedule hereto ;
 “structure of a permanent nature” means any structure whatsoever which once having been erected is of such nature that it cannot be removed without substantial damage thereto ;
 (2) Any person who, by himself or his agent or servant, on or near a road, erects any building or plants any tree or permanent crop, or erects any structure of a permanent nature, or makes any structural addition to an existing building or structure of a permanent nature, shall be deemed to have created an obstruction. Interpretation.
Schedule.
3. (1) No person shall create or cause to be created an obstruction within the prescribed distance from the middle line of any road to which these Bye-laws apply : Obstruction of roads.
 Provided that the council responsible for the upkeep of any road to which these Bye-laws apply may take from within one hundred feet of the centre line of such road such materials as may be necessary for the maintenance of the road and may construct and maintain within the area as aforesaid all drainage works necessary for the maintenance of the road.
 (2) For the purposes of this Bye-law the prescribed distance in relation to any road or any portion thereof set out in the first column of the Schedule hereto shall be the distance set out in the second column of the Schedule provided that the prescribed distance shall not exceed one hundred feet. Schedule.

- Penalty. 4. Any person who creates an obstruction or causes an obstruction to be created in contravention of the provisions of bye-law 3 shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding fifty pounds or, in default of payment, to imprisonment not exceeding three months.
- Removal of obstructions and recovery of expenses thereof. 5. (1) The council may cause any building or any part thereof or any other obstruction artificial or natural which is being created or has been created in contravention of bye-law 3 to be pulled down or removed.
(2) When any expense has been incurred in the pulling down or removing of any building or any part thereof or of any other obstruction as aforesaid such expense may be recovered from the person who caused the same to be created.
- Saving for existing structures. 6. The provisions of bye-laws 3, 4 and 5 shall not apply to any structure of a permanent nature erected on any land before the application of the provision of these Bye-laws to that land.
- Variation of Schedule. 7. The particulars set out in the Schedule hereto may, subject to the approval of the Minister, be varied or added to by a resolution of the council to be published in the Regional Gazette.
- Revocation. 8. All rules made under the Native Authority Ordinance or the Township Ordinance with respect to building lines and in force in the area of the council at the date of the adoption of these Bye-laws by the council are hereby revoked.

SCHEDULE

BYE-LAW 2

<i>Name of Road or Street</i>	<i>Prescribed Distance</i>
Blank Road	75 feet

MADE at Ibadan this 19th day of August, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 364 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
EDE DISTRICT COUNCIL

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ede District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ede District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of July, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1958. be adopted.

W.R.L.N.
357 of 1957.

Ibadan, 18th July, 1958.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

W.R.L.N. 365 of 1958

The Education Law, 1954 (No. 6 of 1955)

THE LOCAL EDUCATION AUTHORITY
 (APPOINTMENT OF THE AWORI AND AJEROMI
 JOINT EDUCATION BOARD) ORDER, 1958

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

In exercise of the powers conferred upon the Minister of Education by section 8 of the Education Law, 1954, the following Order is hereby made :—

1. This Order may be cited as the Local Education Authority (Appointment of Awori and Ajeromi Joint Education Board) Order, 1958. Short title.
2. The Awori and Ajeromi District Council Areas Joint Education Board is appointed to be the local education authority for the area over which it exercises authority. Appointment of local education authority.
3. (1) The education committee of the local education authority appointed by this Order shall be composed of the following :— Composition of education Committee.
 - (a) a chairman ;
 - (b) eight council members ; and
 - (c) six private members.
- (2) (a) The chairman and the eight council members shall be members of the local education authority and shall be appointed by it.
- (b) The private members shall, subject to sub-paragraph (3) of this paragraph, be suitable persons who have experience and interest in education and shall be appointed by the local education authority.
- (3) Of the private members—
 - (a) one shall be either a registered teacher or a member of the Nigerian Union of Teachers ;
 - (b) five shall be appointed by the local education authority from amongst persons approved by the Minister of Education (or any person to whom he has delegated his powers under paragraph (e) of sub-section (2) of section 12 of the Law) as representing the interests of voluntary agencies which are the proprietors of schools situate within the area of authority of the local education authority after consultation by the Minister or his delegate with all such voluntary agencies.
4. (1) The Chairman and the council members of the education committee shall hold office for such term as may be specified by the local education authority upon making their respective appointments but they shall in any case vacate their seats upon ceasing to be members of the Awori or Ajeromi District Councils.
- (2) Subject to sub-paragraph (3) of this paragraph, a private member shall hold office until the general election to the Awori or Ajeromi District Councils, occurring next after his appointment.
- (3) The seat of a private member of the education committee shall become vacant—
 - (a) upon his death ;

(b) if he is absent from four successive meetings of the committee without having obtained from the chairman before the termination of any such meeting permission to be absent or remain absent therefrom ;

(c) if he is sentenced to imprisonment for a term exceeding six months ;

(d) if by order of a competent authority he is disqualified from practising as a legal or medical practitioner or as a teacher ;

(e) if he is adjudged a lunatic or declared to be of unsound mind under any written law ;

(f) if he resigns ;

(g) in the case of a person appointed under sub-paragraph (3) (a) of paragraph 3, if he ceased to possess the requisite qualification.

(4) (a) The Minister of Education may remove from office any member of the education committee appointed under sub-paragraph (3) (b) of paragraph 3 who has in his opinion ceased to represent the interest in respect of which he is appointed.

(b) Before removing a member under the powers conferred by this sub-paragraph the Minister of Education shall consult with the voluntary agencies which are the proprietors of schools situate in the area of authority of the Awori or Ajeromi District Councils.

MADE at Ibadan the 4th day of August, 1958.

AYODELE OKUSAGA,
Minister of Education

I consent to the making of the above Order.

DATED the 19th day of August, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 366 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Agriculture and Natural Resources to the Minister of Economic Planning, notified by the Delegation of Functions (Minister of Agriculture and Natural Resources) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 367 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Works and Transport to the Minister of Finance, notified by the Delegation of Functions (Minister of Works and Transport) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

B 612

W.R.L.N. 368 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Justice to the Minister of Education, notified by the Delegation of Functions (Minister of Justice) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 369 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT : 1ST SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Home Affairs and Midwest Affairs to the Minister of Trade and Industry, notified by the Delegation of Functions (Minister of Home Affairs and Midwest Affairs) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 370 of 1958

The Chiefs Law, 1957
(No. 20 of 1957)

DATE OF COMMENCEMENT : 4TH SEPTEMBER, 1958

In exercise of the powers conferred upon him by section 3 of the Chiefs Law, 1957, the Minister hereby applies Part II of the Chiefs Law, 1957 to the chieftaincies set out in the Schedule to this notice and designates the Egba-Ikereku District Council as the competent local government council in respect of each such chieftaincy.

SCHEDULE

The Onishaga of Ishaga Orile ;
The Elewo of Ilewo Orile.

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 19th August, 1958.

W.R.L.N. 371 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF POWERS

DATE OF COMMENCEMENT : 11TH SEPTEMBER, 1958

In exercise of the powers conferred by section 33A of the Interpretation Ordinance, the following Notification is hereby made :—

Title and construction.

1. This Notice may be cited as the Delegation of Governor's Powers (Amendment No. 2) Notice, 1958, and shall be read and construed as one with the Delegation of Governor's Powers Notice, 1955 (hereinafter referred to as the principal Notice) and all amendments thereto.

W.R.L.N. 72 of 1956.

2. The First Schedule to the principal Notice is hereby amended as follows :—

Amendment of First Schedule to the principal Notice.

(i) by *deleting* the expression "Director of Medical Services" wherever it occurs in the said Schedule and *substituting* therefor the expression "Chief Medical Officer" ;

(ii) by *adding* to Delegation 20A (as inserted in the principal Notice by the Delegation of Governor's Powers (Amendment) Notice, 1958) the following new delegation :—

W.R.L.N. 93 of 1958.

"To appoint qualified medical practitioners to inquire as to the sanity of prisoners. Section 13 (1) Chief Medical Officer

ISSUED at Ibadan this 18th day of August, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier
and Executive Council

W.R.L.N. 372 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE COMPULSORY ACQUISITION OF LAND (AIYEDADE DISTRICT COUNCIL) AUTHORISATION ORDER, 1958

DATE OF COMMENCEMENT : 11TH SEPTEMBER, 1958

In exercise of the powers conferred upon the Minister of Local Government by section 231 of the Local Government Law, 1957, the following Order is hereby made :—

1. This Order may be cited as the Compulsory Acquisition of Land (Aiyedade District Council) Authorisation Order, 1958.

2. The Aiyedade District Council is hereby authorised to acquire compulsorily for an estate in fee simple the land described in the Schedule of this Order.

SCHEDULE

All that parcel of land shown in sketch plan No. A.D.C. 10/58 a copy of which is deposited with the Aiyedade District Council comprising a total area of 21.82 acres the boundaries of which are described as follows :—

(a) to the north for a distance of 767 feet along the line of the bulwark from the junction of the bulwark and the Ife-Ibadan Road ;

(b) to the East for a distance of 230 feet along the line of the Ife-Ibadan Road ;
and

(c) to the South for a distance of 660 feet in an easterly direction.

MADE at Ibadan this 15th day of August, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 373 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF SHEEP AND GOATS ADOPTIVE
BYE-LAWS ORDER, 1958 : THE EGBADO-KETU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 11TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egbado-Ketu District Council by section 82 (3) (d) of the Western Region Local Government Law, 1957, the Egbado-Ketu District Council has resolved in its meeting held on the 10th of May, 1958 to revoke and has revoked its resolution as published in the Western Region Legal Notice 382 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 2nd September, 1958.

W.R.L.N. 374 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

PREPARATION AND SALE OF PALM WINE ADOPTIVE
BYE-LAWS ORDER, 1957

DATE OF COMMENCEMENT : 11TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Okeho/Iganna District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Okeho/Iganna District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 16th day of May, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 25th August, 1958.

W.R.L.N. 375 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE
BYE-LAWS ORDER, 1957 : IYEKUSELU DISTRICT COUNCIL

DATE OF COMMENCEMENT : 11TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Iyekuselu District Council by sections 82 (2) and 271 of the Western Region Local Government Law, 1957, the Iyekuselu District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of June, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N. 55
of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 25th August, 1958.

W.R.L.N. 376 of 1958

Produce Inspection Ordinance, 1950
(No. 24 of 1950)

COCOA (INSPECTION FOR EXPORT) (AMENDMENT)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following Regulations:—

1. These Regulations may be cited as the Cocoa (Inspection for Export, (Amendment) Regulations, 1958. Citation.

2. Regulation 2 of the Cocoa (Inspection for Export) Regulations, 1951 (hereinafter referred to as the principal regulations) (as amended by the Cocoa (Inspection for Export) (Amendment) Regulations, 1956) is amended by the insertion therein in their proper alphabetical order of the following definitions:— Amendment of regulation 2. No. 28 of 1951. (L.N. 43 of 1956).

“cocoa beans in pod” means mature cocoa seed in the pod in its natural state ;

“wet, fully fermented cocoa beans” means mature cocoa beans extracted from the pod and fully fermented, but not thoroughly dry ;

“wet, unfermented cocoa beans” means mature cocoa beans extracted from the pod, not fermented and not thoroughly dry.

3. Regulation 12 of the principal regulations (as amended by the Adaptation of Laws Order, 1954), is amended by the addition after the word “Service” in the last line thereof of the words— Amendment of regulation 12.

“and in the case of the Northern Region, the Secretary for Produce Inspection”.

4. Regulation 15 of the principal regulations is revoked and substituted by the following— Replacement of regulation 15.

“Restriction on possession. 15 (1) No person other than the grower of the cocoa, at his own premises or at other premises approved by a produce officer, or a permitted processor at the premises prescribed in his permit, shall have in his custody, possession or under his control, whether for the use or benefit of himself or of any other person, or servant of any other person, any cocoa which is not thoroughly dry or which contains velvety beans.

(2) For the purposes of this Regulation and of regulation 18, a permitted processor means a person authorised by written permit from an officer of the Agricultural Department of the

No. 26 of 1951. Region, not below the grade of Principal Agricultural Officer, to purchase and transport cocoa beans in pod, wet unfermented cocoa beans and wet, fully fermented cocoa beans, and to take all necessary measures to ensure the drying and fermentation of such cocoa at the premises specified in his permit. No premises which are registered under regulation 13 of the Produce Inspection Regulations, 1951, shall be specified in any such permit.

(3) No person shall have in his custody, possession or under his control, whether for the use or benefit of himself or of any other person or as an agent, employee or servant of any other person, any cocoa which contains smoky beans.

(4) Any person contravening this regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months, or to both such fine and imprisonment”.

Amendment of regulation 18.

5. Regulation 18 of the principal regulations is amended—

(a) by the *deletion* of the words “smoky or” after the word “contains” where it first appears in paragraph (1) ;

(b) by the *addition* at the end of paragraph (1) of the following proviso—

“Provided that a permitted processor of cocoa may transport cocoa in pod, or wet, unfermented cocoa beans or wet, fully fermented cocoa beans to the premises specified in his permit”.

MADE by the Produce Inspection Board at Lagos this 22nd day of July, 1958.

H. H. WESTALL,
Chairman

E. O. ITAM,
Secretary

W.R.L.N. 377 of 1958

Produce Inspection Ordinance, 1950
(No. 24 of 1950)

COTTON (INSPECTION FOR EXPORT) (AMENDMENT)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following Regulations—

1. These regulations may be cited as the Cotton (Inspection for Export) (Amendment) Regulations, 1958, and shall come into operation on 1st day of August, 1958. Citation and commencement.

2. Regulation 5 of the Cotton (Inspection for Export) Regulations (hereinafter referred to as the principal regulations) as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the second line of the words—
 "and in the case of the Northern Region, the Secretary for Produce Inspection". Amendment of regulation 5 of regulation 30 of 1951.

3. Regulation 9 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the second line of the words—
 "and in the case of the Northern Region, the Secretary for Produce Inspection". Amendment of regulation 9.

4. Regulation 15 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the third line of paragraph (1) (a) of the words—
 "and in the case of the Northern Region, the Minister of Agriculture". Amendment of regulation 15.

5. Regulation 19 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the second line of the words—
 "and in the case of the Northern Region, the Secretary for Produce Inspection". Amendment of regulation 19.

6. Regulation 31 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the second line of paragraph (1) of the words—
 "and in the case of the Northern Region, the Secretary for Produce Inspection". Amendment of regulation 31.

7. Regulation 54 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the first line of the words— Amendment of regulation 54.

"and in the case of the Northern Region, the Secretary for Produce Inspection".

Amendment
of
Regulation
55

5. Regulation 55 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition after the word "Service" in the second line of paragraph 4 of the words—

"and in the case of the Northern Region, the Secretary for Produce Inspection".

Made by the Produce Inspection Board at Lagos this 22nd day of July, 1954.

H. H. WESTALL,
Chairman

E. O. ITAM,
Secretary

W.R.L.N. 378 of 1958

Produce Inspection Ordinance, 1950
(No. 24 of 1950)

RUBBER (INSPECTION FOR EXPORT) (AMENDMENT)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following Regulations :—

1. These regulations may be cited as the Rubber (Inspection for Export) (Amendment) Regulations, 1958, and shall come into operation on the 1st day of August, 1958. Citation and commencement.

2. Regulation 2 of the Rubber (Inspection for Export) Regulations, 1951 (hereinafter referred to as the principal regulations), as amended by the Rubber (Inspection for Export) (Amendment) Regulations, 1953, is revoked and the following regulation substituted therefor :— Amendment of regulation 2, L.N. 34 of 1951 and L.N. 12 of 1953.

"Exemptions. First Schedule. 2. (1) Regulations 3, 8 and 9 only of these regulations shall apply to the corporations, plantations and persons set out in the First Schedule hereto.

(2) These regulations shall not apply—

(a) to crepe rubber prepared by machine processes ;

(b) to paste rubber of all kinds".

3. The First Schedule to the principal regulations is amended by the addition of the following :— Amendment of First Schedule.

"38. Balogun Brothers	...	...	17 Idoluwo Street, Lagos.
39. West Enterprises Corporation Ltd.	...	...	1 Arigbe Road, P.O. Box 344, Warri.
40. William A. Sagay and Sons	...	...	Market Street, P.O. Box 29, Sapele.
41. D. O. Oghene and Sons	...	...	P.O. Box 248, Sapele.
42. Edo Trading Company	...	...	P.O. Box 136, Benin City.
43. M. J. Oni Trading Company	...	...	43/44 Lagos Street, Benin City.
44. Eke Brothers	...	...	Ikpoba Road, P.O. Box 228, Benin City.
45. N. O. Ogbolu and Company	...	...	43 Sakpoba Road, Benin City.
46. Ebiai Timber and Rubber Products Company.			P.O. Box 92, Sapele.
47. Oriwu Commercial Agency	...	...	64 Idoluwo Street, Lagos.
48. Sagay's Export and Import Trading Company.			P.O. Box 29, Sapele.
49. Eke Brothers Crepeing Factory	...	...	P.O. Box 240, Benin City.
50. Omorusi Obazee and Sons	...	...	No. 27 Upper Ikpoba Road, Benin City.

51. Nigerian Products Exporters Company	No. 7 Eguadase Street, P.O. Box 294, Benin City.
52. Obasuyi Brothers	12 Ibiwe Street, P.O. Box 193, Benin City.
53. Laibru General Merchants	40 Balogun Street, Gaizer Building, Lagos.
54. Southern Nigerian Rubber and Trading Company.	16 Iwehen Street, Benin City.
55. Humphrey Obasuyi and Sons... ..	17 Upper Wire Road, P.O. Box 245, Benin City.
56. Edga Trading Company	21 Ibiwe Street, P.O. Box 52, Benin City.
57. G. A. Logios	P.O. Box 87, Aba.
58. Eastern Nigeria Co-operative Rubber Marketing Society.	Aba."

MADE by the Produce Inspection Board at Lagos this 22nd day of July 1958.

H. H WESTALL,
Chairman

E. O. ITAM,
Secretary

W.R.L.N. 379 of 1958

Produce Inspection Ordinance, 1950
(No. 24 of 1950)PRODUCE INSPECTION (AMENDMENT)
REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following regulations:—

1. These Regulations may be cited as the Produce Inspection (Amendment) Regulations, 1958, and shall come into operation on the 1st day of August, 1958. Citation and commencement.
2. Regulation 5 of the Produce Inspection Regulations, 1951 (hereinafter referred to as the principal regulations) as amended by the Adaptation of Laws Order, 1954, is amended by the addition in paragraph (1) after the word "Service" in the second line thereof, of the words—
Amendment of regulation 5 of regulation 26 of 1951. (1951 Annual Vol., p.280). L.N. 131 of 1954.

"and in the case of the Northern Region, by the Permanent Secretary, Ministry of Agriculture".
3. Regulation 12 of the principal regulations as amended by the Adaptation of Laws Order, 1954, is amended by the addition in paragraph (5) after the word "Service" in the first line of the words—
Amendment of regulation 12.

"and in the case of the Northern Region, the Secretary for Produce Inspection".

MADE by the Produce Inspection Board at Lagos this 22nd day of July, 1958.

H. H. WESTALL,
Chairman

E. O. ITAM,
Secretary

W.R.L.N. 380 of 1958

Produce Inspection Ordinance, 1950
(No. 24 of 1950)

PALM PRODUCE (INSPECTION FOR EXPORT)
(AMENDMENT) REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST AUGUST, 1958

In exercise of the powers conferred by section 8 of the Produce Inspection Ordinance, 1950, the Produce Inspection Board has made the following Regulations :—

Citation and commencement.

1. These regulations may be cited as the Palm Produce (Inspection for Export) (Amendment) Regulations, 1958, and shall come into operation on the 1st day of August, 1958.

Amendment of regulation 5 of regulation 27 of 1951. (1951 Annual Vol., p.295). L.N. 170 of 1954.

2. Regulation 5 of the Palm Produce (Inspection for Export) Regulations (hereinafter referred to as the principal regulations) as inserted by the Palm Produce (Inspection for Export) (Amendment) Regulations, 1954, is amended by the addition in paragraph (4) after the word "Federation" in the second line of the words—

"and in the case of the Northern Region, the Secretary for Produce Inspection".

Amendment of regulation 7.

3. Regulation 7 of the principal regulations is amended by the addition in paragraph (2A) after the word "Service" in the second line and after the word "Service" in seventh line of the words—

"and in the case of the Northern Region, by the Secretary for Produce Inspection".

Amendment of regulation 10.

4. Regulation 10 of the principal regulations as inserted by the Palm Produce (Inspection for Export) (Amendment) Regulations, 1954, is amended by the addition in paragraph (6) after the word "Federation" in the second line of the words—

"and in the case of the Northern Region, the Secretary for Produce Inspection".

MADE by the Produce Inspection Board at Lagos this 22nd day of July, 1958.

H. H. WESTALL,
Chairman

E. O. ITAM,
Secretary

W.R.L.N. 381 of 1958

The Waterworks Ordinance
(Cap. 227)

THE WATERWORKS (AKOKO-EDO DISTRICT GENERAL
WATER RATE) ORDER, 1958

DATE OF COMMENCEMENT : 18TH SEPTEMBER, 1958

In exercise of the power conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

1. This order may be cited as the Waterworks (Akoko-Edo District General Water Rate) Order, 1958, and shall apply to Igarra Village of the Akoko-Edo District Rating Authority Area. Short title.

2. Subject to paragraph 3 of this order, an annual general water rate of seven shillings and six pence is hereby levied on all male persons of or over sixteen years of age resident within a distance of one mile from any public stand pipe in Igarra Village Area. Levy of general water rate.

3. The following persons or classes of persons shall be exempted from the general water rate imposed by paragraph 2 of this order :— Exemption.

(a) Students in full time attendance at any school, college or training centre ;

(b) Any indigent person who is by reason of bodily infirmity or disease unable to earn more than the bare means of subsistence ;

(c) Owners or occupiers of tenements on which water rate is levied by regulations made under section 16 of the Waterworks Ordinance :

Provided that not more than eight persons shall be exempted in respect of any one tenement.

4. The general water rate imposed by this order shall be payable yearly on or before the 31st day of October : Payment of rate.

Provided that for the year 1958-59 the general water rate shall be payable on or before the 31st day of October, 1958.

MADE at Igarra this 18th day of April, 1958, by the Akoko-Edo District Council's Order.

L. J. ALABI,
Chairman, Akoko-Edo District Council

T. A. OTARU,
Acting Secretary, Akoko-Edo District Council

APPROVED by the Minister of Local Government this 8th day of September, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 382 of 1958

The Waterworks Ordinance
(Cap. 227)

THE OSHOGBO/EDE JOINT WATER BOARD
(WATER CHARGES) REGULATIONS, 1958

DATE OF COMMENCEMENT : 1ST APRIL, 1958

In exercise of the powers conferred by section 16 of the Waterworks Ordinance, the following Regulations are hereby made by the Governor, after consultation with the Executive Council :—

- | | |
|--|--|
| Short title, commencement and application. | 1. (i) These Regulations may be cited as the Oshogbo/Ede Joint Water Board (Water Charges) Regulations, 1958, and shall be deemed to have come into force on the 1st day of April, 1958. |
| | (ii) These Regulations shall apply to any tenement in the Districts of Oshogbo and Ede, supplied with water by means of a private service from the Oshogbo/Ede Waterworks. |
| Charges for water supplied. | 2. The following rates of payment shall apply to tenements supplied by means of a private service— |
| | (a) to any tenement where the quantity of water is measured by a meter at the rate set forth in the Schedule to these Regulations ; |
| | (b) to any tenement in which a meter is not installed at the rate of one penny per annum per square foot of floor area of the tenement, subject to a minimum of four shillings a month. |
| Exemption. | 3. The following tenements shall be exempt from any charge for water imposed by these Regulations— |
| | (a) cemeteries ; |
| | (b) places of public worship. |
| Payment. | 4. Payment of the charges levied under these Regulations shall be made by the occupier at the offices of the prescribed authority within fourteen days of the receipt of a demand note issued by the prescribed authority. |

SCHEDULE

	<i>Cost per 1,000 gallons</i>
Non-residential Buildings, other than Educational Institutions and buildings owned by Missions.	3s 6d per 1,000 gallons or part thereof subject to a minimum charge of 5s per month.
Buildings owned by missions, educational institutions, and residential property.	2s 6d per 1,000 gallons or part thereof, subject to a minimum charge of 4s per month.

MADE at Ibadan this 8th day of September, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 383 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS
ORDER, 1956 : EGUN-AWORI DISTRICT COUNCIL

DATE OF COMMENCEMENT : 18TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egun-Awori District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egun-Awori District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 7th day of August, 1958 that the Registration of Marriages Adoptive Bye-laws Order, 1956, be adopted.

W.R.L.N.
4 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th August, 1958.

W.R.L.N. 384 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
ONDO SOUTHERN DISTRICT COUNCIL

DATE OF COMMENCEMENT : 18TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ondo Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ondo Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of December, 1957 that the Markets Adoptive Bye-laws, Order, 1956, be adopted, substituting the following for the Schedule thereof:—

W.R.L.N.
10 of 1956.

Delete the First Schedule thereof and substitute the following therefor:—

FIRST SCHEDULE

STALLAGES

	£	s	d	
For every Council's stall	0	1	0	per month
For every privately built stall	0	0	6	per month
Open space as a stall	0	0	1	per market day
For parking of Motor Vehicle	0	0	6	per market day

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 9th September, 1958.

W.R.L.N. 385 of 1958

*The Nigeria (Offices of Governor-General
and Governors) (Amendment No. 2)
Order in Council, 1958*

STATUTORY INSTRUMENTS. 1958 No. 1258
WEST AFRICA

MADE 30TH JULY, 1958
LAID BEFORE PARLIAMENT ... 7TH AUGUST, 1958
COMING INTO OPERATION ... 8TH AUGUST, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

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,
construction
and com-
mencement.

1. (1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment No. 2) Order in Council, 1958, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957(b), and the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958(c).

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957, the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, is amended by the deletion of sub-section (2).

(4) This Order shall come into operation on the eighth day of August, 1958.

Amendment
of s. 8 of
Order of
1954.

2. Section 8 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954(c) (hereinafter called "the principal Order") (as amended by section 6 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957(d), and section 6 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (2) of the words "The Governor" and the substitution of the words "the Governor-General".

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

(b) S.I. 1954/1147, 1955/431, 1957/1531 (1954 II, p. 2939; 1955 II, p. 3167).

(c) S.I. 1958/430. (d) S.I. 1954/1147 (1954 II, p. 2939).

(e) S.I. 1957/1531.

3. Section 8A of the principal Order (as set out in sub-section (1) of section 7 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended—

Amendment
of s. 8A of
Order of
1954.

(a) by the insertion in sub-section (2) after paragraph (d) of the following paragraph :—

“(dd) the office of Director of Audit of the Southern Cameroons;” ; and

(b) by the deletion from sub-section (2) of the word “Clerk” in paragraph (f) and the substitution of the word “Secretary”.

4. (1) Section 9 of the principal Order (as amended by section 8 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended by the deletion of sub-section (2) and the substitution of the following sub-section :—

Amendment
of s. 9 of
Order of
1954.

“(2) The offences to which this section applies are offences against any law in force in Nigeria other than—

(a) offences against a law enacted by the Legislature of a Region or the Legislature of the Southern Cameroons, as the case may be, or against any instrument made under any law so enacted :

(b) offences against any instrument made by the Governor of a Region or the High Commissioner for the Southern Cameroons otherwise than under any law so enacted ; or

(c) such offences against any other law in force in a Region or the Southern Cameroons, as the case may be, not being a law enacted by a legislature in Nigeria or an instrument made under a law so enacted, as the Governor-General may by Order published in the Official Gazette of the Federation prescribe.”

(2) For the purposes of section 9 of the principal Order, as amended by sub-section (1) of this section, an offence against any law that, at the time the offence was committed, was deemed for the purposes of the Constitution Order to be a law enacted by the Legislature of a Region or the Legislature of the Southern Cameroons, as the case may be, or an offence against any instrument made under any such law shall be deemed to be an offence against a law enacted by that Legislature or an offence against an instrument made under such a law, as the case may be.

5. Section 9A of the principal Order (as set out in section 9 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended—

Amendment
of s. 9A of
Order of
1954.

(a) by the deletion from sub-section (3) of the words “given by the Deputy Commissioner” in paragraph (c) and the substitution of the words “given by the Commissioner” ; and

(b) by the deletion from sub-section (3) of the word “Southern” in paragraph (d).

6. Section 9c of the principal Order (as set out in section 9 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958) is amended by the deletion of sub-section (2) and the substitution of the following sub-section :—

Amendment
of s. 9c of
Order of
1954.

“(2) The offences to which this section applies are offences against any law in force in the Southern Cameroons other than offences to which section 9 of this Order applies.”

Amendment
of s. 18 of
Order of
1954.

7. Section 18 of the principal Order is amended by the deletion of sub-section (2) and the substitution of the following sub-section :—

“(2) The offences to which this section applies in relation to a Region are offences against any law in force in that Region other than offences to which section 9 of this Order applies.”

Amendment
of s. 6 of
Order of
1954.

8. The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958, is amended by renumbering sub-section (1) of section 6 as section 6.

W. G. AGNEW

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 (Offices of Governor-General and Governors) Order in Council, 1954, as amended, relating to the constitution of offices for the Federation of Nigeria and for the Southern Cameroons, powers of pardon and the discharge of the functions of the Commissioner of the Cameroons.

W.R.L.N. 386 of 1958*The Public Health Law, 1957**(No. 25 of 1957)**The Local Government Law, 1957**(No. 12 of 1957)***THE SLAUGHTERING OF ANIMALS ADOPTIVE BYE-LAWS
ORDER, 1958 : NDOSIMILI DISTRICT COUNCIL.**

DATE OF COMMENCEMENT : 25TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of July, 1958 that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted.

W.R.L.N.
95 of 1958.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 11th September, 1958.

W.R.L.N. 387 of 1958*The Public Health Law, 1957**(No. 25 of 1957)**The Local Government Law, 1957**(No. 12 of 1957)***THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1958 : NDOSIMILI DISTRICT COUNCIL.**

DATE OF COMMENCEMENT : 25TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of July, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 11th September, 1958.

W.R.L.N. 388 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

**THE SLAUGHTERING OF ANIMALS ADOPTIVE BYE-LAWS
ORDER, 1958 : OSHOGBO DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 25TH SEPTEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Oshogbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Oshogbo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of August, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted.

W.R.L.N.
95 of 1958.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 11th September, 1958.

W.R.L.N. 389 of 1958

The Pilgrims Welfare Board Law, 1958
(No. 13 of 1958)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST OCTOBER, 1958

In exercise of the powers conferred by section 1 of the Pilgrims Welfare Board Law, 1958 (No. 13 of 1958) the Governor, after consultation with the Executive Council has appointed the 1st day of October 1958, as the day on which the Pilgrims Welfare Board Law shall come into operation.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

Ibadan, 8th September, 1958.

The Peace Preservation Ordinance (Cap. 166)

THE PROCLAIMED DISTRICTS (CANCELLATION) (No. 2)
NOTICE, 1958

DATE OF COMMENCEMENT : 25TH SEPTEMBER, 1958

In exercise of the power conferred on him by sub-section (3) of section 3 of the Peace Preservation Ordinance, the Governor after consultation with the Executive Council hereby notifies as follows :—

1. This Notice may be cited as the Proclaimed Districts (Cancellation) (No. 2) Notice, 1958.

2. The Proclaimed Districts Proclamation, 1958, is hereby cancelled in so far as it relates to the area of jurisdiction of the Ibadan District Council.

GIVEN at Ibadan this 16th day of September, one thousand nine hundred and fifty-eight.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT : 1ST OCTOBER, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of October, 1958, as the date on which the Customary Courts Law, 1957, shall come into operation in the following parts of the Region :—

Ekiti Division
Ondo Division
Aboh Division
Oshun Division
Afenmai Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 392 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT: 1ST OCTOBER, 1958

In exercise of the powers conferred upon the Minister of Justice by section 69 of the Customary Courts Law, 1957, and of the powers conferred upon me by Western Region Legal Notice 316 of 1958, I hereby direct that the Councils mentioned in column 1 of the following schedule shall be the competent Councils for the respective Customary Courts mentioned opposite them in column 2 of the said schedule:—

SCHEDULE

<i>Column 1</i> <i>Councils</i>	<i>Column 2</i> <i>Customary Courts</i>
Ukwuani District Council	Ukwuani District Grade B Customary Court
	Obiaruku Grade C Customary Court
	Ogume Grade C Customary Court
	mai Grade D Customary Court
	Ezionum Grade D Customary Court
	Umuebu Grade D Customary Court
	Utagba Ogbe Grade D Customary Court
	Onicha Grade D Customary Court
	Utagba Uno Grade D Customary Court
	Abbi Grade D Customary Court
	Emu Grade D Customary Court
	Umukwata Grade D Customary Court
	Akoku Grade D Customary Court
	Abedei... .. Grade D Customary Court
	Umutu... .. Grade D Customary Court
	Eziokpor Grade D Customary Court
Ndosimili District Council	Ndosimili Distrit Grade B Customary Court
	Ashaka Grade C Customary Court
	Aboh Grade C Customary Court
	Asc Grade C Customary Court
	Onya Grade D Customary Court
	Adiai Grade D Customary Court
	Umuolu Grade D Customary Court
	Utuoqu Grade D Customary Court
	Onogbokor Grade D Customary Court
	Afor Grade D Customary Court
	Ossissa... .. Grade D Customary Court
	Obekwele Grade D Customary Court
	Abarra... .. Grade D Customary Court
	Okpai Grade D Customary Court
	Igbuku Grade D Customary Court
	Iberede Grade D Customary Court
	Ushie Grade D Customary Court
	Ndoni Grade D Customary Court
	Utehi Grade D Customary Court
	Inyi Grade D Customary Court

SCHEDULE—*contd.*

<i>Column 1</i>						<i>Column 2</i>	
<i>Councils</i>						<i>Customary Courts</i>	
Ndosimili District Council <i>—contd.</i>		Onuabor ... ..	...	...	...	Grade D Customary Court	
		Akarai ... ..	...	...	...	Grade D Customary Court	
		Ibedeni ... ..	...	...	...	Grade D Customary Court	
Etsako District Council ...		Etsako District ... ..	...	...	...	Grade B Customary Court	
		Auchi ... ..	...	...	...	Grade C Customary Court	
		South Ibie ... ..	...	...	...	Grade C Customary Court	
		Uzairue ... ..	...	...	...	Grade C Customary Court	
		Ukpilla ... ..	...	...	...	Grade C Customary Court	
		Weppa Wanno ... ..	...	...	...	Grade C Customary Court	
		Aviele ... ..	...	...	...	Grade D Customary Court	
		Anwain ... ..	...	...	...	Grade D Customary Court	
		Avianwu ... ..	...	...	...	Grade D Customary Court	
		Ekperi ... ..	...	...	...	Grade D Customary Court	
		North Ibie ... ..	...	...	...	Grade D Customary Court	
		South Ineme ... ..	...	...	...	Grade D Customary Court	
		Jagbe ... ..	...	...	...	Grade D Customary Court	
Ivibiosakon District Council.		Ivibiosakon District ... ..	...	...	...	Grade B Customary Court	
		Emai ... ..	...	...	...	Grade C Customary Court	
		Ora ... ..	...	...	...	Grade C Customary Court	
		Iuleha ... ..	...	...	...	Grade C Customary Court	
		Otva ... ..	...	...	...	Grade C Customary Court	
		Ivimion ... ..	...	...	...	Grade C Customary Court	
		Usokhua ... ..	...	...	...	Grade D Customary Court	
		Ozalla ... ..	...	...	...	Grade D Customary Court	
		Igwe ... ..	...	...	...	Grade D Customary Court	
		Sebe ... ..	...	...	...	Grade D Customary Court	
		Warrake ... ..	...	...	...	Grade D Customary Court	
		Ivيارو ... ..	...	...	...	Grade D Customary Court	
		Erra ... ..	...	...	...	Grade D Customary Court	
Akoko-Edo District Council.		Akoko-Edo District ... ..	...	...	...	Grade B Customary Court	
		Igarra-Akoko ... ..	...	...	...	Grade C Customary Court	
		North Akoko ... ..	...	...	...	Grade C Customary Court	
		North-East Akoko ... ..	...	...	...	Grade C Customary Court	
		East Akoko ... ..	...	...	...	Grade D Customary Court	
		Okpe Oloma ... ..	...	...	...	Grade D Customary Court	
		North Ineme ... ..	...	...	...	Grade D Customary Court	
		Central Akoko ... ..	...	...	...	Grade D Customary Court	
		Imeri ... ..	...	...	...	Grade D Customary Court	
		Kakamu/Anyaran ... ..	...	...	...	Grade D Customary Court	
		Ososo ... ..	...	...	...	Grade D Customary Court	
		Okuloso ... ..	...	...	...	Grade D Customary Court	
		Central Ineme ... ..	...	...	...	Grade D Customary Court	
	Ekpeshi ... ..	...	...	...	Grade D Customary Court		
	Atte ... ..	...	...	...	Grade D Customary Court		
	Enwan ... ..	...	...	...	Grade D Customary Court		
Ekiti Southern District Council.		Ekiti Southern ... ..	...	...	...	Grade B Customary Court	
		Ikerre No. 1 ... ..	...	...	...	Grade C Customary Court	
		Ikerre No. 2 ... ..	...	...	...	Grade C Customary Court	
		Ogotun ... ..	...	...	...	Grade C Customary Court	
		Emure ... ..	...	...	...	Grade C Customary Court	

SCHEDULE—contd.

<i>Column 1</i>		<i>Column 2</i>	
<i>Councils</i>		<i>Customary Courts</i>	
Ekiti Southern District Council—contd.	Ise ... ..	...	Grade C Customary Court
	Ilawe ... ..	...	Grade C Customary Court
	Igbara-Odo ... ..	...	Grade C Customary Court
Ado District Council ...	Ado District ... ..	...	Grade B Customary Court
	Ado ... ..	...	Grade C Customary Court
	Aisegba ... ..	...	Grade D Customary Court
	Ode ... ..	...	Grade D Customary Court
	Iyin ... ..	...	Grade D Customary Court
	Igede ... ..	...	Grade D Customary Court
	Awo ... ..	...	Grade D Customary Court
	Are ... ..	...	Grade D Customary Court
	Ijero District Council ..	Ijero District ... ..	...	Grade B Customary Court
	Ijero ... ..	...	Grade C Customary Court
	Ikoru ... ..	...	Grade D Customary Court
	Ipoti ... ..	...	Grade D Customary Court
	Aiyetoro ... ..	...	Grade D Customary Court
	Iye ... ..	...	Grade D Customary Court
	Ewu ... ..	...	Grade D Customary Court
Ekiti Western District Council.	Ekiti Western... ..	...	Grade B Customary Court
	Aramoko ... ..	...	Grade C Customary Court
	Okemesi ... ..	...	Grade C Customary Court
	Effon ... ..	...	Grade C Customary Court
	Erijuyan ... ..	...	Grade D Customary Court
	Iddo Irappa ... ..	...	Grade D Customary Court
Ekiti Northern District Council.	Ekiti Northern ... ..	...	Grade B Customary Court
	Aiyede ... ..	...	Grade C Customary Court
	Oye ... ..	...	Grade C Customary Court
	Ire ... ..	...	Grade D Customary Court
	Egosi ... ..	...	Grade D Customary Court
	Itaji ... ..	...	Grade D Customary Court
	Ishan ... ..	...	Grade D Customary Court
	Ipawo ... ..	...	Grade D Customary Court
	Ikole District Council ...	Ikole District ... ..	...	Grade B Customary Court
Ikole ... ..		...	Grade C Customary Court
Itapa ... ..		...	Grade D Customary Court
Aiyedun ... ..		...	Grade D Customary Court
Iddo-Osi District Council	Hasha ... ..	...	Grade D Customary Court
	Iddo-Osi District ... ..	...	Grade B Customary Court
	Iddo ... ..	...	Grade C Customary Court
	Ushi-Ilogbo ... ..	...	Grade D Customary Court
	Ifaki ... ..	...	Grade D Customary Court
Otun District Council ...	Osi ... ..	...	Grade D Customary Court
	Otun District... ..	...	Grade B Customary Court
	Otun ... ..	...	Grade C Customary Court
	Gogo ... ..	...	Grade D Customary Court
	Ikun ... ..	...	Grade D Customary Court
Ondo Divisional Council	Erinmope ... ..	...	Grade D Customary Court
	Ondo Central District ... ..	...	Grade B Customary Court
	Ondo Central District ... ..	...	Grade C Customary Court
	Ile-Oluji ... ..	...	Grade D Customary Court
	Okcigbo ... ..	...	Grade D Customary Court

SCHEDULE—*contd.*

<i>Column 1</i> Councils			<i>Column 2</i> Customary Courts
Ondo Divisional Council	Igbado...	...	Grade D Customary Court
<i>—contd.</i>	Ajuc ...	...	Grade D Customary Court
	Odigbo ...	...	Grade D Customary Court
	Agbabu ...	...	Grade D Customary Court
	Ajibandele ...	...	Grade D Customary Court
	Araromi ...	...	Grade D Customary Court
	Aiyesan ...	...	Grade D Customary Court
Idanre District Council ...	Idanre No. 1 ...	...	Grade D Customary Court
	Idanre No. 2 ...	...	Grade D Customary Court
	Onishere ...	...	Grade D Customary Court
Akure Divisional Council	Akure Town No. 1 ...	...	Grade D Customary Court
	Akure Town No. 2 ...	...	Grade D Customary Court
	Itaogbolu ...	...	Grade D Customary Court
	Iju ...	...	Grade D Customary Court
	Ilara ...	...	Grade D Customary Court
	Ijare ...	...	Grade D Customary Court
	Igbaraoke ...	...	Grade D Customary Court
	Alade/Atoshin ...	...	Grade D Customary Court
Ondo Divisional Council.	} joint-ly.	Ondo Divisional ...	Grade B Customary Court
Akure Divisional Council.			
Idanre District Council.			
Ogbomosho District Council			
	Oshun North ...	...	Grade B Customary Court
	Ogbomosho ...	...	Grade B Customary Court
	Ogbomosho ...	...	Grade C Customary Court
	Gbede ...	...	Grade D Customary Court
	Iressa-Du ...	...	Grade D Customary Court
	Oko ...	...	Grade D Customary Court
	Ajava ...	...	Grade D Customary Court
	Ajashe ...	...	Grade D Customary Court
Ejigbo District Council ...	Ejigbo ...	...	Grade C Customary Court
	Ifeodan ...	...	Grade D Customary Court
Iwo District Council ...	Iwo ...	...	Grade B Customary Court
	Iwo ...	...	Grade C Customary Court
	Kuta/Ile-Igbo ...	...	Grade D Customary Court
	Oluponna ...	...	Grade D Customary Court
	Bode-Osi ...	...	Grade D Customary Court
Ejigbo District Council.	} joint-ly.	Oshun West ...	Grade B Customary Court
Iwo District Council			
Aiyedade District Council	Aiyedade ...	...	Grade B Customary Court
	Ikire ...	...	Grade C Customary Court
	Ago-Owu ...	...	Grade D Customary Court
	Apomu ...	...	Grade D Customary Court
	Ikoyi ...	...	Grade D Customary Court
Ede District Council ...	Ede ...	...	Grade B Customary Court
	Ede ...	...	Grade C Customary Court
	Iddo-Oshun ...	...	Grade D Customary Court
	Ara ...	...	Grade D Customary Court

SCHEDULE—*contd.*

<i>Column 1</i> Councils		<i>Column 2</i> Customary Courts	
Egbedore District Council	Gbongan	Grade C Customary Court	
	Ode-Omu	Grade C Customary Court	
Aiyedade District Council.	} joint-ly.		
Ede District Council		Oshun South	Grade B Customary Court
Egbedore District Council.			
Ifelodun District Council		Iragbiji	Grade C Customary Court
	Ada	Grade D Customary Court	
	Igbajo	Grade D Customary Court	
	Ire	Grade D Customary Court	
	Iressi	Grade D Customary Court	
	Otan	Grade D Customary Court	
Ikirun District Council ...	Ikirun	Grade B Customary Court	
	Ekonde	Grade D Customary Court	
	Iba	Grade D Customary Court	
Odo-Otin District Council	Odo-Otin	Grade C Customary Court	
	Oyan	Grade D Customary Court	
	Inisha	Grade D Customary Court	
Oshogbo District Council	Oshogbo	Grade B Customary Court	
	Ilobu	Grade C Customary Court	
	Oshogbo	Grade C Customary Court	
	Ifon	Grade D Customary Court	
	Erin	Grade D Customary Court	
	Oba	Grade D Customary Court	
Ifelodun District Council.	} joint-ly.		
Ikirun District Council		Oshun East	Grade B Customary Court
Odo-Otin District Council.			
Oshogbo District Council.			

Dated at Ibadan this 22nd day of September, 1958.

AYODELE OKUSAGA,
Minister of Education,
for Minister of Justice

W.R.L.N. 393 of 1958

*The Nigeria (Constitution) (Amendment No. 3)
Order in Council, 1958*STATUTORY INSTRUMENTS, 1958 No. 1522
WEST AFRICA

MADE 11TH SEPTEMBER, 1958

LAID BEFORE PARLIAMENT ... 17TH SEPTEMBER, 1958

COMING INTO OPERATION ... 18TH SEPTEMBER, 1958

At the Court at Balmoral, the 11th day of September, 1958

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,
construction
and com-
mencement.

1. (1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957 (b), the Nigeria (Constitution) (Amendment) Order in Council, 1958 (c), and the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958 (d).

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, is amended by the deletion of sub-section (2).

(4) This Order shall come into operation on the eighteenth day of September, 1958:

Provided that sub-section (2) of section 2 shall be deemed to have come into operation on the first day of April, 1958.

Amendment
of s. 2 of
Order of
1954.

2. (1) Section 2 of the Nigeria (Constitution) Order in Council, 1954, (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and sub-section (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion in sub-section (4) after the word "Minister," in sub-paragraph (iii) of paragraph (b) of the words "Temporary Minister,".

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

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954, p. 1829; 1955, p. 1363; 1956, p. 2953).

(c) S.I. 1958/429.

(d) S.I. 1958/1257.

(2) Section 2 of the principal Order (as amended) is further amended by the insertion in sub-section (4) after the words "Regional Minister", in sub-paragraph (iv) of paragraph (b) of the words "Parliamentary Secretary to a Regional Minister",

3. Section 88 of the principal Order (as set out in sub-section (1) of section 18 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) is amended—

Amendment of s. 88 of Order of 1954.

(a) by the deletion from sub-section (1) of the word "and" in paragraph (a); and

(b) by the insertion in sub-section (1) after paragraph (b) of the following paragraph:—

"and

(c) such Temporary Ministers as may be appointed in accordance with section 92 of this Order".

4. The principal Order (as amended) is amended by the insertion after section 91 (as set out in section 22 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957) of the following section:—

Insertion of s. 92 in Order of 1954.

92. (1) Whenever a Minister is ill or absent from Nigeria, the Governor-General, acting on the recommendation of the Prime Minister, may, by Instrument under the Public Seal, appoint a person from among the members of the House of Representatives to be temporarily a member of the Council of Ministers:

Provided that, if a person is so appointed on account of the illness or absence of a Minister who is a Representative Member of the House of Representatives elected in the Southern Cameroons, that person shall be appointed from among the Representative Members of the House elected in the Southern Cameroons.

(2) Members of the Council of Ministers appointed under this section shall be styled Temporary Ministers.

(3) The seat in the Council of Ministers of a Temporary Minister shall become vacant when he is notified by the Governor-General, acting on the recommendation of the Prime Minister, that the Minister on account of whose illness or absence he was appointed is no longer ill or absent from Nigeria or when the seat in the Council of that Minister becomes vacant.

(4) The provisions of section 91 of this Order shall, subject to the provisions of sub-section (3) of this section, apply in relation to a Temporary Minister as they apply in relation to a Minister other than the Prime Minister and the references in section 7, 97, 98, 100, 102 and 154B of this Order to a Minister shall be construed as if they included references to a Temporary Minister".

5. Section 180E of the principal Order (as set out in sub-section (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the insertion after sub-section (2) of the following sub-section:—

Amendment of s. 180E of Order of 1954.

"(3) Section 180B of this Order shall apply in relation to offices with respect to which the Governor has power to make appointments by virtue of sub-section (1) of this section as it applies in relation to offices with

respect to which he has power to make appointments by virtue of section 180A of this Order and for that purpose—

(a) the references in sub-section (1) of section 180B to the Public Service Commission of the Western Region shall be construed as if they were references to the Judicial Service Commission of the Region;

(b) that sub-section shall have effect as if for the words 'by such authority or by such officers in the public service of the Region' there were substituted the words 'by such judge or magistrate or other judicial officer of the Region or by such authority consisting wholly or partly of such officers''; and

(c) sub-section (2) of section 180B shall have effect as if the words 'in the public service of the Western Region' were deleted and as if for the words 'section 180A' there were substituted the words 'section 180E''.

W. G. AGNEW

EXPLANATORY NOTE

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

This Order amends the Nigeria (Constitution) Order in Council, 1954, as amended, to provide that for the purposes of the Order the office of a Parliamentary Secretary to a Regional Minister shall not be considered to be an office in the public service of a Region, to provide for the appointment of persons to be temporarily members of the Council of Ministers in certain circumstances, and to provide that the Governors of the Western and Eastern Regions may delegate their powers of appointment and dismissal of certain officers connected with the courts of those Regions.

W.R.L.N. 394 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
IKALE IDAPOMARUN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the I kale Idapomarun District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the I kale Idapomarun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of April, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th September, 1958.

W.R.L.N. 395 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
WARRI URBAN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Warri Urban District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Warri Urban District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 25th day of June, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th September, 1958.

W.R.L.N. 396 of 1958

The Public Health Law, 1957

(No. 25 of 1957)

The Local Government Law, 1957

(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
OSHOGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Oshogbo District Council by sections 82(2) and 271 of the Local Government Law, 1957, the Oshogbo District Council in accordance with section 82(3)(a) of the said Law has resolved at its meeting held on the 12th day of August, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted substituting the following for the second schedule thereof:—

W.R.L.N.
356 of 1957.

SECOND SCHEDULE

(BYE-LAW 5)

	£	s	d	
Bakchouse with Baking Machinery	5	0	0	yearly
installed	3	0	0	half yearly
	2	0	0	quarterly
Hand made Bakehouse	1	0	0	yearly

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th September, 1958.

W.R.L.N. 397 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 18TH SEPTEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made:—

1. This Notice may be cited as the Delegation of Functions (Minister of Justice) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Justice	Minister of Education

GIVEN at Ibadan this 25th day of September, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 398 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 1ST OCTOBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the delegation of the functions of the Minister of Finance to the Minister of Economic Planning, notified by the Delegation of Functions (Minister of Finance) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 399 of 1958

*The Widows' and Orphans' Pension (Western Region)
Law, 1957 (No. 17 of 1957)*

**THE WIDOWS' AND ORPHANS' PENSIONS ORDINANCE
(AMENDMENT) APPLICATION ORDER IN COUNCIL, 1958**

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 of the Widows' and Orphans' Pension (Western Region) Law, 1957, the following Order is hereby made:—

- Citation. 1. This Order may be cited as the Widows' and Orphans' Pensions Ordinance (Amendment) Application Order in Council, 1958.
- Application of Ordinance 13 of 1958. 2. The provisions of the Widows' and Orphans' Ordinance (Amendment) Ordinance, 1958, shall be operative in the Western Region.

MADE by the Governor in Council the 8th day of September, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 400 of 1958

*The Chiefs Law, 1957
(No. 20 of 1957)*

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

In exercise of the powers conferred upon him by section 3 of the Chiefs Law, 1957, the Minister hereby applies Part II of the Chiefs Law, 1957, to the chieftaincies referred to in the schedule to this notice and designates the Irrua/Ewu District Council as the competent local government council in respect of the chieftaincies.

SCHEDULE

CHIEFTAINCIES TO WHICH LAW IS TO BE APPLIED

The Ezomo of Irrua ;	The Edohen of Irrua ;
The Iyasele of Irrua ;	The Eson of Ewu ;
The Oniha of Irrua ;	The Inneh of Ewu ;
The Inneh of Irrua ;	The Ewagwe of Ewu ;
The Esogban of Irrua ;	The Idalogho of Ewu.
The Idalogho of Irrua ;	

Ibadan, 29th September, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 401 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
AKUGBE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akugbe District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akugbe District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 27th day of November, 1957, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
10 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd September, 1958.

W.R.L.N. 402 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1958: OTTA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 2ND OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Otta District Council by sections 82(2) and 271 of the Local Government Law, 1957, the Otta District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of August, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd September, 1958.

W.R.L.N. 403 of 1958

*The Nigeria (Retirement Benefits)
Order in Council, 1958*

STATUTORY INSTRUMENTS, 1958 No. 1523
WEST AFRICA

MADE 11TH SEPTEMBER, 1958

LAI'D BEFORE PARLIAMENT 17TH SEPTEMBER, 1958

COMING INTO OPERATION 18TH SEPTEMBER, 1958

At the Court at Balmoral, the 11th day of September, 1958

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 :—

1. (1) This Order may be cited as the Nigeria (Retirement Benefits) Order in Council, 1958. Citation and commencement.

(2) This Order shall come into operation on the eighteenth day of September, 1958.

2. (1) The provisions of section 2 of the Nigeria (Constitution) Order in Council, 1954(b), as amended(c), shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting that Order. Interpretation.

(2) The provisions of sub-section (4A) of section 2, sub-sections (2), (3) and (4) of section 89 and sub-sections (2), (3) and (4) of section 105 of the Nigeria (Constitution) Order in Council, 1954, as amended, shall apply in relation to this Order as they apply in relation to that Order, and for that purpose references to that Order shall be construed as if they were references to this Order.

3. (1) The provisions contained in the First Schedule to this Order shall have effect in relation to the public service of the Federation and the public service of the Northern Region. Provisions of First Schedule to have effect in relation to public services of Federation and Northern Region.

(2) An officer in the public service of the Federation or the public service of the Northern Region who retired after the twenty-ninth day of August, 1957, and before the commencement of this Order and who would have been eligible to retire under the First Schedule to this Order if the provisions of that Schedule had been in force at the date of his retirement, may be granted such benefits as could have been granted to him if those provisions had been in force at that date and he had retired thereunder.

(a) 53 & 54 Vict. 37.

(b) S.I. 1954/1146 (1954 II, p. 2829)

(c) S.I. 1955/432, 1956/836, 1957/1363, 1530, 1958/429, 1287 (1955 II, p. 3163; 1956 II, p. 2953.

Provisions of Second Schedule to have effect in relation to public services of Western and Eastern Regions.

4. (1) The provisions contained in the Second Schedule to this Order shall have effect in relation to the public service of the Western Region and the public service of the Eastern Region.

(2) If any officer in the public service of the Western Region or the public service of the Eastern Region who is not an entitled officer for the purposes of the Second Schedule to this Order is an entitled officer for the purposes of the interim scheme he shall be deemed to be an entitled officer for the purposes of that Schedule.

(3) Where any officer in the public service of the Western Region or the public service of the Eastern Region has before the commencement of this Order in pursuance of the interim scheme applied for or been granted permission to serve in the public service of the Region for any period with rights similar to the special rights for which provision is made in the Second Schedule to this Order, or given notice of his intention to retire from that public service at any time, he shall be deemed to have applied for or been granted permission to serve in that public service for that period with special rights or to have given notice of his intention to retire from that public service at that time, as the case may be, in pursuance of the Second Schedule to this Order.

(4) Any benefits granted in pursuance of the interim scheme to officers in the public service of the Western Region or the public service of the Eastern Region on their retirement or transfer or to any other person on the death of any such officer shall be deemed to have been granted in pursuance of the Second Schedule to this Order, whether or not those benefits differ from the benefits that may be granted in pursuance of that Schedule:

Provided that where the benefits granted upon the retirement, transfer or death of any officer would have been greater if the provisions of the Second Schedule had been in force at the date of such retirement, transfer or death and they had been granted in pursuance of those provisions, those benefits shall be recalculated and regranted in accordance with those provisions as if those provisions had been in force on that date, and any sums paid or payable to that officer or any other persons shall be adjusted accordingly.

(5) For the purposes of this section "the interim scheme" in relation to the public service of the Western Region means the compensation scheme published by the Government of that Region on the sixth day of August, 1957, and in relation to the public service of the Eastern Region means the compensation scheme published by the Government of that Region on the nineteenth day of August, 1957.

Financial responsibility for additional allowance, etc.

5. (1) Where any additional allowance or additional gratuity is granted under this Order to any officer in the public service of a Region, then—

(a) in the case of an officer whose whole service that qualifies for pension has been in Nigeria, the cost of such allowance or gratuity shall be shared by the Federation and each Region in the public service of which that officer has served, so that the Federation shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of the Federation and each such Region shall pay such amount of the allowance or gratuity as is proportionate to the aggregate amount of the pensionable emoluments received by the officer in respect of his service in the public service of that Region; and

(b) in the case of any other officer, such allowance or gratuity shall be paid by the Region in the public service of which the officer is serving at the time when he retires.

(2) For the purposes of this section service in the former public service of Nigeria shall be deemed to be service in the public service of the Federation.

(3) Any sum that is payable under this section by the Federation shall be a charge on the Consolidated Revenue Fund of the Federation and any sum that is so payable by a Region shall be a charge on the Consolidated Revenue Fund of the Region, and every sum so charged shall be statutory expenditure for the purposes of section 154B of the Nigeria (Constitution) Order in Council, 1954, as amended.

6. (1) In this section—

“pensions law” means a law that governs the grant of pensions, gratuities and other like benefits;

“dependants” in relation to any person means the widow, children, dependants and personal representatives of that person.

(2) Subject to the provisions of this Order, any pensions law enacted by any legislature in Nigeria that applied immediately before the commencement of this Order in relation to any person in respect of his service in the former public service of Nigeria, the public service of the Federation or the public service of a Region or in relation to the dependants of any such person in respect of any such service shall continue to apply in relation to that person or to those dependants as the case may be.

(3) Any law enacted by the Federal Legislature may be applied in relation to any person mentioned in sub-section (2) of this section in respect of his service in the former public service of Nigeria or the public service of the Federation and in relation to his dependants in respect of any such service instead of the pensions law that applies by virtue of that sub-section if the law enacted by the Federal Legislature is not less favourable to that person or his dependants, as the case may be, than that pensions law.

(4) Any law enacted by the Legislature of a Region may be applied in relation to any person mentioned in sub-section (2) of this section in respect of his service in the public service of that Region and in relation to the dependants of any such person in respect of any such service instead of the pensions law that applies by virtue of that sub-section if the law enacted by the Legislature of the Region is not less favourable to that person or his dependants, as the case may be than that pensions law.

(5) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Federation or the public service of a Region after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first appointed to a pensionable office in that public service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(6) Where any person is entitled to exercise an option whether one of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

Application
of pensions
laws.

FIRST SCHEDULE

RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICES OF
THE FEDERATION AND THE NORTHERN REGION

Interpre-
tation.

1. (1) In this Schedule, unless the context otherwise requires—

“appropriate law” in relation to an officer in the public service of the Federation or the public service of the Northern Region means the law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the former public service of Nigeria or the public service of the Federation or the public service of a Region;

“existing overseas officer” in relation to the public service of the Federation or the public service of the Northern Region means an overseas officer in that public service—

(a) who was before the thirtieth day of August, 1957, appointed or selected for appointment as the substantive holder of an office in the public service of the Federation or the public service of a Region, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment,

and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor-General, in the case of an officer in the public service of the Federation, or with the concurrence of the Governor, in the case of an officer in the public service of the Northern Region, to be an existing overseas officer;

“future overseas officer” in relation to the public service of the Federation or the public service of the Northern Region means an overseas officer in that public service—

(a) who was after the twenty-ninth day of August, 1957, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment;

“overseas officer” means an officer in the public service of the Federation or the public service of the Northern Region who is, either individually or as a member of a class, declared by the Governor-General, acting in his discretion, to be an overseas officer;

“pensionable emoluments” in relation to an officer in the public service of the Federation or the public service of the Northern Region means emoluments that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

“pensionable service” in relation to an officer in the public service of the Federation or the public service of the Northern Region means the aggregate amount of service that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

“substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) Where a person has been gazetted as the substantive holder of any office with effect from a date earlier than the date of the gazette, he shall for the purposes of this Schedule be deemed to have become the substantive holder of that office on that earlier date.

(3) Where an officer in the public service of the United Kingdom was on any date appointed or selected for appointment as the holder of an office in the public service of the Federation or the public service of the Northern Region and for any period thereafter was entitled to revert to the public service of the United Kingdom he shall not for the purposes of this Schedule be regarded as having been appointed to be the substantive holder of an office in that public service or as having been selected for appointment as such, as the case may be, on that date, but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceased to be entitled so to revert if on that date he was the holder of an office in that public service.

(4) A person who was before the commencement of this Order declared by the Governor-General to be an overseas officer shall for the purposes of this Schedule be deemed to be an overseas officer.

(5) Where under the appropriate law an officer in the public service of the Federation or the public service of the Northern Region may be granted two or more pensions references in this Schedule to the pension that may under the appropriate law be granted to that officer shall include references to both or all of those pensions.

(6) Any question concerning the interpretation of this Schedule may be referred to and determined by a Secretary of State, whose decision thereon shall be final.

2. (1) Subject to the provisions of sub-paragraph (4) of this paragraph, an existing overseas officer in the public service of the Federation may, after giving four months' notice in writing to the Governor-General or such shorter notice as the Governor-General, acting in his discretion, may allow, retire at any time.

Existing
and
certain
future
overseas
officers
may retire
at any time.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, a future overseas officer in the public service of the Federation may, after giving six months' notice to the Governor-General or such shorter notice as the Governor-General, acting in his discretion, may allow, retire at any time if he has completed ten years' service, being service that may be taken into account in determining whether he is eligible for the grant of a pension or gratuity under the appropriate law, of which the three years immediately before his retirement were served—

- (a) in the public service of the Federation;
- (b) in the public service of one or more Regions; or
- (c) partly in the public service of the Federation and partly in the public service of one or more Regions:

Provided that nothing in this sub-paragraph shall prevent an officer from retiring without having served the three years immediately before his retirement in the manner specified as aforesaid if he is entitled to do so under the appropriate law.

(3) An officer who has given notice of his intention to retire under this paragraph on any date may, with the permission of the Governor-General, acting in his discretion, withdraw the notice at any time before that date.

(4) No officer in the public service of the Federation shall retire under this paragraph without the permission of the Governor-General, acting in his discretion:

Provided that the Governor-General shall not withhold his permission unless proceedings for the officer's dismissal are being taken or about to be taken.

(5) The foregoing provisions of this paragraph shall apply in relation to officers in the public service of the Northern Region as they apply in relation to officers in the public service of the Federation, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Northern Region and the Governor of that Region.

Pensions,
etc., for
existing
and future
overseas
officers.

3. (1) If an existing overseas officer in the public service of the Federation or the public service of the Northern Region retires under paragraph 2 of this Schedule he may be granted at his option either—

(a) such pension as may under the appropriate law be granted to him ;
or

(b) a reduced pension equal to three-quarters of that pension together with a gratuity equal to one quarter of the annual amount of that pension multiplied by twelve and one half ; or

(c) a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region.

(2) If a future overseas officer in the public service of the Federation or the public service of the Northern Region retires under paragraph 2 of this Schedule he may be granted such pension, gratuity or other benefit as may under the appropriate law be granted to him.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) References in this paragraph to the pension that may under the appropriate law be granted to an officer include, in the case of an officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the ground of injury or ill-health.

Additional
benefits.

4. If an existing officer in the public service of the Federation or an existing overseas officer in the public service of the Northern Region who has been transferred to that public service under section 185 of the Nigeria (Constitution) Order in Council, 1954, retires under paragraph 2 of this Schedule he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 3 of this Schedule either—

(a) an additional allowance which shall be calculated at the annual rate of one hundred and eightieth part of the officer's pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service :

Provided that the allowance shall not exceed such annual sum as would, if it were added to such pension as could be granted to him under head (a) of sub-paragraph (1) of paragraph 3 of this Schedule, make an annual sum equal to the pension for which he would have been eligible under that law if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years, or, in the case of a judge of the High Court of Lagos or the High Court of the Northern Region, sixty-two years, or, in the case of a judge of the Federal Supreme Court, sixty-five years, and had then retired, having been granted all increments of salary for which he would have been eligible by that date; or

(b) a reduced additional allowance, which shall be calculated at the annual rate of three-quarters of that additional allowance together with a gratuity equal to one-quarter of the annual amount of that additional allowance multiplied by twelve and one half; or

(c) an additional gratuity equal to one-sixteenth part of the aggregate amount of his pensionable emoluments during the whole of his pensionable service:

Provided that the additional gratuity shall be subject to a reduction proportionate to the reduction to which, if the officer had been granted an additional allowance, his additional allowance would have been subject by virtue of the proviso to sub-paragraph (a) of this paragraph.

5. (1) Where an existing overseas officer in the public service of the Federation retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater efficiency or economy may be effected, he shall, if he gives notice in writing that he so desires to the Governor-General within six months after the date of his retirement or such longer period after that date as the Governor-General, acting in his discretion, may allow, be deemed to have retired under sub-paragraph (1) of paragraph 2 of this Schedule.

Abolition
of office,
etc.

Provided that an officer who is deemed to have retired under that paragraph shall not be granted any additional benefits for which he may be eligible under the appropriate law by virtue of his having retired in consequence of the abolition of his office or for the purpose of facilitating such improvements.

(2) The foregoing provisions of this paragraph shall apply in relation to existing overseas officers in the public service of the Northern Region as they apply in relation to existing overseas officers in the public service of the Federation, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Northern Region and the Governor of that Region.

6. (1) Any option exercisable by an officer in the public service of the Federation for the purposes of this Schedule—

Exercise
of options.

(a) shall be exercisable on or before the date of the officer's retirement:

Provided that the Governor-General, acting in his discretion, may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option;

(b) shall be irrevocable after the end of the period within which it must be exercised;

(c) shall be exercised by notice in writing to the Governor-General; and

(d) shall be deemed to have been exercised on the date on which such notice is received.

(2) The foregoing provisions of this paragraph shall apply in relation to existing overseas officers in the public service of the Northern Region as they apply in relation to existing overseas officers in the public service of the Federation, and for that purpose references to the Federation and the Governor-General shall be construed as if they were references to the Northern Region and the Governor of that Region.

Application of appropriate law.

7. Where an officer in the public service of the Federation or the public service of the Northern Region retires under paragraph 2 of this Schedule, the provisions of the appropriate law—

(a) shall, subject to the provisions of this Order, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law; and

(b) shall, subject as aforesaid, apply in relation to the grant of any additional allowance under this Schedule and to any additional allowance granted thereunder as they apply in relation to the grant of a pension, and to any pension granted, under the appropriate law.

Exemption from law.

any gratuity granted under paragraph 1 or paragraph 4 of this Schedule shall be exempt from tax under any law enacted by the Legislature of the Federation, any Region or the fourteen Cameroonian territories, or the imposition or imposition of any other form of taxation.

Application of Schedule to officers who are not overseas officers.

8. (1) If an officer in the public service of the Federation or the public service of the Northern Region who is not an overseas officer can show to the satisfaction of the appropriate authority that his career in the public service has been prejudiced by the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, or that, because of those provisions, he has reasonable grounds for anxiety about his career in the public service, the foregoing provisions of this Schedule (other than sub-paragraph (2) of paragraph 2 and sub-paragraph (2) of paragraph 3) shall apply in relation to him as they apply in relation to an overseas officer.

(2) In this paragraph "the appropriate authority" in relation to an officer in the public service of the Federation or the public service of the Northern Region means—

(a) in the case of an officer who was selected for appointment to the public service by a Secretary of State or whose appointment to an office in the public service was approved by a Secretary of State, a Secretary of State;

(b) in the case of any other officer in the public service of the Federation, the Governor-General, acting in his discretion; and

(c) in the case of any other officer in the public service of the Northern Region, the Governor of that Region, acting in his discretion.

SECOND SCHEDULE

Section 4.

RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICES OF
THE WESTERN REGION AND THE EASTERN REGION

1. (1) In this Schedule, unless the context otherwise requires—

Inter-
pretation.

“appropriate law” in relation to an officer in the public service of the Western Region or the public service of the Eastern Region means the law that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the former public service of Nigeria, the public service of the Federation or the public service of a Region;

“entitled officer” in relation to the public service of the Western Region or the public service of the Eastern Region means an existing overseas officer in that public service—

(a) who was before the first day of October, 1950, appointed or selected for appointment as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law;

(b) the whole of whose pensionable service for the purposes of the appropriate law since he was appointed as such has been in that public service; and

(c) who has been, since the first day of October, 1954, until he was appointed as such, the substantive holder of an office in the public service of the Federation or the public service of another Region, being a pensionable office for the purposes of the appropriate law.

and includes any other person who is declared by a Secretary of State with the concurrence of the Governor, to be an entitled officer;

“existing overseas officer” in relation to the public service of the Western Region or the public service of the Eastern Region means an overseas officer in that public service—

(a) who was on or before the first day of October, 1954, appointed or selected for appointment as the substantive holder of an office in the former public service of Nigeria or the public service of the Federation or the public service of a Region, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment,

and includes any other person who is declared by a Secretary of State, with the concurrence of the Governor, to be an existing overseas officer;

“future overseas officer” in relation to the public service of the Western Region or the public service of the Eastern Region means an overseas officer in that public service—

(a) who was after the first day of October, 1954, selected for appointment and appointed as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law; and

(b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment;

“operative period” in relation to an entitled officer in the public service of the Western Region or the public service of the Eastern Region means the period for which he is permitted to serve in that public service with special rights;

“overseas officer” means an officer in the public service of the Western Region or the public service of the Eastern Region who is, either individually or as a member of a class, declared by the Governor to be an overseas officer;

“pensionable emoluments” in relation to an officer means emoluments that may be taken into account in computing the pension of that officer under the appropriate law;

“pensionable service” means in relation to an officer in the public service of the Western Region or the public service of the Eastern Region the aggregate amount of service that may be taken into account for the purpose of computing the pension of that officer under the appropriate law;

“substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) Where a person has been gazetted as the substantive holder of any office with effect from a date earlier than the date of the gazette, he shall for the purposes of this Schedule be deemed to have become the substantive holder of that office on that earlier date.

(3) Where an officer in the public service of the United Kingdom was on any date appointed or selected for appointment as the holder of an office in the public service of the Western Region or the public service of the Eastern Region and for any period thereafter was entitled to revert to the public service of the United Kingdom he shall not for the purposes of this Schedule be regarded as having been appointed to be the substantive holder of an office in that public service or as having been selected for appointment as such, as the case may be, on that date, but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceased to be entitled so to revert if on that date he was the holder of an office in that public service.

(4) A person who was before the commencement of this Order declared by the Governor-General to be an overseas officer shall for the purposes of this Schedule be deemed to be an overseas officer.

(5) Where under the appropriate law an officer in the public service of the Western Region or the public service of the Eastern Region may be granted two or more pensions references in this Schedule to the pension that may under the appropriate law be granted to that officer shall include references to both or all of those pensions.

(6) Any question concerning the interpretation of this Schedule may be referred to and determined by a Secretary of State, whose decision thereon shall be final.

Permission
to serve
with special
rights.

2. (1) Any entitled officer in the public service of the Western Region or the public service of the Eastern Region may apply to the Governor for permission to serve with special rights in that public service for such period as the officer may desire.

(2) The Governor, acting on the recommendation of the Public Service Commission of the Region, may grant to any entitled officer in the public service of the Western Region or the public service of the Eastern Region who applies for permission to serve with special rights in that public service for any period, permission to serve with such rights for that period, or if the officer consents, for a lesser period.

3. (1) Where an entitled officer in the public service of the Western Region or the public service of the Eastern Region has been granted permission to serve with special rights in that public service for any period the Governor, acting on the recommendation of the Public Service Commission of the Region, may vary that period.

Variation of operative period.

(2) No variation of the period in respect of which special rights are granted to an entitled officer shall be made without the consent of the officer.

4. (1) The Public Service Commission of the Western Region or the Eastern Region shall—

Public Service Commission to consult.

(a) consult from time to time with the appropriate authority as to the classes of officers in the public service of the Region to whom permission to serve with special rights in that public service should be granted;

(b) consult with the appropriate authority before recommending any variation of an operative period in accordance with paragraph 3 of this Schedule.

(2) For the purposes of this paragraph the appropriate authority shall be—

(a) in relation to the Western Region, the Director of Recruitment of the Region;

(b) in relation to the Eastern Region, the Nigerianisation Committee established by the Government of the Region or such other officer or authority of the Region as the Governor may designate.

5. (1) Subject to the provisions of sub-paragraph (4) of this paragraph, an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region may, after giving four months' notice in writing to the Governor or such shorter notice as the Governor, acting in his discretion, may allow, retire at any time.

Existing and certain future overseas officers may retire at any time.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, a future overseas officer in the public service of the Western Region or the public service of the Eastern Region may, after giving six months' notice to the Governor or such shorter notice as the Governor, acting in his discretion, may allow, retire at any time if he has completed ten years' service, being service that may be taken into account in determining whether he is eligible for the grant of a pension or gratuity under the appropriate law, of which the three years immediately before his retirement were served—

(a) in the public service of the Federation;

(b) in the public service of one or more Regions; or

(c) partly in the public service of the Federation and partly in the public service of one or more Regions:

Provided that nothing in this sub-paragraph shall prevent an officer from retiring without having served the three years immediately before his retirement in the manner specified as aforesaid if he is entitled to do so under the appropriate law.

(3) An officer who has given notice of his intention to retire under this paragraph on any date may, with the permission of the Governor, acting on the recommendation of the Public Service Commission of the Region, withdraw the notice at any time before that date.

(4) No officer in the public service of the Western Region or the public service of the Eastern Region shall retire under this paragraph without the permission of the Governor, acting in his discretion:

Provided that the Governor shall not withhold his permission unless proceedings for the officer's dismissal are being taken or about to be taken.

Pensions,
etc., for
existing
overseas
officers.

6. (1) If an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region retires under paragraph 5 of this Schedule he may be granted at his option either—

(a) such pension as may under the appropriate law be granted to him; or
(b) a reduced pension equal to three-quarters of that pension together with a gratuity equal to one-quarter of the amount of that pension multiplied—

(i) in the case of an entitled officer, by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of the officer on his birthday last preceding the date of his retirement; and

(ii) in any other case, by twelve and one half; or

(c) a gratuity of one-quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region; or

(d) in the case of an entitled officer whose pension under the appropriate law would not exceed two hundred and fifty pounds per annum, a gratuity equal to the annual amount of the pension multiplied by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer on his birthday last preceding the date of his retirement; or

(e) in the case of an entitled officer whose pension under the appropriate law would exceed two hundred and fifty pounds per annum, a gratuity equal to the sum of two hundred and fifty pounds multiplied by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer on his birthday last preceding the date of his retirement.

(2) If a future overseas officer in the public service of the Western Region or the public service of the Eastern Region retires under paragraph 5 of this Schedule he may be granted such pension, gratuity or other benefit as may under the appropriate law be granted to him.

(3) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(4) References in this paragraph to the pension that may under the appropriate law be granted to an officer include, in the case of an officer who retires on account of injury or ill-health, references to any additional pension that may be granted under the appropriate law to that officer in respect of retirement on the ground of injury or ill-health.

7. If an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region who has been transferred to that public service under section 185 of the Nigeria (Constitution) Order in Council, 1954, and who is not an entitled officer retires under paragraph 5 of this Schedule he may be granted additional benefits in addition to the benefits that may be granted under paragraph 6 of this Schedule.

Benefits for existing overseas officers other than entitled officers.

8. If an entitled officer in the public service of the Western Region or the public service of the Eastern Region (not being an officer who has been granted permission to serve with special rights) retires under paragraph 5 of this Schedule he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

Benefits for entitled officers without special rights.

(a) additional benefits; or

(b) compensation to be calculated as at the date of his retirement.

9. (1) If an entitled officer in the public service of the Western Region or the public service of the Eastern Region who has been granted permission to serve with special rights—

Benefits for entitled officers with special rights.

(a) retires under paragraph 5 of this Schedule at the end of the operative period or upon such date within six months before or after the end of that period as the Governor, acting on the recommendation of the Public Service Commission of the Region, may allow; or

(b) retires under paragraph 5 of this Schedule before the end of the operative period on the ground of injury or ill-health, he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

(i) additional benefits; or

(ii) compensation to be calculated as at the date within the operative period (not being a date later than the date of his retirement) that is most advantageous to him.

(2) If an entitled officer in the public service of the Western Region or the public service of the Eastern Region who has been granted permission to serve with special rights retires under paragraph 5 of this Schedule before the end of the operative period otherwise than in the circumstances described in sub-paragraph (1) of this paragraph he may be granted at his option and in addition to the benefits that may be granted to him under paragraph 6 of this Schedule either—

(i) additional benefits; or

(ii) compensation to be calculated as at the date of his retirement.

10. (1) If an entitled officer dies while he is a member of the public service of the Western Region or the public service of the Eastern Region, the Governor, acting in his discretion, may direct that there shall be paid to the personal representatives of that officer or, if he shall think fit, to any member of the family of that officer either—

Benefits payable on death of entitled officer.

(a) a sum equal to the compensation which would have been granted to the officer under paragraph 8 or paragraph 9 of this Schedule had he retired under paragraph 5 of this Schedule on the day of his death; or

(b) a sum equal to the gratuity that would have been payable under the appropriate law,

whichever is the greater:

Provided that the Governor, acting in his discretion, may direct that such sum shall be divided among any two or more of the members of the family of the officer in such proportions as he may think fit.

(2) Where an entitled officer in the public service of the Western Region or the public service of the Eastern Region who has been granted permission to serve with special rights—

(a) dies within the operative period; or

(b) in the case of an officer who has been granted permission by the Governor under sub-paragraph (1) of paragraph 9 of this Schedule to retire on a date within six months after the end of the operative period, dies between the end of the operative period and that date,

he shall be deemed for the purposes of this paragraph to have been eligible for compensation to be calculated as at the date within the operative period (not being a date after the date of his death) that is most advantageous.

(3) For the purposes of this paragraph "member of the family" in relation to an entitled officer means his wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, adopted son, adopted daughter, brother, sister, half-brother or half-sister.

Additional
benefits.

11. Where an officer in the public service of the Western Region or the public service of the Eastern Region is granted additional benefits under paragraph 7, paragraph 8 or paragraph 9 of this Schedule he shall receive at his option either—

(a) an additional allowance which shall be calculated at the annual rate of one hundred and eightieth part of the officer's pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service:

Provided that the allowance shall not exceed such annual sum as would, if it were added to such pension as could be granted to him under head (a) of sub-paragraph (1) of paragraph 6 of this Schedule, make an annual sum equal to the pension for which he would have been eligible under that head if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years, or, in the case of a judge of the High Court of the Western Region or the High Court of the Eastern Region, sixty-two years, and had then retired having been granted all increments of salary for which he would have been eligible by that date; or

(b) a reduced additional allowance, which shall be calculated at the annual rate of three-quarters of that additional allowance together with a gratuity equal to one-quarter of the annual amount of that additional allowance multiplied—

(i) in the case of an entitled officer, by the factor set out in Table I of the Annex to this Schedule that is appropriate to the age of that officer on his birthday last preceding the date of his retirement; and

(ii) in any other case, by twelve and one half; or

(c) an additional gratuity equal to one-sixteenth part of the aggregate amount of his pensionable emoluments during the whole of his pensionable service:

Provided that the additional gratuity shall be subject to a reduction proportionate to the reduction to which, if the officer had received an additional allowance, his additional allowance would have been subject by virtue of the proviso to sub-paragraph (a) of this paragraph.

12. (1) Where an entitled officer in the public service of the Western Region or the public service of the Eastern Region is granted compensation to be calculated at any date under paragraph 8 or paragraph 9 of this Schedule the amount of that compensation shall be calculated by multiplying the amount of the officer's annual emoluments at that date by the factor relevant to that officer and the resulting amount, or nine thousand pounds, whichever is the less, shall be the amount to which he is entitled.

Calculation of compensation.

(2) The factor relevant to an entitled officer shall be the factor in the appropriate table opposite to the age of the officer on his birthday immediately preceding the date to be taken for calculation set out in the column that relates to the years of pensionable service completed by the officer on that date.

(3) (a) The appropriate table for entitled officers in the public service of the Western Region or the public service of the Eastern Region other than judges of the High Court of the Region shall be Table II of the Annex to this Schedule.

(b) The appropriate table for entitled officers in the public service of the Western Region or the public service of the Eastern Region who are judges of the High Court of the Region shall be Table III of the Annex to this Schedule.

(4) For the purposes of this paragraph—

“annual emoluments” means in relation to an entitled officer in the public service of the Western Region or the public service of the Eastern Region the annual pensionable emoluments attaching to the office held by that officer at the date of his retirement:

Provided that in relation to an officer who was transferred after the seventh day of August, 1957, to an office carrying pensionable emoluments higher than those attaching at the date of his transfer therefrom to the office from which he was transferred “annual emoluments” means either—

(a) one-third of the aggregate amount of his pensionable emoluments in respect of the period of three years ending on the date of his retirement;

or

(b) the annual pensionable emoluments attaching at the date of his transfer therefrom to the office that he was holding on the seventh day of August, 1957,

whichever is the greater;

“pensionable service” means in relation to an entitled officer in the public service of the Western Region or the public service of the Eastern Region the aggregate amount of service that may be counted in full for the purpose of computing the pension of that officer under the appropriate law.

13. (1) An entitled officer in the public service of the Western Region or the public service of the Eastern Region who is transferred from an office in the public service of the Region to an office in a service outside Nigeria that is other public service for the purposes of the appropriate law carrying at the

Special benefits for transferred officers.

date of his transfer annual pensionable emoluments that are less than the annual pensionable emoluments attaching at that date to the office from which he was transferred may be granted—

- (a) a sum equal to five times the difference between the annual pensionable emoluments attaching to the respective offices at that date; or
- (b) a sum equal to the compensation to which he would have been entitled had he retired under paragraph 5 of this Schedule at that date, whichever is the less.

(2) The grant of benefits under this paragraph shall be without prejudice to the grant of a pension, gratuity or other like benefit under the appropriate law.

Abolition of office, etc.

14. (1) This paragraph applies to any officer in the public service of the Western Region or the public service of the Eastern Region—

- (a) who retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected; and
- (b) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment.

(2) An officer to whom this paragraph applies who is eligible for the grant of a pension under the appropriate law may be granted at his option and in addition to that pension or any other benefit for which he may be eligible under that law in lieu of that pension either—

- (a) such additional benefits as may be granted to him under the appropriate law; or
- (b) an additional pension at the annual rate of one-sixtieth of his pensionable emoluments for each completed period of three years' pensionable service:

Provided that an additional pension granted under this paragraph—

- (i) shall not exceed ten-sixtieths; and
- (ii) shall not exceed such annual sum as is equal to the difference between such pension as could be granted to him under the appropriate law and the pension for which he would have been eligible if he had continued to hold the office held by him at the date of his retirement until he had reached the age of fifty-five years or, in the case of a judge of the High Court of the Region, sixty-two years and had then retired, having been granted all increments of salary for which he would have been eligible by that date; or
- (c) a reduced additional pension equal to three-quarters of that additional pension together with a gratuity equal to one-quarter of that additional pension multiplied by twelve and one half.

(3) An officer to whom this paragraph applies who at the date of his retirement was the holder of a pensionable office for the purposes of the appropriate law but who had not completed at that date the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension may be granted at his option either—

- (a) such benefits as may be granted to him under the appropriate law; or
- (b) a gratuity at the rate of one month's pensionable emoluments for each completed six months of pensionable service; or

(c) a pension equal to the pension that could have been granted to him under the appropriate law if that law had not required him to have been in qualifying service for any period to render him eligible for the grant of a pension; or

(d) a reduced pension equal to three-quarters of that pension together with a gratuity equal to one-quarter of that pension multiplied by twelve and one half.

(†) If an officer to whom this paragraph applies who was at the date of his retirement—

(a) an existing overseas officer in the public service of the Western Region or the public service of the Eastern Region; or

(b) a future overseas officer in the public service of the Eastern Region who was appointed or selected for appointment as the substantive holder of an office in that public service, being a pensionable office for the purposes of the appropriate law, before the eighth day of August, 1957, gives notice in writing that he so desires to the Governor within six months of the date of his retirement or within such longer period after that date as the Governor, acting in his discretion, may allow, he shall be deemed to have retired under paragraph 5 of this Schedule and the provisions of this Schedule shall apply accordingly, and, in the case of an officer in the public service of the Eastern Region who is not an entitled officer, he shall for that purpose be deemed to be an entitled officer:

Provided that an officer who is deemed to have retired under that paragraph shall not be granted any benefits under the foregoing provisions of this paragraph.

15. Any option exercisable by an officer in the public service of the Western Region or the public service of the Eastern Region for the purposes of this Schedule—

Exercise of options.

(a) shall be exercisable on or before the date of the officer's retirement:

Provided that the Governor, acting in his discretion, may, if he thinks fit, and subject or not to conditions, extend the period for the exercise of the option;

(b) shall be irrevocable after the end of the period within which it must be exercised;

(c) shall be exercised by notice in writing to the Governor; and

(d) shall be deemed to have been exercised on the date on which such notice is received.

16. Where any officer in the public service of the Western Region or the public service of the Eastern Region retires under paragraph 5 of this Schedule, the provisions of the appropriate law—

Application of appropriate law.

(a) shall, subject to the provisions of this Order, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law; and

(b) shall, subject as aforesaid, apply in relation to the grant of any additional allowance under this Schedule and to any additional allowance granted thereunder as they apply in relation to the grant of a pension, and to any pension granted, under the appropriate law.

Exemption
from tax.

17. Any sum granted by way of compensation under paragraph 7, paragraph 8 or paragraph 9 of this Schedule, any sum granted under paragraph 10 of this Schedule, any gratuity granted under paragraph 6, paragraph 11 or paragraph 14 of this Schedule and any sum paid upon the transfer of an officer under paragraph 13 of this Schedule shall be exempt from tax under any law enacted by the Legislature of the Federation, any Region or the Southern Cameroons relating to the taxation of incomes or imposing any other form of taxation.

Application
of
Schedule
to officers
who are not
overseas
officers.

18. (1) This paragraph applies to an officer in the public service of the Western Region or the public service of the Eastern Region—

(a) who was on or before the first day of October, 1954, appointed or selected for appointment as the substantive holder of an office in the former public service of Nigeria or the public service of the Federation or the public service of a Region, being a pensionable office for the purposes of the appropriate law;

(b) who is not an overseas officer; and

(c) in the case of an officer whose appointment is subject to confirmation, who has been confirmed in his appointment,

and to any other officer in that public service, not being an overseas officer, to whom this section is declared by the appropriate authority, with the concurrence of the Governor, to be applicable.

(2) If an officer to whom this section applies can show to the satisfaction of the appropriate authority that his career in the public service has been prejudiced by the provisions of the Nigeria (Constitution) Order in Council, 1954, as amended, or that, because of those provision, he has reasonable grounds for anxiety about his career in the public service, the provisions of this Schedule that otherwise would apply only in relation to overseas officers shall apply in relation to him as if he were an overseas officer.

(3) In this paragraph "the appropriate authority" in relation to an officer in the public service of the Western Region or the public service of the Eastern Region means—

(a) in the case of an officer who was selected for or offered appointment to the public service of the Region by a Secretary of State or whose appointment to an office in the public service of the Region was approved by a Secretary of State, a Secretary of State;

(b) in the case of an officer not falling within the foregoing provisions of this sub-paragraph who holds an office to which section 180E of the Nigeria (Constitution) Order in Council, 1954, as amended, applies, the Governor acting on the recommendation of the Judicial Service Commission of the Region; and

(c) in any other case, the Governor acting on the recommendation of the Public Service Commission of the Region.

TABLE III

Paragraph 12

<i>Age of officer</i>	<i>Factor where length of service is 10 years or more</i>	<i>Age of officer</i>	<i>Factor where length of service is 10 years or more</i>
37	2.82	50	3.31
38	3.22	51	3.11
39	3.56	52	2.91
40	3.83	53	2.71
41	4.01	54	2.51
42	4.10	55	2.31
43	4.12	56	2.11
44	4.07	57	1.88
45	3.97	58	1.58
46	3.85	59	1.25
47	3.73	60	0.75
48	3.61	61	0.25
49	3.47	62 or more...	Nil

EXPLANATORY NOTE

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

This Order makes provision for special retirement benefits for officers in the public services of the Western and Eastern Regions of Nigeria in accordance with the recommendations of the Nigeria Constitutional Conference held in London in May and June 1957, and makes fresh provision for the retirement benefits of officers in the public services of the Federation of Nigeria and the Northern Region of Nigeria.

W.R.L.N. 404 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT APPOINTING A JOINT EDUCATION
BOARD FOR THE ANIOCHA DISTRICT, IKA
DISTRICT AND ASABA URBAN DISTRICT
COUNCIL AREAS

DATE OF COMMENCEMENT: 1ST OCTOBER, 1958

In exercise of the powers conferred upon me by section 56 of the Local Government Law, 1957, the following Instrument is made by the Aniocha District Council, Ika District Council and Asaba Urban District Council and the Asaba Provisional Authority:—

1. This Instrument may be cited as the Asaba Divisional Joint Education Board Instrument, 1958. Short title
2. In this Instrument— Definitions.
 - “contributing councils” means councils by which this Instrument is made;
 - “the joint board” means the board established by paragraph 3 of this Instrument.
3. The contributing councils hereby appoint a joint board for the purpose of discharging all such functions relating to education as are conferred upon them by their Instruments of appointment. Duties of Joint Board.
4. (1) The joint board shall consist of eight members of whom— Membership.
 - four shall be appointed by the Aniocha District Council; three shall be appointed by the Ika District Council; one shall be appointed by the Asaba Urban District Council.
 - (2) Each member of the joint board to be appointed by a contributing council shall be selected for appointment by the contributing council from among its own members by ballot.
5. (1) Each member of the Joint Board shall, subject to the provisions of sub-paragraph 2 of this paragraph, hold office for three years when he shall retire without prejudice to his re-appointment under the provisions of this Instrument. Tenure of office of Members
- (2) The seat of a member of the Joint Board shall become vacant—
 - (a) at the expiration of his term of office as provided for in sub-paragraph (1) of this paragraph; or
 - (b) upon his death; or
 - (c) if he resigns by notice in writing addressed to the Chairman; or
 - (d) upon the dissolution of the contributing council he represents; or
 - (e) if he ceases to be a member of the contributing council which he represents; or
 - (f) if he is absent from four consecutive meetings of the joint board.
6. (1) When the joint board first meets and thereafter whenever the office of the chairman becomes vacant the members of the joint board shall elect a chairman from amongst their number. Appointment of Chairman.

- 2) The office of the chairman shall become vacant—
- (a) at the commencement of the first meeting of the Joint Board occurring more than twelve months after his election; or
 - (b) if he ceases to be a member of the joint board; or
 - (c) if he dies; or
 - (d) if he resigns by writing under his hand addressed to the Secretary of the joint board.

Transfer of
land and
property

7. There shall be transferred to and vested in the joint board, with effect from the commencement of this Instrument—

- (a) all administrative staff of the contributing councils who are directly engaged in the discharge of education functions and all teaching staff employed by the contributing councils;
- (b) all rights, assets and liabilities of the contributing councils in connection with education;
- (c) all property held by the contributing councils for the purpose of education.

Delegation
of functions

8. There shall be delegated to the joint board with effect from the commencement of this Instrument, such of the functions and powers of the contributing councils relating to education as are specified in their Instruments of appointment and such functions shall specifically include the control of all financial arrangements relating to education.

Signed, sealed and delivered on behalf of the Aniocha District Council.

HON. F. H. UTOMI,
Chairman

Signed, sealed and delivered on behalf of the Ika District Council.

HON. A. E. O. ISEDEH,
Chairman

Signed, sealed and delivered on behalf of the Asaba Urban District Council.

OBI EMINASHI,
President

NDUKA EDE,
Chairman

In the presence of—

B. O. MEKWUNYE,
Secretary, Aniocha District Council

G. C. OHEN,
Secretary, Ika District Council

S. B. K. OKOBI,
Secretary, Asaba Urban District Council

APPROVED this 23rd day of September, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 405 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER 1958: NDOSIMILI DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958 that the Control of Motor Parks Adoptive Bye-laws, 1957 be adopted.

W.R.L.N. 55
of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd September, 1958.

W.R.L.N. 406 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS, 1958
NDOSIMILI DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957 be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd September, 1958.

B 674

W.R.L.N. 407 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE
BYE-LAWS ORDER, 1958 : NDOSIMILI DISTRICT COUNCIL

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958 that the Registration of Marriages Adoptive Bye-laws, 1957 be adopted.

W.R.L.N. 4
of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd September, 1958.

W.R.L.N. 408 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

ORDER UNDER SECTION 89 : ILA DISTRICT COUCL

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 89 of the Local Government Law, 1957, the Order made at Ibadan on the 4th day of November, 1957, and published as Western Region Legal Notice 344 of 1957, is hereby revoked.

W.R.L.N.
344 of 1957.

MADE at Ibadan this 8th day of September, 1958.

S. O. BIOBAKU,
Secretary to the Premier and
Executive Council

W.R.L.N. 409 of 1958

ORDER made under THE FORESTRY ORDINANCE (Cap. 75)

OYO NEW PLANTATION (OYO) FOREST RESERVE

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

WHEREAS declaration of intention to constitute certain lands described therein as the Oyo New Plantation (Oyo) Forest Reserve was made in Western Region Legal Notice No. 217 of 1957.

NOW THEREFORE, in exercise of the powers conferred upon the Governor by section 12 of the Forestry Ordinance, the following Order is hereby made :—

1. This Order may be cited as the Oyo New Plantation (Oyo) Forest Reserve Order, 1958.

2. These lands, the limits and situation of which are set forth in the First Schedule hereto, are hereby constituted a Government Forest Reserve, which Reserve shall be known as the Oyo New Plantation (Oyo) Forest Reserve.

FIRST SCHEDULE

All that piece of land twenty-seven decimal nine acres or thereabouts situated in the south-east part of the Oyo Division of the Oyo Province and bounded as follows:—

Starting from a point, the approximate co-ordinates of which are 3° 57' E: 7° 50' N. (Nigeria Survey 1/500,000, sheet 9 of 1949), situated on the right hand side of the 1956 motor road from Awe to Oyo approximately 1 mile in a south-easterly direction from Oyo, and fixed by a straight line on a bearing of 80 degrees 30 minutes and at a distance of 47 feet from Survey Department Beacon No. PBM 3119 and marked by Beacon No. 8, by the right hand side of the 1956 motor road from Awe to Oyo on a general bearing of 312 degrees for a distance of 1,107 feet to Beacon No. 1 situated on the right hand side of the 1956 motor road from Awe to Oyo; thence by a series of straight cut lines the bearings and lengths of which are as follows:—

From Beacon No.	Bearing	Length	To Beacon No.
1	41 degrees 30 minutes	724 feet	2
2	41 degrees 30 minutes	525 feet	3
3	147 degrees	522 feet	4
4	162 degrees 30 minutes	379 feet	5
5	128 degrees 30 minutes	243 feet	6
6	172 degrees	140 feet	7
7	226 degrees	865 feet	

to the starting point.

All distances and bearings are approximate only, distances being those actually measured along the ground and not reduced to the horizontal.

All bearings are referred to True North and are adjusted from magnetic bearings observed during the month of September 1956.

All beacons are numbered concrete pillars.

MADE at Ibadan this 1st day of October, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 410 of 1958

The Nigeria Town and Country Planning Ordinance
(Cap. 155)

APPOINTMENT OF MEMBERS OF IKEJA TOWN PLANNING AUTHORITY

DATE OF COMMENCEMENT: 16TH OCTOBER, 1958

In exercise of the powers conferred upon the Governor by sections 4 and 5 of the Nigeria Town and Country Planning Ordinance and delegated to the Minister of Lands, the following appointments are hereby made:—

1. The Ikeja Town Planning Authority shall consist of the following members:—
 - The Permanent Secretary, Ministry of Lands and Labour, Ibadan—*Chairman*;
 - Mr M. A. Ogun—*Deputy Chairman*;
 - The Medical Officer of Health, Ikeja;
 - The Executive Engineer, Ikeja;
 - The Lands Officer, Ikeja;
 - Alhaji S. Thompson, Iju;
 - Mr P. B. Tanyi;
 - Mr J. S. Odetola, Mushin;
 - Omoba Claudius Okoya, Ikorodu;
 - Mr Ajayi Akerele, Agege;
 - Two representatives of the Lagos Chamber of Commerce.

2. The foregoing appointments are in substitution for the appointment of members of the Ikeja Town Planning Authority notified in Western Region Legal Notice 157 of 1958 in the Supplement to the *Western Region of Nigeria Gazette* No. 27, volume 7, of the 17th April, 1958.

NOTICE MADE at Ibadan this 3rd day of October, 1958.

J. O. OSUNTOKUN,
Minister of Lands and Labour

W.R.L.N. 411 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
NDOSIMILI DISTRICT COUNCIL

DATE OF COMMENCEMENT: 16TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 29th September, 1958.

W.R.L.N. 412 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
ONDO SOUTHERN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 16TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ondo Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ondo Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of December, 1957, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 29th September, 1958.

W.R.L.N. 413 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
IBEJU DISTRICT COUNCIL

DATE OF COMMENCEMENT: 16TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ibeju District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ibeju District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of July, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956*

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 30th September, 1958.

W.R.L.N. 414 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
IKARE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 16TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikare District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikare District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 28th December, 1957, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 2nd October, 1958.

W.R.L.N. 415 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
NDOSIMILI DISTRICT COUNCIL

DATE OF COMMENCEMENT: 23RD OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ndosimili District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ndosimili District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 31st day of March, 1958, that the Markets Adoptive Bye-laws, 1956, be adopted, and applied to the following markets:—

W.R.L.N. 10
of 1956.

Ashaka Market	Umuolu Market
Iselegu Market	Utchi Market
Ossissa Market	Ibrede Market
Asaba-Ase Market	

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 9th October, 1958.

W.R.L.N. 416 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957: IJEBU WESTERN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 23RD OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Western District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Western District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 13th day of September, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N. 55
of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 10th October, 1958.

B 682

W.R.L.N. 417 of 1958

*Elections (House of Representatives) (General Provisions)
Regulations, 1954*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 23RD OCTOBER, 1958

In exercise of the powers conferred upon the Chief Electoral Officer, Ondo Province, by regulation 3 (2) of the Elections (House of Representatives) (General Provisions) Regulations, 1954, I hereby appoint the Secretary, Oyo Divisional Council as the Electoral Officer for Oyo South Electoral District for the purpose of holding a bye-election in that District.

S. J. HENRY,
*Chief Electoral Officer,
Ondo Province*

Ibadan, 14th October, 1958.
(300).

W.R.L.N. 418 of 1958

*Elections (House of Representatives) (General Provisions)
Regulations, 1954*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 23RD OCTOBER, 1958

In exercise of the powers conferred upon the Chief Electoral Officer, Ondo Province, by regulation 3 (2) of the Elections (House of Representatives) (General Provisions) Regulations, 1954, I hereby appoint JOHN AFOLABI AROKODARE as the Electoral Officer for Ekiti South Electoral District for the purpose of holding a bye-election in that District.

S. J. HENRY,
*Chief Electoral Officer,
Ondo Province*

Ibadan, 14th October, 1958
(276).

W.R.L.N. 419 of 1958

The High Court (Civil Procedure) Rules, 1958
(W.R.L.N. 293 of 1958)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of the power conferred on me by Rule 1 of Order 1 of the High Court (Civil Procedure) Rules, 1958, I hereby appoint the 1st day of November, 1958, as the day on which the High Court (Civil Procedure) Rules, 1958, shall come into operation.

DATED at Ibadan this 17th day of October, 1958.

O. JIBOWU,
Chief Justice,
Western Region

W.R.L.N. 420 of 1958

Liquor (Licensing) Law, 1958
(No. 48 of 1958)

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of powers conferred on him by section 1 of the Liquor (Licensing) Law, 1958, the Governor after consultation with the Executive Council has appointed the 1st day of November, 1958, as the date upon which the aforesaid Law shall come into operation.

DATED at Ibadan this 13th day of October, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 421 of 1958

The Waterworks Ordinance
(Cap. 227)

**THE WATERWORKS (UROMI-UZEA DISTRICT GENERAL
WATER RATE) (AMENDMENT) ORDER, 1958**

DATE OF COMMENCEMENT: 1ST APRIL, 1958

In exercise of the powers conferred upon the prescribed authority by section 9 of the Waterworks Ordinance, the following Order is hereby made:—

Short title
and applica-
tion.

1. This Order may be cited as the Waterworks (Uromi-Uzea District General Water Rate (Amendment)) Order, 1958, and shall apply to the Uromi-Uzea Rating Authority area.

Amendment
of W.R.L.N.
99 of 1958.

2. Paragraph 2 of the Waterworks (Uromi-Uzea District General Water Rate) Order, 1958, is hereby amended by *deleting* the words "eight shillings" and *substituting* therefor the words "twenty shillings".

ALBERT I. OKOJIE,
Chairman,
Uromi-Uzea District Council

J. W. U. EDIALE,
Secretary,
Uromi-Uzea District Council

APPROVED by the Minister of Local Government this 8th day of October, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 422 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE SLAUGHTERING OF ANIMALS
ADOPTIVE BYE-LAWS ORDER, 1958
IKIRUN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 23RD OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikirun District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikirun District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 27th day of September, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted.

W.R.L.N. 95
of 1958.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 10th October, 1958.

W.R.L.N. 423 of 1958*The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)*

DATE OF COMMENCEMENT : 30TH OCTOBER, 1958

In exercise of the powers conferred upon me by section 11 of the Magistrates' Courts (Western Region) Law, 1954, I do hereby by appointment confer upon all Justices of the Peace appointed under the terms of section 12 (1) and (2) of the Magistrates' Courts (Western Region) Law, 1954, as amended to adjourn proceedings and to remand in custody under sections 236 and 238 of the Criminal Procedure Ordinance, Cap. 43.

MADE at Ibadan this 23rd day of September, 1958.

O. JIBOWU,
*Chief Justice***W.R.L.N. 424 of 1958***The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)*

DATE OF COMMENCEMENT: 30TH OCTOBER, 1958

In exercise of the powers conferred upon me by section 11 of the Magistrates' Courts (Western Region) Law, 1954, I do hereby revoke the appointments conferred by virtue of W.R.L.N. 337 of 1955.

MADE at Ibadan this 23rd day of September, 1958.

O. JIBOWU,
Chief Justice

B 688

W.R.L.N. 425 of 1958

*Elections (House of Representatives) (General Provisions)
Regulations, 1954*

APPOINTMENT OF ELECTORAL OFFICER

DATE OF COMMENCEMENT : 30TH OCTOBER, 1958

In exercise of the powers conferred upon the Chief Electoral Officer, Oyo Province, by regulation 3 (2) of the Elections (House of Representatives) (General Provisions) Regulations, 1954, I hereby appoint the Secretary, Oyo Divisional Council as the Electoral Officer for Oyo South Electoral District for the purpose of holding a bye-election in that District.

Western Region Legal Notice 417 of 1958 published in the *Western Region of Nigeria Gazette* No. 61 of 23rd October, 1958 is hereby cancelled.

S. J. HENRY,
*Chief Electoral Officer,
Oyo Province*

Ibadan, 14th October, 1958.
(300).

W.R.L.N. 426 of 1958

*The Customary Courts Law, 1957
(No. 26 of 1957)*

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of November, 1958, as the date on which the Customary Courts Law, 1957, shall come into operation in the following parts of the Region.

Okitipupa Division,
Western Ijaw Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 427 of 1958

The Public Health Law, 1957

(No. 25 of 1957)

The Local Government Law, 1957

(No. 12 of 1957)

**THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS, 1958: IYEKUSELU DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 30TH OCTOBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Iyekuselu District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Iyekuselu District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on 27th August, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th October, 1958.

W.R.L.N. 428 of 1958

Income Tax Law, 1957
(No. 16 of 1957)

APPOINTMENT OF LOCAL COMMITTEE

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

In exercise of the powers conferred upon me by section 50 (1) of the Income Tax Law, 1957, I hereby appoint local committees for the tax areas specified in the first column of the following Schedule and the persons mentioned in the second column of the said Schedule opposite each tax area to be members of such local committee:—

SCHEDULE

<i>Tax Area</i>	<i>Members of the Local Committee</i>	<i>Address</i>
Abeokuta ...	O. A. Omololu, M.B.E. Chief J. L. Aiyepola I. B. Akinosho Chief J. Oyekan, J.P. M. A. O. Olurin E. A. Amosu A. Salako	The Clerk, Abeokuta Local (Appeals) Committee, Inland Revenue Office, Abeokuta.
Akure ...	O. A. Omololu, M.B.E. C. A. Babamuboni Chief D. A. Akinkugbe, J.P. E. A. Fasuyi C. A. Rowland L. Ogunleye	The Clerk, Akure Local (Appeals) Committee, Inland Revenue Office, Akure.
Ibadan ...	O. A. Omololu, M.B.E. J. O. Oyelese Chief E. A. Adeyemo Chief J. O. Ade. Craig S. B. Barber	The Clerk, Ibadan Local (Appeals) Committee, Inland Revenue Office, Ibadan.
Ijebu-Ode ...	O. A. Omololu, M.B.E. T. O. Seriki Chief P. A. F. Ojemuyiwa Oba I. O. Green Adebo, Olofin of Ilishan. Chief J. B. Awojobi Chief J. M. A. Ogunade I. I. Owoaje	The Clerk, Ijebu-Ode Local (Appeals) Committee, Inland Revenue Office, Ijebu-Ode.

SCHEDULE—*contd.*

<i>Tax Area</i>	<i>Members of the Local Committee</i>	<i>Address</i>
Ilesha ...	O. A. Omololu, M.B.E. E. J. Ajayi, M.B.E., J.P. T. A. Adediran S. Ojumu S. A. Ademisoye J. A. Asabi Chief A. O. Gbadamosi	The Clerk, Ilesha Local (Appeals) Committee, Inland Revenue Office, Ilesha.
Oshogbo ...	O. A. Omololu, M.B.E. S. O. Fajinmi S. Kolapo J. A. Oroge Chief E. A. Laoye Oba Moses Oyinlola, Olokuku of Okuku.	The Clerk, Oshogbo Local (Appeals) Committee, Inland Revenue Office, Oshogbo.
Oyo ...	O. A. Omololu, M.B.E. Chief Rev. J. A. Taiwo E. A. Akinyanju W. B. S. Lawson Chief B. O. Oloyede Chief N. D. Oyerinde, J.P. J. A. Tella	The Clerk, Oyo Local (Appeals) Committee, Inland Revenue Office, Oyo.
Benin ...	R. E. Ekhuagere J. I. Wilson S. U. Aligbe Chief P. B. Egun, J.P. Chief J. A. Madojemu Chief S. U. Enosegbe II, M.H.C., Onogie of Ewohimi. J. O. Obahiagbon	The Clerk, Benin Local (Appeals) Committee, Inland Revenue Office, Benin.
Warri ...	R. E. Ekhuagere Chief W. F. Oki M. J. Achomerc Chief J. O. Mayuku J. A. Ikpuri P. U. Obi Chief J. O. Bozimo	The Clerk, Warri Local (Appeals) Committee, Inland Revenue Office, Warri.

MADE at Ibadan this 1st day of November, 1958.

J. A. O. ODEBIYI,
Minister of Finance

W.R.L.N. 429 of 1958

*Elections (House of Representatives) (General Provisions)
Regulations, 1954*

BYE-ELECTIONS TO THE HOUSE OF REPRESENTATIVES
OYO SOUTH AND EKITI SOUTH ELECTORAL DISTRICTS

DATE OF COMMENCEMENT : 6TH NOVEMBER, 1958

Under Regulation 4 of the Elections (House of Representatives) (General Provisions) Regulations, 1954, the Acting Governor-General has appointed 20th December, 1958, as the date on or before which the bye-elections in Oyo South and Ekiti South Electoral Districts shall be completed.

2. In exercise of the powers conferred upon the Chief Electoral Officer by Regulation 12 of the Elections (House of Representatives) (Western Region) Regulations, 1954, I hereby appoint the following dates:—

- | | |
|--|--------------------------------|
| (a) date by which the Preliminary List is to be published. | Saturday, 15th November, 1958. |
| (b) date by which claims for inclusion in such list, or objections to the inclusion of any name in such list, shall be made. | Saturday, 22nd November, 1958. |
| (c) date by which such list shall be finally settled ... | Saturday, 29th November, 1958. |
| (d) the last day for the making of nominations, which must be made before one o'clock in the afternoon of this day. | Wednesday, 3rd December, 1958. |
| (e) the date on which the bye-election is to be held | Saturday, 13th December, 1958. |

S. J. HENRY,
*Chief Electoral Officer,
Oyo and Ondo Provinces*

Ibadan, 30th October, 1958.
(276-300)

W.R.L.N. 430 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT
ESTABLISHING THE IKOLE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by sub-section (1) of section 7 of the Local Government Law, 1957, the Minister of Local Government to whom these powers have been delegated in Western Region Legal Notice 343 of 1958, hereby amends the Instrument establishing the Ikole District Council as follows:—

W.R.L.N. 7
of 1955.

In paragraph 9 of the said Instrument—

(i) *Delete* the following serials:—

17. Odo Igbira A	1
18. Odo Igbira B	1
19. Odo Igbira C	1
23. Oke Igbira A	1
24. Oke Igbira B	1
25. Oke Igbira C	1
26. Isin-Pakunde	1
29. Ikun, Ode	1

and *substitute* therefor—

17. Odo Aiyedun A	1
18. Odo Aiyedun B	1
19. Odo Aiyedun C	1
23. Oke Aiyedun A	1
24. Oke Aiyedun B	1
25. Oke Aiyedun C	1
26. Isin-Bode	1
29. Ikun Araromi Oke	1

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 22nd October, 1958.

W.R.L.N. 431 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
 ORDER, 1958: EWOHIMI-EWATTO-EWOSSA
 DISTRICT COUNCIL

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ewohimi-Ewatto-Ewossa District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ewohimi-Ewatto-Ewossa District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 19th day of September, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted, substituting the following for the schedule: W.R.L.N. 55 of 1957.

SCHEDULE

<i>Type of Vehicle</i>	<i>£</i>	<i>s</i>	<i>d</i>
Motor Vehicle	0	1	0
Public Transport Vehicle	0	5	0

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th October, 1958.

W.R.L.N. 432 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
UROMI-UZEA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 18th October, 1958.

W.R.L.N. 433 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1958: UROMI-UZEA DISTRICT COUNCIL.

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 29th October, 1958.

W.R.L.N. 434 of 1958

The Public Health Law, 1957

(No. 25 of 1957)

The Local Government Law, 1957

(No. 12 of 1957)

**THE FOODSTUFFS AND REGULATED PREMISES ADOPTIVE
BYE-LAWS ORDER, 1958: IJEBU REMO DIVISIONAL COUNCIL.**

DATE OF COMMENCEMENT: 6TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Remo Divisional Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Remo Divisional Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on 4th October, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 29th October, 1958.

W.R.L.N. 435 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS
ORDER, 1958: UROMI-UZEA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 13TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Registration of Marriages Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
4 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th October, 1958.

W.R.L.N. 436 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE ADOPTIVE
BYE-LAWS ORDER, 1957: UROMI-UZEA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 13TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
.357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th October, 1958.

W.R.L.N. 437 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1958: UROMI-UZEA DISTRICT COUNCIL**

DATE OF COMMENCEMENT : 13TH NOVEMBER, 1958

W.R.L.N.
55 of 1957.

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted, substituting the following for the schedule:

SCHEDULE

Type of Vehicle	per day	
	s	d
Motor Vehicle	0	6
Public Transport Vehicle	2	6

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th October, 1958.

W.R.L.N. 438 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

**THE SLAUGHTERING OF ANIMALS ADOPTIVE BYE-LAWS
ORDER, 1958: UROMI-UZEA DISTRICT COUNCIL.**

DATE OF COMMENCEMENT: 13TH NOVEMBER, 1958

W.R.L.N.
95 of 1958.

Notice is hereby given that in exercise of the powers conferred upon the Uromi-Uzea District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Uromi-Uzea District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 18th day of September, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 29th October, 1958.

W.R.L.N. 439 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of the powers conferred upon the Minister of Justice by section 69 of the Customary Courts Law, 1957, and of the powers conferred upon me by Western Region Legal Notice 397 of 1958, I hereby direct that the Councils mentioned in column 1 of the following schedule shall be the competent Councils for the respective Customary Courts mentioned opposite them in column 2 of the said schedule:—

SCHEDULE	
<i>Column 1</i> Councils	<i>Column 2</i> Customary Courts
Okitipupa Divisional Council	Okitipupa Divisional ... Grade B Customary Court
	Irele-Omi ... Grade C Customary Court
	Iyansan ... Grade C Customary Court
	Okitipupa ... Grade C Customary Court
	Aye ... Grade C Customary Court
	Erinje ... Grade C Customary Court
	Arogbo ... Grade C Customary Court
	Ijaw Apoi ... Grade C Customary Court
	Bini Confederation ... Grade C Customary Court
	Ikoya ... Grade C Customary Court
	Oshoro ... Grade C Customary Court
	Mahin ... Grade C Customary Court
	Ugbo ... Grade C Customary Court
	Atijere ... Grade C Customary Court
	Gbegunrin ... Grade D Customary Court
	Obe ... Grade D Customary Court
Western Ijaw Divisional Council.	Western Ijaw Divisional ... Grade B Customary Court
	Akugbene ... Grade C Customary Court
	Benni ... Grade C Customary Court
	Iduwini ... Grade C Customary Court
	Kabowei ... Grade C Customary Court
	Kiagbodo ... Grade C Customary Court
	Kumbowei ... Grade C Customary Court
	Ogbodobiri ... Grade C Customary Court
	Ogobiri ... Grade C Customary Court
	Operemor ... Grade C Customary Court
	Seimbiri ... Grade C Customary Court
	Tarakiri ... Grade C Customary Court
	Tuomo ... Grade C Customary Court
	Ogula ... Grade C Customary Court
	Burutu ... Grade C Customary Court
	Forcados ... Grade C Customary Court
	Obotebe ... Grade C Customary Court

DATED at Ibadan this 31st day of October, 1958.

AYODELE OKUSAGA,
Minister of Education.
for Minister of Justice

W.R.L.N. 440 of 1958

The Road Traffic Ordinance, 1947
(No. 43 of 1947)

THE ROAD TRAFFIC (LICENSING AUTHORITY)
(OYO DIVISIONAL COUNCIL) NOTICE, 1958

DATE OF COMMENCEMENT: 17TH NOVEMBER, 1958

In exercise of the powers conferred by paragraph (a) of sub-section (1) of section 3 of the Road Traffic Ordinance, 1947, and section 28 of the Interpretation Ordinance (Cap. 94), the Governor, after consultation with the Executive Council, has issued the following Notice:—

Title and commencement.

1. This Notice may be cited as the Road Traffic (Licensing Authority) (Oyo Divisional Council) Notice, 1958, and shall have effect as from the 17th day of November, 1958.

Re-appointment of Licensing Authority.

2. The Oyo Divisional Council is hereby re-appointed a Licensing Authority for the purposes of the Road Traffic Ordinance, 1947, and the distinctive letters "WY" are accordingly assigned to such Licensing Authority.

DATED at Ibadan this 3rd day of November, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 441 of 1958

Parliamentary and Local Government Electoral Regulations, 1955

APPOINTMENT OF REGISTRATION OFFICERS

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments of Registration Officers are hereby made:—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of Responsibility</i>
Ibadan Central ...	Mr E. A. Oduntan ...	Whole Constituency.
Ibadan South-West ...	Mr E. L. Adeniji ...	Whole Constituency.
Ibadan North-West ...	Mr S. O. Ajibola ...	Whole Constituency.
Ibadan North-East ...	Mr J. T. Akinola ...	Whole Constituency.
Ibadan East ...	Mr S. A. Fatola ...	Whole Constituency.
Ibadan South-East ...	Mr E. A. Amosu ...	Whole Constituency.
Ibadan South... ..	Mr J. O. Ogunkeye... ..	Whole Constituency.

2. The appointments to these constituencies notified in Western Region Legal Notices 253 of 1956 and 377 of 1957 are hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 4th November, 1958.

GENERAL INDEX TO PROCEDURE

	<i>Powers not delegated to appropriate officer</i>	<i>Powers delegated to appropriate officer acting with approval of the Commission</i>	<i>Powers delegated to appropriate officer</i>
	<i>Regulation</i>	<i>Regulation</i>	<i>Regulation</i>
Appointments, including promotions and transfers, in normal cases	16	17	—
Acting appointments, etc., in urgent cases ...	18	18	—
<i>Discipline Cases: Enforced retirement of pensionable officers</i>	20 (2)	—	20 (3)
Termination of non-pensionable appointments	22 (a)	22 (b)	—
Probation	23 (2) (4) (5)	23 (3) (4) (5)	—
Justifying dismissal	26	27	28
Removal for general inefficiency arising from disciplinary proceedings instituted for dismissal	29 (1)	29 (2)	29 (3)
Not justifying dismissal	30	31	32
Removal for general inefficiency	33	34	35
Arising from Criminal convictions	36 (1)	36 (2)	36 (3)
Interdiction	44 (4) (a)	44 (4) (b)	44 (4) (c)
Withholding or deferment of increments ...	48 (1) (a)	48 (1) (b)	48 (1) (c)

*The Nigeria (Constitution) Orders in Council
1954 to 1958*

THE WESTERN REGION OF NIGERIA
PUBLIC SERVICE COMMISSION REGULATIONS, 1958

DATE OF COMMENCEMENT: 27TH OCTOBER, 1958

In exercise of the powers conferred upon the Governor by section 180D of the Nigeria (Constitution) Orders in Council, 1954 to 1958, and after consultation with the Public Service Commission, the following Regulations are made.

PART I.—PRELIMINARY

1. These Regulations may be cited as the Western Region Public Service Commission Regulations, 1958. Short title.

2. (1) In these Regulations unless the context otherwise requires— Interpretation.
“the Administrative Class” means the officers holding the posts specified in any order made for the purpose by the Governor acting on the advice of Executive Council.

“the appropriate officer” means—

(a) in relation to any public office or public officer in the Administrative Class, the Head of the Public Service;

(b) in relation to any public office or public officer in the Executive Class or the Stenographic and Secretarial Class, an Under Secretary in the Ministry of Finance;

(c) in relation to any other public office or public officer that is included in a Ministry or Department subject to a Regional Minister, the Permanent Secretary who exercises supervision over that Ministry or Department; and

(d) in relation to any other public office or public officer that is not included in a Ministry but is included in a Department, the Head of the Department;

“the Chairman” means the Member of the Commission appointed under the provisions of section 180c of the Order to be Chairman of the Commission;

“the Commission” means the Western Region Public Service Commission constituted under the provisions of the Order;

“Commissioner” means any person appointed under the provisions of section 180c of the Order to be a Member of the Commission, and includes any temporary Member;

“enactment” includes any Ordinance, Law, Order or Her Majesty in Council or Act of Parliament;

“the Executive Class” means the officers holding posts of Senior Executive Officer, Higher Executive Officer, Executive Officer or Executive Officer-in-training;

“the Governor” means the Governor acting on the recommendation of the Commission.

"the Governor's personal staff" means the offices for the time being prescribed under sub-section (2) of section 224 of the Order;

"non-pensionable officer" includes an officer serving under a contract or agreement which does not provide for the payment of a pension;

"official document" means any document or paper prepared by any public officer in the course of his employment or any document or paper which comes into the custody of any public officer in the course of such employment;

"the Order" means the Nigeria (Constitution) Orders in Council, 1954 to 1958;

"public office" means any office of emolument in the public service of the Western Region;

"public officer" means the holder of any public office, including any person appointed to act in any such office;

"the public service" means the service of the Crown in a civil capacity in respect to the Government of the Western Region;

"public officer having powers to hold an enquiry or investigation" means any public officer upon whom powers are conferred to hold an enquiry or investigation under regulation 43;

"the Stenographic and Secretarial Class" means the officers holding the posts of Confidential Clerk, Confidential Secretary, Grade I, Confidential Secretary, Grade II, Confidential Secretary, Grade III, Hansard Reporter and Verbatim Reporter;

"the Secretary" means the person appointed under these Regulations as Secretary of the Commission;

(2) References in these Regulations to delegated powers of appointment, promotion or disciplinary control are references to any such powers delegated by Instrument made under section 180B of the Order.

(3) These Regulations shall not apply to the appointment, promotion, transfer, dismissal or disciplinary control of the Deputy Governor, any Judge of the High Court, the holder of any office subject to the Judicial Service Commission, the Director of Public Prosecutions, the Director of Audit, the Secretary to the Premier and Executive Council, a Permanent Secretary or a member of the Governor's personal staff except to the extent to which these matters are not provided for in the Order.

PART II.—PUBLIC SERVICE COMMISSION

Secretary. 3. (1) The Governor shall appoint a Secretary to the Commission, and may authorise the appointment of such other staff as from time to time shall seem to him to be necessary.

(2) The Governor may grant leave of absence to the Secretary and during any such period of leave or any period of temporary absence or incapacity of the Secretary may appoint a person to act as temporary Secretary.

(3) The Secretary shall not be a member of the Commission and his functions and duties shall be limited to matters of an administrative nature.

Delegation
of functions
by Commis-
sion.

4. The Commission may by resolution delegate to the Chairman or other Commissioner or Commissioners any of the powers or duties of the Commission other than the functions of making recommendations to the Governor in accordance with the provisions of the Order and of these Regulations.

5. (1) Every meeting of the Commission shall be presided over by the Chairman, and the Chairman and one Commissioner shall form a quorum for a meeting. Presiding at meeting^s and quorum.

(2) Save as provided in regulation 7 all decisions of the Commission shall be by a majority of votes of the Commissioners present and voting at a meeting of the Commission:

Provided that the Chairman shall have a second or casting vote whenever the voting shall be equal.

6. (1) A record shall be kept of the Commissioners present and of the business transacted at every meeting of the Commission. Record of meetings.

(2) Any Commissioner who is present at a meeting when a decision is made shall be entitled to dissent from the decision and to have his dissent and his reasons therefor set out in the record of the meeting.

7. (1) Subject to paragraphs (2) and (3) of this regulation a decision may be made by the Commission without a meeting by circulation of the relevant papers among the Commissioners and the expression of their views in writing and in such case the decision shall be the view of the majority of Commissioners expressing a view; Decision without meeting.

(2) If any Commissioner requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission, no decision shall be made on that subject except at a meeting of the Commission.

(3) Where a Commissioner dissents from a view recorded by a majority of Commissioners on papers circulating for a decision, the decision shall not be implemented until that Commissioner records the reasons for his view or until the Commission deals with the matter at a meeting.

8. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or which any Commissioner may make in performance of his duties, or in discharge of any duty to the Governor or to any public officer, shall be privileged in that its production may not be compelled in any legal proceedings if the Governor certifies that such production is not in the public interest. Records of Commission privileged from production in Court.

9. The Chairman and any Commissioner shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under these Regulations as is by law given to the acts done or words spoken by a Judge of the High Court in the exercise of his judicial office. Protection of Chairman and Commissioners in proceedings.

10. The Commission may require the holder of an office in the public service to attend and give evidence before it concerning any matter which it is required to consider in exercise of its functions under these Regulations and may require the production of any official documents relating to any such matter. Commission may require Public Officers to attend.

11. The holder of any public office who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission. Material to be made available to Commission.

Failure of Public Officer to appear.

12. The holder of any public office who without reasonable excuse fails to appear before the Commission when notified to do so, or who fails to comply with any request lawfully and properly made by the Commission, shall be guilty of a breach of discipline and the Commission may direct the appropriate officer that disciplinary proceedings should be instituted against him.

PART III.—APPOINTMENTS (INCLUDING PROMOTIONS AND TRANSFERS)

Supervision of schemes of recruitment.

13. The Commission may exercise supervision over and approve all schemes for admission to any public office by examination, and over all other methods of recruitment including the appointment and procedure of Boards for the selection of candidates.

Advertisement of vacancies.

14. Where vacancies are not to be filled by persons already in the public services in Nigeria or by the results of examinations prescribed under any approved scheme, the public shall, unless the Commission otherwise directs, be informed by advertisement of the existence of such vacancies in time to enable candidates to make their applications in accordance with that advertisement.

Recommendation for promotion or acting appointment.

15. (1) The claims of officers for promotion shall be considered only on the basis of official qualifications, experience and merit.

(2) Recommendations made to the Commission for promotion shall state whether the person recommended is the senior officer of the class of officers eligible for promotion, and where this is not the case detailed reasons shall be given in respect of each person in that class over whom it is proposed that the person recommended should be promoted. For the purpose of this paragraph members of the Administrative Class shall constitute a class, members of the Executive Class shall constitute a class and members of the Stenographic and Secretarial Class shall constitute a class.

(3) The procedure for making acting appointments in posts which are substantively vacant shall be the same as that prescribed in these Regulations for making a promotion. When an acting appointment is recommended to the Commission it shall be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all the duties of the office in which he is to act.

Procedure for appointment of officers when powers not delegated.

16. (1) Subject to the provisions of regulation 19, the following procedure shall apply to the appointment, promotion or transfer of a public officer to a public office in respect of which powers of appointment, promotion and transfer have not been delegated—

(a) as soon as it is known that a vacancy will occur in a post the appropriate officer shall communicate to the Secretary in writing his recommendations regarding the filling of the vacancy. These recommendations shall include his view as to the method to be employed in filling the vacancy and whether or not the post should be advertised;

(b) if the Commission requires that the post should be advertised, the appropriate officer shall submit an advertisement to the Director of Recruitment for publication after first obtaining the concurrence of the Permanent Secretary, Ministry of Finance, as to the terms of the draft advertisement. The Commission shall arrange for the publication of the advertisement; the Director of Recruitment, the appropriate officer, and a senior officer of the Ministry or Department concerned shall prepare a short list of candidates from amongst the persons applying for the vacancy

and shall submit it to the Commission who shall interview such of the candidates as they think fit. Together with the claims of candidates on this list the Commissioners shall consider the claims of any officer of the Ministry or Department who is recommended by the appropriate officer to be eligible for promotion to the post. If no officer is considered to be eligible the appropriate officer shall so inform the Commission.

(c) when the vacancy is likely to involve the recruitment of an overseas officer the Director of Recruitment shall state briefly for the information of the Commission the position regarding the availability of Nigerian candidates for such posts;

(d) (i) the Commission shall decide whether a Selection Board shall be constituted to interview candidates and what the composition of the Board shall be, and the form in which the report of the Board shall be submitted;

(ii) where a Selection Board is constituted the Board shall forward its report to the Secretary.

(2) The appropriate officer may, subject to the approval of the Commission, constitute Departmental Selection Boards to advise him before making a recommendation to the Commission under this regulation.

(3) Notwithstanding the procedure set out in the foregoing paragraphs of this regulation the Commission may in its discretion summon any of the candidates for interview by the Commission.

17. Where the appointment, promotion or transfer of a public officer is to a public office in respect of which powers of appointment, promotion and transfer have been delegated to the appropriate officer, acting with the approval of the Commission, the appropriate officer shall, subject to the provisions of regulation 16 and to the provisions of any approved scheme of recruitment, submit his recommendations to the Secretary for the approval of the Commission.

Procedure for appointments when power exercisable by appropriate officer with approval of Commission.

18. Where any delay is likely to result from carrying out the procedure prescribed by regulations 15 or 16 and the delay appears to the appropriate officer likely to cause serious inconvenience, he may so inform the Commission and may make recommendations to it for a person to act in the office concerned and the Commission may approve or recommend as the case may be such an appointment without further compliance with regulations 15 or 16.

Procedure for appointments, etc., in cases of urgency.

19. Where vacancies are to be filled according to the results of an examination in conformity with any scheme of recruitment, the procedure set out in regulations 16 and 17 shall not apply. The appropriate officer shall notify the vacancies to the Secretary and the Commission shall arrange for the holding of the necessary examination in accordance with the scheme of recruitment.

Recruitment by competitive examination.

PART IV.—DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE

20. (1) If it appears to the appropriate officer that there is reason why a public officer who has attained the age of forty-five years and who holds a pensionable office, should be called upon to retire from the public service, the appropriate officer shall report the matter together with his reasons therefor to the Secretary, and the Commission shall recommend to the Governor whether such officer should be called upon to retire.

Procedure for recommendations for retirement.

(2) In the case of an officer in respect of whom powers of appointment and dismissal have not been delegated, the Commission, having received the recommendation of the appropriate officer, may authorise the appropriate officer to call upon the officer to submit any representations of a personal nature which he may wish to make regarding his proposed compulsory retirement, and the appropriate officer shall add his own observations upon them and transmit them to the Secretary.

(3) In the case of an officer in respect of whom powers of appointment or dismissal have been delegated, the appropriate officer shall afford the officer an opportunity to submit to him any representations of a personal nature regarding his proposed compulsory retirement and he shall transmit such representations with his observations thereon to the Secretary.

Procedure for termination on abolition of a number of offices.

21. Where a public office which is one of a number of such offices has been abolished but one or more such offices remain the appropriate officer shall make his recommendations to the Secretary with reasons therefor, as to which substantive holder of such office shall have his appointment terminated, and the Commission shall make its recommendations thereon to the Governor.

Procedure for termination of appointments of non-pensionable officers.

22. If it appears to the appropriate officer that the appointment of a public officer who holds a non-pensionable office should be terminated (otherwise than as provided in regulation 21) the appropriate officer shall, in writing, inform the officer that he proposes to recommend the termination of his appointment, giving the reasons, and require the officer to show cause, in writing, before a date to be specified (which shall allow a reasonable interval for the purpose), why his appointment should not be terminated. If no reply is received by the appropriate officer from the officer or if the appropriate officer considers that no adequate cause has been shown—

(a) in the case of an officer in respect of whom powers of termination of appointment have not been delegated, the appropriate officer shall report the case together with his recommendations, giving his reasons and forwarding any representation made by the officer, to the Secretary; and the Commission shall recommend to the Governor whether the appointment should be terminated;

(b) in the case of an officer in respect of whom powers of termination of appointment have been delegated to the appropriate officer acting with the approval of the Commission, the appropriate officer shall report the case, together with his recommendations, giving his reasons and forwarding any representations made by the officer, to the Secretary for the approval of the Commission.

Procedure for recommendation as to appointments on probation.

23. (1) Where a public officer holds an appointment on probation, six months before the expiration of the period of probation the appropriate officer shall consider whether the officer should on such expiration be confirmed in a pensionable office, or whether a further period of probationary service is necessary to determine whether the officer should be confirmed, or whether the officer should not remain in the public service.

(2) In the case of an officer in respect of whom powers of appointment have not been delegated to him, the appropriate officer shall make his recommendation to the Secretary and the Commission shall either approve confirmation or if it considers the officer should not remain in the public service make its recommendation to the Governor.

(3) In the case of an officer in respect of whom powers of appointment are delegated to the appropriate officer, acting with the approval of the Commission, the appropriate officer shall, if he considers that the officer's appointment should be terminated or his probationary period extended, report the case to the Secretary with his reasons for the approval of the Commission.

(4) Where a public officer holds an appointment on probation and the appropriate officer at any time during the period of the probation is of opinion that the officer's appointment should be terminated, the appropriate officer, except in the case of an officer in respect of whom powers have been delegated to him, shall make a recommendation to the Secretary accordingly.

(5) Before reporting to the Secretary, under the preceding provisions of this regulation, that a further period of probationary service by an officer is necessary or that an officer's probationary appointment should be terminated, the appropriate officer shall call upon the officer concerned to submit his representations on the matter.

24. Where a public officer holds an appointment on trial promotion, a recommendation that his appointment be made substantive may be made at any time up to three years from the effective date of the trial promotion. Where no such recommendation has been made within three years the appropriate officer shall submit to the Secretary for the approval of the Commission a recommendation that the officer's promotion be made substantive, or that the period of trial be extended, or that the officer should revert to his substantive appointment.

Procedure for recommendation for making trial promotion substantive.

PART V.—DISCIPLINE

25. In any case which comes to the attention of the Commission, if the Commission is of the opinion that disciplinary proceedings should be instituted against a public officer the Commission may, notwithstanding the provisions of these Regulations, direct the appropriate officer to initiate such proceedings:

Commission may initiate disciplinary proceedings.

Provided that before giving such a direction in a case in which it appears that an offence against any enactment may have been committed the Commission shall instruct the Secretary to refer the case to the Director of Public Prosecutions; and the Director of Public Prosecutions shall inform the Secretary whether the case is such that a prosecution should be instituted; and if the Director of Public Prosecutions advises that a prosecution should be instituted the Commission shall not give such a direction before the conclusion of the prosecution.

26. (1) Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have not been delegated, and the misconduct alleged against the officer appears to him to be such that if proved it would justify that officer's dismissal from the public service, he shall, after such preliminary investigation as he considers necessary, report the case with his recommendations to the Secretary for the directions of the Commission.

Procedure for disciplinary proceedings or charges justifying dismissal when powers not delegated.

(2) If the Commission directs that a charge should be framed against the accused officer, the appropriate officer shall, after consulting the Solicitor-General with regard to the terms of the charge, forward to the officer a statement of the charge framed against him together with a brief statement of the allegations on which the charge is based in so far as it is not clear from the charge itself, and shall call on the accused officer to state in writing before a day to be specified (which shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself.

(3) The appropriate officer shall, immediately after the specified day, either report to the Secretary the fact that the accused officer has failed to furnish an exculpatory statement or shall forward the statement to the Secretary with his comments or recommendations.

(4) (a) After receiving the report and statement forwarded by the appropriate officer the Commission may recommend to the Governor the appointment of a Committee of such persons as it shall specify, not less than three in number, to inquire into the matter; and the Governor may appoint a Committee for such purpose.

(b) One member of the Committee shall be a public officer with legal qualifications. The appropriate officer shall not be a member of the Committee.

(5) The Committee shall inform the accused officer that on a specified day the charge made against him will be investigated by them and that he will be allowed or, if the Committee shall so determine, will be required, to appear before them to defend himself.

(6) If witnesses are examined by the Committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or is given access thereto.

(7) The Committee may in their discretion permit the prosecuting party or the accused officer to be represented by a public officer or a legal practitioner, provided that where the Committee permit the prosecuting party to be so represented they shall permit the accused officer to be represented in the same manner.

(8) If during the course of the inquiry grounds for the framing of any additional charge against the accused officer are disclosed, the Committee shall inform the Secretary of the same and, if the Commission thinks fit to proceed against the accused officer upon such grounds, the same procedure shall be followed by the appropriate officer in framing any additional charge as was adopted in framing the original charge.

(9) The Committee, having inquired into the matter, shall forward their report thereon to the Secretary, accompanied by the record of the charges framed, the evidence led, the defence, and other proceedings relevant to the inquiry and their finding on the charges.

(10) The Commission, after consideration of the report of the Committee, may, if it is of opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the Committee for further investigation and report, or may itself hear evidence or examine any documentary evidence.

(11) The Commission shall forward the written proceedings of the inquiry to the Governor together with his recommendation as to the punishment, if any, which should be inflicted on the accused officer. The decision on each charge preferred against the accused officer (but not the reasons for the decision) shall be communicated to him.

Procedure
for
discipline
on charges
justifying
dismissal
when power
exercisable
by
appropriate
officer with
approval of
Commission.

27. (1) Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have been delegated to the appropriate officer, acting with the approval of the Commission, and the misconduct alleged against the officer appears to him to be such that if proved it would justify his dismissal from the public service, the appropriate officer shall, after such preliminary investigation as he may consider necessary, frame a charge in writing against the officer, and shall communicate the charge to the officer in order that he may have a full opportunity of exculpating himself.

(2) If the officer does not avail himself of the opportunity to exculpate himself or if the appropriate officer does not consider that the officer has exculpated himself, the appropriate officer shall appoint a public officer holding powers of inquiry under the provisions of these Regulations to hold an inquiry into the charge.

(3) At an inquiry under this regulation the accused officer shall be permitted to be present and shall be allowed to cross-examine any witnesses testifying against him, to call witnesses in his defence and to have access to all documentary evidence against him. The public officer holding the inquiry may in his discretion permit the prosecuting party or the accused officer to be represented at the inquiry by a public officer or a legal practitioner, provided that where the officer holding the inquiry permits the prosecuting party to be so represented he shall permit the accused officer to be represented in the same manner.

(4) If, after considering the report of an inquiry held under this regulation, the appropriate officer thinks that punishment should be inflicted on the accused officer, the appropriate officer shall forward a copy of the charges and evidence and of the finding on each charge, together with his recommendations, to the Secretary.

(5) The Commission after considering the proceedings and recommendations shall issue instructions to the appropriate officer as to what punishment, if any, it considers should be inflicted on the officer. The decision made on each charge preferred against the accused officer (but not the reasons for the decision) shall be communicated to him.

28. Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have been delegated to him, acting without the approval of the Commission, and the misconduct alleged appears to him such that if proved it would justify dismissal, the appropriate officer shall follow the procedure specified in paragraphs (1), (2) and (3) of regulation 27, and if, after considering the report of the inquiry, he thinks it necessary to inflict on the accused officer any punishment, the appropriate officer shall determine whether the punishment shall be dismissal or a lesser punishment and shall communicate his decision (but not the reasons for the decision) to the officer.

Disciplinary proceedings on charges justifying dismissal of officer when power delegated.

29. (1) On completion of proceedings instituted for the dismissal of a public officer in respect of whom disciplinary control has not been delegated, the Commission shall, if of opinion that the officer does not deserve to be dismissed but that the proceedings disclose grounds for removing him on account of general inefficiency in the performance of his duties, recommend to the Governor that the officer be so removed.

Removal for general inefficiency arising from proceedings instituted for dismissal.

(2) Where the appropriate officer is of opinion that paragraph (1) of this regulation should be applied to a public officer in respect of whom disciplinary control has been delegated to him acting with the approval of the Commission, he shall refer the case, giving his opinion thereon, to the Secretary; and the Commission shall, after causing such further inquiry to be made as appears necessary, issue instructions to the appropriate officer as to whether the officer should be so removed.

(3) Where the appropriate officer is of opinion that paragraph (1) of this regulation should be applied to a public officer in respect of whom disciplinary control has been delegated, he may order his removal from the public service on such grounds.

(4) When proceedings for removal of a public officer on grounds of general inefficiency are taken under this regulation, the provisions of regulation 42 shall not apply.

Procedure for discipline on charges not justifying dismissal when powers not delegated.

30. (1) Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have not been delegated and the misconduct alleged does not appear to him serious enough to warrant proceedings under regulation 26, the appropriate officer shall report the case together with his recommendations to the Secretary, for the directions of the Commission; and if the Commission is of opinion that the misconduct alleged is not sufficiently serious to warrant proceedings under regulation 26 it may cause an investigation to be made into the matter in such manner as it thinks proper, provided that the accused officer shall be entitled to know the whole case against him and shall have an adequate opportunity throughout of making his defence.

(2) If as a result of such investigations and after considering any representations which the officer may desire to make on his behalf, the Commission is of opinion that misconduct is proved, it shall recommend to the Governor that such punishment as it thinks proper other than dismissal, be inflicted upon the accused officer.

Procedure for discipline on charges not justifying dismissal when powers exercisable by appropriate officer with approval of Commission.

31. (1) Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have been delegated to the appropriate officer acting with the approval of the Commission and the misconduct does not appear to him serious enough to warrant proceedings against the officer with a view to dismissal, the appropriate officer shall cause an investigation to be held by a public officer holding powers of inquiry and that officer shall investigate the matter in such manner as he may think proper, in which case the accused officer shall be entitled to know the case against him and shall have an adequate opportunity of making his defence.

(2) If, after considering the report of the officer investigating the matter, the appropriate officer is of opinion that the allegation is proved he shall forward the case with his recommendations to the Secretary.

(3) The Commission after considering the case shall issue instructions to the appropriate officer as to what punishment, if any, other than dismissal, it considers should be inflicted on the officer.

Procedure for discipline on charges not justifying dismissal when power delegated.

32. Whenever the appropriate officer considers it necessary to institute disciplinary proceedings against a public officer in respect of whom powers of disciplinary control have been delegated to him acting without the approval of the Commission, and the misconduct does not appear to him serious enough to warrant proceedings against the officer with a view to dismissal, he shall proceed in the manner prescribed in regulation 31, save that a reference to the Commission for its approval shall not be necessary.

Procedure for removal for general inefficiency when powers not delegated.

33. (1) If the appropriate officer considers that a public officer in respect of whom powers of dismissal and disciplinary control have not been delegated should be removed from the public service on grounds of general inefficiency in the performance of his duties, he shall obtain statements as to the officer's general standard of efficiency and shall allow the accused officer an opportunity of considering such statements and showing cause why he should not be removed from the public service or otherwise dealt with for general inefficiency.

(2) If the appropriate officer, after considering the accused officer's statement, is of opinion that the accused officer should be removed from the public service or otherwise dealt with for general inefficiency, the appropriate officer shall report the case, together with his recommendations, to the Secretary, for the directions of the Commission.

(3) The Commission shall make its recommendation to the Governor in regard to the action, if any, that it considers should be taken against the accused officer.

34. If the appropriate officer considers that a public officer in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer, acting with the approval of the Commission, should be removed from the public service on the grounds of inefficiency in the performance of his duties, he shall proceed in the manner prescribed in paragraphs (1) and (2) of regulation 33 and the Commission shall issue instructions to the appropriate officer in regard to the action, if any, that it considers should be taken against the accused officer.

Procedure for removal for general inefficiency when powers exercisable by appropriate officer with approval of Commission.

35. If the appropriate officer considers that a public officer in respect of whom powers of dismissal and disciplinary control have been delegated to him, acting without the approval of the Commission, should be removed from the public service on grounds of general inefficiency in the performance of his duties, he shall obtain statements as to the officer's general standard of efficiency and shall allow the accused officer an opportunity of considering the statements and showing cause why he should not be removed from the public service or otherwise dealt with for general inefficiency and the appropriate officer shall consider the accused officer's statement before giving his decision.

Procedure for removal for general inefficiency when powers delegated.

36. (1) If a public officer in respect of whom powers of dismissal and disciplinary control have not been delegated is convicted of a criminal charge in a Court the appropriate officer shall report the matter to the Secretary with his recommendations as to punishment, together with a copy of the charge or charges and of the judgment (and the proceedings of the Court if available), and the Commission shall consider the judgment (and the proceedings if available) and if it is of opinion that the officer should be dismissed or subjected to some lesser penalty on account of the conviction for the offence of which he had been adjudged guilty, the Commission shall recommend to the Governor that such punishment should be inflicted without following the procedure prescribed in regulations 26, 30 or 33.

Procedure for discipline arising from a criminal conviction when powers not delegated.

(2) If a public officer, in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer acting with the approval of the Commission, is convicted on a criminal charge in a Court, the appropriate officer and the Commission shall proceed in the manner prescribed by paragraph (1) of this regulation, save that the Commission may issue instructions to the appropriate officer in regard to the punishment, if any, that it considers should be inflicted on the accused officer.

Procedure for discipline arising from a criminal conviction when power exercisable by appropriate officer with approval of Commission.

Procedure for discipline arising from a criminal conviction when power delegated.

(3) Where a public officer, in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer acting without the approval of the Commission, is convicted on a criminal charge in a Court the appropriate officer may inflict such punishment upon the accused officer as may seem proper to him without following the procedure prescribed in regulations 28, 32 or 35.

Regulations to govern disciplinary procedure.

37. (1) All acts of misconduct by public officers shall be dealt with under this Part as soon as possible after the time of their occurrence.

(2) Any case in which provision is not made for an appropriate procedure by these Regulations shall be reported to the Commission. The Commission shall refer the case to the Governor, who after consultation with the Commission, may issue instructions as to how the case shall be dealt with, and the case shall be dealt with accordingly.

Grounds for criminal prosecution.

38. When a preliminary investigation or a disciplinary inquiry discloses that an offence against any enactment may have been committed by a public officer, the appropriate officer, unless action by the Police has been or is about to be taken, shall consult the Director of Public Prosecution as to whether a prosecution should be instituted and, if the Director of Public Prosecutions does not advise a prosecution, the appropriate officer shall refer the matter to the Solicitor-General for an opinion whether disciplinary action should be taken or continued under the appropriate regulation. In the latter case the charges framed against the officer shall be approved by the Solicitor-General before the officer is required to answer them or before the inquiry proceeds.

No disciplinary action while criminal proceedings pending.

39. If criminal proceedings are instituted against a public officer in any Court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal therefrom.

Disciplinary action after acquittal on a criminal charge.

40. A public officer acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, unless the charges raise substantially the same issues as those on which he has been acquitted.

Copies of evidence of inquiries.

41. A public officer in respect of whom a disciplinary inquiry is to be held shall be entitled to receive free copies of any documentary evidence relied on for the purpose of the inquiry, or be allowed access to it. He may also be given a copy of the evidence (including documents tendered in evidence) after the inquiry is closed, on payment of one shilling for each page of any documents tendered in evidence and a charge of sixpence for every hundred words after the first hundred words of the record of evidence, for a copy of that record:

Provided that he shall not be entitled to copies of office orders, minutes, reports, or recorded reasons for decisions.

Appeals.

42. (1) When it is provided by an Instrument delegating to any public officer powers of dismissal or disciplinary control that an appeal shall lie to the Governor against an order made by the officer exercising such powers no appeal shall be entertained in any case unless the petition setting out the grounds of appeal is received by the Secretary within six weeks of the date upon which the decision is addressed to the officer:

Provided that the Commission may entertain an appeal out of time if in its opinion the circumstances warrant it.

(2) Only one such appeal shall be allowed:

Provided that a second appeal within one year of the date upon which the decision appealed against is addressed to the officer may be admitted if the Commission is satisfied that there appear in the second appeal new and material facts which might have affected a former decision, and if adequate reasons for the non-disclosure of such facts at an earlier date are given.

(3) When an appeal lies from a decision of an officer exercising delegated powers of dismissal or disciplinary control, that officer shall, when communicating his decision to the accused public officer, inform him that an appeal may be lodged within six weeks thereafter:

Provided that failure to communicate such fact shall not invalidate the award.

43. (1) The Governor acting on the recommendation of the Commission may by direction in writing confer on any public officer power to hold disciplinary enquiries and investigations under these regulations either generally or in any particular case. Powers of other public officers.

(2) For the avoidance of doubt it is hereby declared that such power shall not include any power to reach final decision or award punishment.

44. (1) If in any case the authority empowered by or under the Order to dismiss any public officer considers that the interests of the public service require that such public officer should cease forthwith to exercise the powers and functions of his office, the authority may interdict him from the exercise of those powers and functions, if proceedings for his dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him. Interdiction.

(2) Where in the opinion of the most senior public officer immediately available the interests of the public service require that a public officer who is of junior rank to such senior officer and responsible to the same appropriate officer should be interdicted from the exercise of his powers and functions and such senior public officer is also of opinion that a delay of forty-eight hours or more is liable to intervene before the sanction of the authority who, under the provisions of paragraph (1) of this regulation, could so interdict such junior officer, that public officer may order such junior officer to cease to exercise any of his powers and functions. The power to give such an order shall not be exercised by an officer who is in receipt of a basic salary or less than £600 per annum.

(3) On the giving of such an order such senior public officer shall forthwith report the giving of the order and the reasons therefor to the appropriate officer.

(4) If the appropriate officer considers that the officer should be interdicted from the exercise of his powers and functions he shall—

(a) in the case of an officer in respect of whom powers of dismissal and disciplinary control have not been delegated, report the case with his recommendations to the Secretary for the directions of the Commission and the Commission shall forward its recommendations to the Governor in regard to interdiction;

(b) in the case of an officer in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer, acting with the approval of the Commission, proceed in the manner prescribed in sub-paragraph (a) of this paragraph and the Commission shall issue instructions to the appropriate officer;

(c) in the case of an officer in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer acting without the approval of the Commission, determine whether or not the officer concerned should be interdicted from the exercise of his powers and functions.

(5) An officer shall be informed that he has been interdicted and the interdiction shall date from the time of the order given under the provisions of this paragraph, and if the authority so empowered to interdict decides not to exercise such power he shall inform both the officer giving the order and the officer to whom the order is addressed that the order is cancelled.

(6) An officer who is interdicted shall, subject to the provisions of regulation 45, receive such salary, not being less than half his salary, as the authority empowered to dismiss him shall think fit.

(7) If the disciplinary proceedings do not result in the officer's dismissal the whole of the salary withheld from him shall be restored to him when the final decision is made.

Non-payment of salary on conviction on a criminal charge.

45. A public officer adjudged by a Court to be guilty of a criminal charge shall not receive any emoluments from the date of such judgment pending the decision of the authority who is empowered to dismiss him.

Interdicted officer not to leave the Western Region.

46. An officer who is under interdiction may not leave the the Western Region of Nigeria without the permission of the officer who interdicted him or of any superior officer having authority over the interdicted officer.

Punishments.

47. The following are the punishments which may be ordered as a result of proceedings under this Part of these Regulations:—

- (a) dismissal;
- (b) reduction in rank;
- (c) reduction in salary;
- (d) deferment of increment;
- (e) withholding of increment; and
- (f) reprimand:

Provided that nothing in this regulation shall limit any powers to remove a public officer from the public service on the grounds of general inefficiency.

Withholding or deferment of increments.

48. (1) If the appropriate officer is of the opinion that there are grounds upon which the grant of an annual increment of a public officer should be withheld or deferred, he shall proceed as follows—

(a) in the case of an officer in respect of whom powers of dismissal and disciplinary control have not been delegated he shall forward a report to the Commission together with his recommendation and the Commission shall make a recommendation to the Governor;

(b) in the case of an officer in respect of whom powers of dismissal and disciplinary control have been delegated to the appropriate officer, acting with the approval of the Commission, he shall forward a report to the Commission together with his recommendation and the Commission shall issue instructions to the appropriate officer in regard to the action to be taken;

(c) in other cases the appropriate officer may withhold or defer the increment as he shall think fit.

(2) Where an increment has been deferred the appropriate officer shall upon expiration of the period fixed for deferment—

(a) if the increment was deferred by the Governor on the recommendation of the Commission or by the appropriate officer acting with the approval of the Commission, make a report to the Commission together with his recommendation as to whether the increment should be granted or withheld and the Commission shall make a recommendation to the Governor or issue instructions to the appropriate officer as the case may require;

(b) if the increment was deferred by the appropriate officer, grant or withhold the increment as he thinks fit.

PART VI.—MISCELLANEOUS

49. Nothing in these Regulations contained shall be construed to limit the right of the Crown, exercisable by the Governor, to dismiss or terminate the appointment of any public officer without compensation.

Saving right of the Crown.

50. When, in respect of any matter to which these Regulations relate, action was initiated prior to the commencement of these Regulations under the provisions of the Western Region of Nigeria Public Service Commission Regulations, 1955, such further action as may be required under the provisions of these Regulations shall be taken as if the action taken prior to the commencement of these Regulations had been taken under and in accordance with the provisions of these Regulations.

Provisions relating to matters initiated prior to the commencement of these Regulations.

51. The Western Region of Nigeria Public Service Commission Regulations, 1955, are hereby revoked.

Revocation of W.R.L.N. 150 of 1955.

MADE at Ibadan this 27th day of October, 1958.

By His Excellency's Command,

D. A. MURPHY,
Acting Deputy Governor

W.R.L.N. 443 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE IJEBU NORTHERN DISTRICT COUNCIL AND
THE IJEBU NORTH-WESTERN DISTRICT COUNCIL
(ASSIGNMENTS) INSTRUMENT, 1958

DATE OF COMMENCEMENT: 30TH JUNE, 1958

In exercise of the powers conferred upon the Governor in Council by section 10 of the Local Government Law, 1957, the following Instrument is hereby made:—

- | | |
|---|--|
| Title and commencement. | 1. This Instrument may be cited as the Ijebu Northern District Council and the Ijebu North-Western District Council (Assignments) Instrument, 1958, and shall be deemed to have come into force on the 30th of June, 1958. |
| Inter-pretation. | 2. In this Instrument—
“the Council” means the Ijebu Northern District Council established under the provisions of W.R.L.N. 13 of 1955;
“the Ijebu Northern District Council” means the Ijebu Northern District Council established under the provisions of W.R.L.N. 236 of 1958;
“the Ijebu North-Western District Council” means the Ijebu North-Western District Council established under the provisions of W.R.L.N. 235 of 1958. |
| Transfer of staff.
First Schedule. | 3. The members of the staff of the Council listed in the First Schedule hereto are hereby transferred to the Ijebu Northern District Council and the Ijebu North-Western District Council as indicated therein. |
| Transfer of property. | 4. The articles of furniture and equipment belonging to the Council listed in the Second Schedule hereto are hereby assigned to the Ijebu Northern District Council and the Ijebu North-Western District Council as indicated therein. |
| Transfer of Financial Assets and Liabilities.
Third to Eighth Schedules. | 5. The financial assets and liabilities of the Council as indicated in the financial statement in the Third Schedule hereto are hereby assigned and transferred to the Ijebu Northern District Council and the Ijebu North-Western District Council as detailed in the Fourth to Eighth Schedules hereto. |

FIRST SCHEDULE

SECRETARY'S DEPARTMENT

To be Assigned to

- | | | | |
|--|-----|-----|---------------------------------------|
| 1. Mr E. O. A. Dada, Secretary/Treasurer | ... | ... | Ijebu North-Western District Council. |
| 2. Mr G. O. Williams, Clerk/Typist | ... | ... | Ijebu North-Western District Council. |
| 3. Mr F. A. Oshiyemi, Messenger... | ... | ... | Ijebu Northern District Council. |

TREASURER'S DEPARTMENT

- | | | | |
|-------------------------------------|-----|-----|---------------------------------------|
| 4. Mr J. I. K. Mako, Treasury Clerk | ... | ... | Ijebu Northern District Council. |
| 5. Mr J. A. Adenusi, Messenger | ... | ... | Ijebu North-Western District Council. |
| 6. Mr D. O. Paul, Tax Clerk | ... | ... | Ijebu North-Western District Council. |

FOURTH SCHEDULE

Name of Account	Balance			To be Assigned to
	£	s	d	
1. Registration of Electors	24	15	7	Ijebu Northern District Council.
2. Salary Revision	11	5	3	Ijebu North-Western District Council.
3. S. Akin. Oshuntoye	151	3	6	Ijebu North-Western District Council.
4. W. O. Osinubosi, Bicycle Advance	3	15	0	Ijebu North-Western District Council.
5. E. O. A. Dada, Car Advance	502	10	0	Ijebu North-Western District Council.
6. D. O. Paul, Denture Advance	2	3	4	Ijebu North-Western District Council.
7. J. O. Onadeko, Bicycle Advance	6	5	0	Ijebu Northern District Council.
8. 1958 Registration of Electors	261	19	2	Ijebu Northern District Council.
	<u>£ 963 16 10</u>			

FIFTH SCHEDULE

Name of Account	Balance			To be Assigned to
	£	s	d	
1. Ago-Iwoye Market Stall	11	3	4	Ijebu North-Western District Council.
2. Ago-Iwoye Water Supply	40	0	0	Ijebu North-Western District Council.
3. Sundry Deposit	9	14	2	(£7 5s 8d) Ijebu North-Western District Council. (£2 8s 6d) Ijebu Northern District Council.
4. Ago-Iwoye-Odoeye Road	950	0	0	Ijebu North-Western District Council.
5. Ago-Iwoye Local Rate	727	17	7	Ijebu North-Western District Council.
6. Domestic Science Centre	1	14	11	Ijebu North-Western District Council.
7. N.A. Secondary Modern Schools	251	0	0	(£125 10s) Ijebu North-Western District Council. (£125 10s) Ijebu Northern District Council.
(1) Ago-Iwoye } (2) Oru/Awa }				
8. Oru/Awa Local Rate	832	0	0	Ijebu Northern District Council.
9. Deposit Unclaimed Sitting Allowances.	15	0	0	(£9 15s) Ijebu North-Western District Council.
10. Unclaimed Arrears of salaries	21	7	0	(£5 5s) Ijebu Northern District Council. Contingent Liabilities Deposit Account (Ijebu North-Western District Council.)
11. Oru/Awa Dispensary and Maternity	25	12	11	Ijebu Northern District Council.
12. Recreational Facilities	1,000	0	0	Ijebu North-Western District Council.
13. Unclaimed Salaries	67	13	4	Contingent Liabilities Deposit Account (Ijebu North-Western District Council.)
14. Remuneration to Polling Officials	2	15	0	Contingent Liabilities Deposit Account (Ijebu North-Western District Council.)
15. 1957 Sales of Register of Electors	8	16	0	Ijebu North-Western District Council.
16. Resealing Deposit (Oru-Ago Road)	240	0	0	Ijebu North-Western District Council.
17. Electricity Losses Deposit	200	0	0	(£150) Ijebu North-Western District Council. (£50) Ijebu Northern District Council.
18. General Local Election Deposit	30	0	0	Ijebu North-Western District Council.
19. Bye-Election Deposit—Ijebu North-Western District Council.	5	0	0	Ijebu North-Western District Council.
20. Deposit—Indirect Election	35	0	0	Ijebu North-Western District Council.
21. Contingent Liabilities Deposit Account.	40	12	3	Ijebu North-Western District Council.
	<u>£4,515 6 6</u>			

SIXTH SCHEDULE

Kit Car J. 1511	370	19	8	(£278 4s 9d) Ijebu North-Western District Council. (£12 1s 11d) Ijebu Northern District Council.
------------------------	-----	----	---	---

SEVENTH SCHEDULE

Account	Old Ijebu Northern District Council			Ijebu North-Western District Council			Ijebu Northern District Council			Total												
	£	s	d	£	s	d	£	s	d	£	s	d										
1. General Revenue Balance	—	—	670	0	0	—	—	502	10	0	—	—	167	10	0	670	0	0				
2. Reserve Funds	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—				
3. Renewals Fund Deposits	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—				
4. Miscellaneous Deposits	4,515	6	6	—	—	—	3,474	10	1	—	—	—	1,040	16	5	—	—	4,515	6	6		
5. C.D. and W. Deposits	—	—	—	4,515	6	6	—	—	—	3,474	10	1	—	—	—	1,040	16	5	—	—	—	
	—	—	—	5,185	6	6	—	—	3,977	0	1	—	—	1,208	6	5	—	—	5,185	6	6	
6. Renewals Fund Investments	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
7. Reserve Fund Investments	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
8. Miscellaneous Advances	963	16	10	—	—	—	670	17	1	—	—	—	292	19	9	—	—	—	963	16	10	
9. Unallocated Stores	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
10. Vehicle Suspense Accounts	370	19	8	1,334	16	6	278	4	9	949	1	10	92	14	11	385	14	8	370	19	8	
Share of Liquid Surplus	—	—	—	3,850	10	0	—	—	3,027	18	3	—	—	822	11	9	—	—	3,850	10	0	
<i>Liquid Surplus:</i>																						
(a) Cash	—	83	15	2	—	—	—	83	15	2	—	—	—	—	—	—	—	—	—	83	15	2
(b) Bank Current Account	1,766	14	10	—	—	—	944	3	1	—	—	—	822	11	9	—	—	—	1,766	14	10	
(c) Fixed Deposits	2,000	0	0	—	—	—	2,000	0	0	—	—	—	—	—	—	—	—	—	2,000	0	0	
(d) P.O.S.B.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
(e) Nigerian Savings Certificates	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
(f) Crown Agents Investments	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
(g) Nigerian Local Loan	—	—	—	3,850	10	0	—	—	3,027	18	3	—	—	822	11	9	—	—	—	—	—	
	—	—	—	3,850	10	0	—	—	3,027	18	3	—	—	822	11	9	—	—	3,850	10	0	

EIGHTH SCHEDULE

Name of Account	Amount			To be Assigned to	Amount		
	£	s	d		£	s	d
1. Cash	83	15	2	Ijebu North-Western District Council	83	15	2
2. Bank Current Account.	1,766	14	10	Ijebu North-Western District Council	944	3	1
				Ijebu Northern District Council ...	822	11	9
					<u>£1,766 14 10</u>		
3. Bank Fixed Deposits.	2,000	0	0	Ijebu North-Western District Council	£2,000	0	0
4. Post Office Savings Bank.	—			—	—		
5. Crown Agents Investments.	—			—	—		
6. Renewals Fund Deposit.	—			—	—		
7. Renewals Fund Investment.	—			—	—		
8. Reserve Funds ...	—			—	—		
9. C.D. & W. Deposits	—			—	—		
10. Miscellaneous Deposits.	4,515	6	6	Ijebu North-Western District Council	3,474	10	1
				Ijebu Northern District Council ...	1,040	16	5
					<u>£4,515 16 6</u>		
11. Miscellaneous Advances.	963	16	10	Ijebu North-Western District Council	670	17	1
				Ijebu Northern District Council ...	292	19	9
					<u>£ 963 16 10</u>		
12. Unallocated Stores	—			—	—		
13. Vehicle Suspense Accounts.	370	19	8	Ijebu North-Western District Council	278	4	9
				Ijebu Northern District Council ...	92	14	11
					<u>£ 370 19 8</u>		
14. General Revenue Balance.	670	0	0	Ijebu North-Western District Council	502	10	0
				Ijebu Northern District Council ...	167	10	0
					<u>£ 670 0 0</u>		

MADE by the Governor in Council at Ibadan, this 10th day of November, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 444 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE
BYE-LAWS ORDER, 1958: IVBIOSAKON DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ivbiosakon District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ivbiosakon District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 7th day of January, 1958, that the Registration of Marriages Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
4 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 12th November, 1958.

W.R.L.N. 445 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1958
SOUTH-EAST ISHAN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the South-East Ishan District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the South-East Ishan District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 28th day of August, 1958, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
10 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 12th November, 1958.

B 726

W.R.L.N. 446 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE EGBADO-KETU DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957 (which powers have been delegated to the Minister of Local Government by Western Region Legal Notice 343 of 1958) the Instrument establishing the Egbado-Ketu District Council published as Western Region Public Notice No. 138 of 1953 is hereby amended as follows :—

- (i) *Delete* paragraph 5 and *substitute* therefor—
“5. The Council shall consist of fifty-seven members, namely:
Twelve traditional members,
Forty-five elected members”.
- (ii) *Delete* paragraph 6 and *substitute* therefor—
“6. The quorum shall be twenty-eight members”.
- (iii) In paragraph 7, *delete* the word “ten” and *insert* “twelve” and *add*—
“The Srikri of Ebute Igboro
The Oba Ladi of Afon”.

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 20th November, 1958.

W.R.L.N. 447 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
AKURE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Akure District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Akure District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 23rd day of April, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 5th November, 1958.

W.R.L.N. 448 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE WESTERN URHOB0 DISTRICT COUNCIL

DATE OF COMMENCEMENT : 20TH NOVEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957 (which powers have been delegated to the Minister of Local Government by Western Region Legal Notice 343 of 1958) the Instrument establishing the Western Urhobo District Council published as Western Region Legal Notice 218 of 1955 is hereby amended as follows :—

(1) *Delete* paragraph 5 of the said Instrument and *substitute* therefor—

“5. The Council shall consist of sixty-one members, namely :
Fifteen traditional members,
Forty-six elected members”.

(2) In paragraph 7 of the said Instrument in line one *delete* “fourteen” and *substitute* “fifteen” therefor; and *add*—

“The Okakuro of Okpe.”

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 20th November, 1958.

W.R.L.N. 449 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1958 : NORTH-EAST ISHAN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the North-East Ishan District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the North-East Ishan District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 16th day of October, 1958, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
11 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 12th November, 1958.

W.R.L.N. 450 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE WEST ISHAN DISTRICT COUNCIL
(DEFAULT) ORDER, 1958

DATE OF COMMENCEMENT: 10TH NOVEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 89 (1) (b) of the Local Government Law, 1957, the following Order is hereby made:—

Short title. 1. This Order may be cited as the West Ishan District Council (Default) Order, 1958.

Declaration that Council is in default. 2. The West Ishan District Council is hereby declared to be in default in the performance of the functions listed in the Schedule hereto conferred and imposed upon them by the Local Government Law, 1957, hereinafter referred to as "the Law".

Transfer of functions. 3. The functions listed in the Schedule hereto shall be transferred to a committee comprising the following persons:—

- | | | | | |
|---|-----|-----|-----|--------------------------------|
| (i) Onogie of Ekpon, Chief Usifo II | ... | ... | ... | Ekpon Clan—
<i>Chairman</i> |
| (ii) Mr J. O. Omigie | ... | ... | ... | Ebelle Clan |
| (iii) Onogie of Ebelle | ... | ... | ... | Ebelle Clan |
| (iv) Chief S. O. Esangbedo | ... | ... | ... | Igueben Clan |
| (v) Onogie of Igueben, Chief Eluojerio II | ... | ... | ... | Igueben Clan |
| (vi) Chief Iyayi of Ugbegun | ... | ... | ... | Ugbegun Clan |

Direction to perform functions. 4. The persons listed in paragraph 3 above are hereby directed to perform the functions listed in the Schedule hereto.

SCHEDULE

(i) the function of giving notice of the day on which rates levied by the West Ishan District Council under the provisions of section 129, 130, and 131 of the Law shall become due and payable in accordance with the provisions of section 175 of the said Law;

(ii) the function of appointing rate collectors in accordance with the provisions of section 178 of the Law for the collection of rates levied by the West Ishan District Council in accordance with the provisions of sections 129, 130, and 131 of the said Law;

(iii) the function of incurring expenditure under the following Heads and Sub-heads of the West Ishan District Council estimates for the 1958-59 financial year in accordance with the provisions of section 111 of the Law:—

<i>Head</i>	<i>Sub-head</i>
I 	1 to 3 inclusive
III 	2 and 4
VIB 	1 to 8 inclusive
XVII 	1 to 8 inclusive

MADE by the Governor in Council at Ibadan, this 10th day of November, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*

W.R.L.N. 451 of 1958

REGULATIONS made under THE LOCAL GOVERNMENT
LAW, 1957 (No. 12 of 1957)

DATE OF COMMENCEMENT: 3RD NOVEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 104 of the Local Government Law, 1957 the following Regulations are hereby made:—

1. These Regulations may be cited as the Western Region (Local Government) Staff (Amendment) Regulations, 1958 and shall apply to all existing councils established under the Western Region Local Government Law, 1952 and the Local Government Law, 1957.

2. The Western Region (Local Government) Staff Regulations, 1955 (hereinafter called "the principal Regulations") are hereby amended as follows:—

(a) In regulation C.6 of the principal Regulations *delete* the words "Local Government Inspector" and *substitute* therefor the words "Permanent Secretary, Ministry of Local Government".

(b) *Delete* regulation H.1 of the principal Regulations and *substitute* the following therefor:

"Acting Allowances.

1. Acting allowance may be paid to the temporary holders of posts, other than posts in the Unified Local Government Service subject to the approval of the Permanent Secretary, Ministry of Local Government:

Provided that such post is deemed by the Minister to be of such importance as to attract acting allowance."

(c) In regulation H.12 of the principal Regulations *delete* the words "Local Government Inspector" and *substitute* therefor the words "Local Government Adviser".

(d) In regulation I.1 of the principal Regulations *delete* the words "the Assistant Local Government Inspector, the Local Government Inspector, or the Regional Authority" and *substitute* therefor the words "or the Local Government Adviser".

(e) In regulation I.41 of the principal Regulations *delete* the words "Local Government Inspector" and *substitute* therefor the words "Permanent Secretary, Ministry of Local Government".

(f) In regulation J.3 of the principal Regulations, *delete* the words "Local Government Inspector, Assistant Local Government Inspector," and *substitute* therefor the words "Local Government Adviser".

MADE by the Governor in Council at Ibadan this 3rd day of November, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 452 of 1958*Parliamentary and Local Government Electoral
Regulations, 1955*

APPOINTMENT OF REGISTRATION OFFICERS

DATE OF COMMENCEMENT : 1ST NOVEMBER, 1958

In exercise of the powers vested in the Governor by Regulation 3 of the Parliamentary and Local Government Electoral Regulations, 1955, which powers have been delegated to the Electoral Commissioner as notified in Western Region Legal Notice 208 of 1956, the following appointments of Registration Officers are hereby made:—

<i>Constituency</i>	<i>Registration Officer</i>	<i>Area of responsibility</i>
Western Ijaw North	Secretary, Western Ijaw Divisional Council.	Whole Constituency.
Western Ijaw South	Treasurer, Western Ijaw Divisional Council.	Whole Constituency.

2. The appointments to these constituencies notified in Western Region Legal Notice 253 of 1956 are hereby revoked.

S. J. HENRY,
*Electoral Commissioner,
Western Region*

Ibadan, 14th November, 1958.
(301/32, 301/31)

W.R.L.N. 453 of 1958*The Interpretation Ordinance (Cap. 94)*

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 1ST NOVEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance the delegation of the functions of the Minister of Justice to the Minister of Education, notified by the Delegation of Functions (Minister of Justice) Notice, 1958, has been revoked.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 454 of 1958

The Chiefs Law, 1957
(No. 20 of 1957)

DATE OF COMMENCEMENT : 20TH NOVEMBER, 1958

In exercise of the powers conferred upon him by section 3 of the Chiefs Law, 1957, the Minister hereby applies Part II of the Chiefs Law, 1957, to the chieftaincy referred to in the schedule to this notice and designates the Western Urhobo District Council as the competent local government council in respect of the chieftaincy.

SCHEDULE

Chieftaincy to which Law is to be applied—
"The Okakuro of Okpe".

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 25th November, 1958.

W.R.L.N. 455 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1956
ASABA URBAN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 20TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Asaba Urban District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Asaba Urban District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on 15th September, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 12th November, 1958.

W.R.L.N. 456 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARRIAGE, DIVORCE AND CUSTODY OF
CHILDREN ADOPTIVE BYE-LAWS ORDER, 1958

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

In exercise of the powers conferred by section 82 of the Local Government Law, 1957, upon the Regional Minister to whom responsibility for local government is assigned, the following Order is hereby made:—

1. This Order may be cited as the Marriage, Divorce and Custody of Children Adoptive Bye-laws Order, 1958. Short title.

2. (1) The Adoptive Bye-laws contained in the Schedule to this Order are hereby made. Making and adoption of Scheduled Bye-laws.

(2) The said Bye-laws may be adopted in accordance with the provisions of section 82 of the Local Government Law, 1957, as a whole, but not in parts, by a local government council to whose functions they relate.

SCHEDULE

1. These Bye-laws may be cited as the Marriage, Divorce and Custody of Children Adoptive Bye-laws, 1958. Short title.

2. In these Bye-laws—

“the council” means the council which has adopted these bye-laws;

“court” means any customary court established within the area of authority of the council;

“dowry” means a customary gift made by a husband to or in respect of a woman at or before marriage;

“guardian” means the person who, in the absence of the parents, is responsible by custom or arrangement for the upbringing and welfare of a bride;

“marriage” means any marriage contracted in accordance with the customary law within the area of authority of the council.

“paternal right” includes the right to receive the father’s share of the dowry of a female child but shall not include the right of custody of that child.

3. (1) No dowry or other betrothal presents in excess of the amounts set out in Part A of the Schedule hereto shall be offered, made, demanded or received by any person. Payment of dowry, etc. Schedule.

(2) Any person who contravenes the provisions of paragraph (1) of this Bye-law shall be liable, on conviction, to a fine of twenty-five pounds or, in default of payment, to imprisonment for three months.

4. No bride shall solicit for customary presents on any highway. Penalty: No soliciting on highway.
ten pounds fine or, in default of payment, one month’s imprisonment.

- Parents refusing to give consent to marriage.
5. When any parent or guardian of a bride refuses his or her consent to a marriage or refuses to accept his or her share of the dowry, the bride, if she is eighteen years of age or above, and the bridegroom jointly may institute legal proceedings in a competent court against the parent or guardian to show cause why he or she should refuse consent or to accept his or her share of the dowry; and if the court is of the opinion that no sufficient cause has been shown, it shall order that the marriage may proceed without the consent of such parent.
- Betrothal of bride to another man by either parent.
6. If any parent or guardian of a bride receives a dowry from another man before the dowry paid by the existing husband or bridegroom has been refunded to him that parent shall be guilty of an offence and shall be liable, on conviction, to a fine of twenty-five pounds, or, in default of payment, to three months imprisonment.
- Grounds for Divorce.
7. The following matters shall be taken into consideration by the court when making an order for the dissolution of any marriage—
- (a) betrothal under marriageable age;
 - (b) refusal by either party to consummate the marriage;
 - (c) harmful diseases of a permanent nature which may impair the fertility of a woman or the virility of a man;
 - (d) impotency of the husband or sterility of the wife;
 - (e) conviction of either party for a crime involving a sentence of imprisonment of five years or more;
 - (f) ill-treatment, cruelty or neglect of either party by the other;
 - (g) venereal disease contracted by either party;
 - (h) lunacy of either party for three years or more;
 - (i) adultery;
 - (j) leprosy contracted by either party;
 - (k) desertion for a period of two years or more:
- Provided that no order for a divorce shall be made in respect of an application made by a wife who is nursing a child under three years of age, or who has three children or more by the husband, unless the court is satisfied that there are special reasons for making the order where-upon the reasons shall be recorded in the record of the proceedings.
- Recovery of dowry, etc., on divorce.
8. On the dissolution of a marriage or the breaking of a contract of marriage as the case may be, the maximum amounts which shall be recoverable in proceedings for divorce shall be those specified in Part B of the Schedule hereto.
- Extraneous claims recoverable as a debt.
9. All other claims or debts by one spouse against the other shall be recoverable in a separate suit as debts when supported by valid documents.
- No dowry recoverable in certain cases.
10. No dowry shall be refundable where a woman is divorced on the grounds of leprosy or where on any grounds, an inherited widow is divorced.
- Deposit of dowry, etc.
11. When taking an action for divorce a wife shall pay into court any dowry paid to her at the time of marriage.
- Court receipts to bear seducer's name.
12. The name of the seducer, if known shall be shown on the court receipt for any dowry or other sums paid into court.

13. Paternal rights shall normally be awarded to the natural father whether or not such natural father is married to the mother: Paternal Rights.

Provided that the husband of a woman shall be presumed, for the purposes of these Bye-laws, to be the natural father of any issue born or conceived by the woman during the period over which their marriage subsists.

14. When making any order with regard to paternal rights over a child the court— Custody of Children.

(1) shall at the same time make an order with regard to the custody and upbringing of such child and in the making of such order the interest and welfare of the child shall be the first and paramount consideration;

(2) may by a further order direct that the person to whom paternal rights have been granted shall contribute towards the maintenance of the child and the amount of such contribution shall be included in the order of the court.

15. The particulars set out in the Schedule hereto may, subject to the approval of the Minister, be varied by a resolution of the council to be published in the Regional Gazette. Variation of Schedules.

SCHEDULE

(BYE-LAW 3)

Part A

	£	s	d
(i) On first engagement of a bride	2	10	0
(ii) Dowry	10	0	0
(iii) Allowance to bride's parents	5	0	0
(iv) Allowance to a bride for her dresses	7	10	0
(v) Allowance to a bride for funeral ceremony	5	0	0
(vi) Allowance to a bride for chieftaincy ceremony	5	0	0

(BYE-LAW 8)

Part B

(i) Where marriage has not been consummated	35	0	0
(ii) Where marriage has existed for less than one year	30	0	0
(iii) Where marriage has existed for one year or more (but less than five years)	25	0	0
(iv) Where marriage has existed for five years or more	20	0	0

MADE at Ibadan this 14th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 457 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957: OFFIN (SHAGAMU) LOCAL COUNCIL

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Offin (Shagamu) Local Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Offin (Shagamu) Local Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of July, 1958, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted, with the following schedules substituted for the first and third schedules thereof:—

W.R.L.N. 13
of 1956.

FIRST SCHEDULE

Description of Drums:—

- | | |
|----------------------|---------------|
| 1. Iya-Ilu or Dundun | 5. Apala/Juju |
| 2. Sakara/Kitipo | 6. Agidigbo |
| 3. Kete | 7. Alasha |
| 4. Batakoto | 8. Orchestra. |

THIRD SCHEDULE

<i>Description of Drums</i>	<i>Period</i>	<i>Fees</i>
1. Iya-Ilu or Dundun	For any period between 6 a.m. to 6 a.m.	20s
2. Sakara/Kitipo ...	For any period between 6 a.m. to 6 a.m.	20s
3. Kete... ..	For any period between 6 a.m. to 6 a.m.	20s
4. Batakoto	For any period between 6 a.m. to 6 a.m.	20s
5. Apala/Juju	For any period between 6 a.m. to 6 a.m.	20s
6. Agidigbo	For any period between 6 a.m. to 6 a.m.	20s
7. Alasha	For any period between 6 a.m. to 6 a.m.	20s
8. Orchestra	For any period between 6 a.m. to 6 a.m.	20s

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 13th November, 1958.

W.R.L.N. 458 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
EWOHIMI-EWATTO-EWOSSA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ewohimi-Ewatto-Ewossa District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ewohimi-Ewatto-Ewossa District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 19th day of September, 1958, that Parts I-III and V and VI of the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N. 10
of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 14th November, 1958.

W.R.L.N. 459 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957: WESTERN IJAW
DIVISIONAL COUNCIL

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Western Ijaw Divisional Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Western Ijaw Divisional Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of July, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957 be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th November, 1958.

W.R.L.N. 460 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*

**THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956: WESTERN IJAW DIVISIONAL COUNCIL**

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Western Ijaw Divisional Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Western Ijaw Divisional Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of July, 1958 that the Vehicle Licensing Adoptive Bye-laws, 1956 be adopted.

W.R.L.N.
11 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th November, 1958.

W.R.L.N. 461 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*

**THE CONTROL OF SHEEP AND GOATS ADOPTIVE
BYE-LAWS ORDER, 1956: WESTERN IJAW
DIVISIONAL COUNCIL**

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Western Ijaw Divisional Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Western Ijaw Divisional Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of July, 1958 that the Control of Sheep and Goats Adoptive Bye-laws, 1956 be adopted.

W.R.L.N.
14 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th November, 1958.

W.R.L.N. 462 of 1958

The Liquor (Licensing) Law, 1958
(No. 48 of 1958)

THE LIQUOR LICENSING DISTRICTS ORDER, 1958

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

In exercise of the power conferred on the Minister by sub-section (1) of section 3 of the Liquor (Licensing) Law, 1958, the following Order is hereby made:—

1. This Order may be cited as the Liquor Licensing Districts Order, 1958. Title.
2. The Western Region shall, for the purposes of the Liquor (Licensing) Law, 1958, be divided into licensing districts, and the area of authority of each local government council specified in the Schedule to this Order shall be a licensing district.

SCHEDULE

ABEOKUTA PROVINCE

Egbado-Ketu District Council	Egba-Obafemi District Council
Egbado-Ifonyin District Council	Egba-Ifo District Council
Ado-Igbesa District Council	Egba-Owode District Council
Ipokia District Council	Egba-Ikereku District Council
Ilaro District Council	Imala District Council
Abeokuta Urban District Council	Otta District Council.
Egba-Odeda District Council	

BENIN PROVINCE

Etsako District Council	Irrua-Ewu District Council
Akoko-Edo District Council	Ivie-Uda-Esaba District Council
Ivbiosakon District Council	Ewohimi-Ewatto-Ewossa District Council
Iyekuselu District Council	North-East Ishan District Council
Benin City Council	West-Ishan District Council
Akugbe District Council	South-East Ishan District Council
Iyekeorhiomwan District Council	Asaba Urban District Council
Iyekovia District Council	Ika District Council
Uhunmwonde District Council	Aniocha District Council.
Uromi-Uzea District Council	

COLONY PROVINCE

Epe District Council	Agege District Council
Ikosi District Council	Mushin District Council
Eredo District Council	Ikorodu Divisional Council
Ibeju District Council	Egun-Aworì District Council
Ejinrin District Council	Aworì District Council
Lekki District Council	Ajeromi District Council.
Ikeja District Council	

SCHEDULE—*contd.*

DELTA PROVINCE

Isoko District Council
 Western Urhobo District Council
 Central Urhobo District Council
 Sapele Urban District Council
 Western Ijaw Divisional Council

Ukwuani District Council
 Ndosimili District Council
 Warri Divisional Council
 Warri Urban District Council.

IBADAN PROVINCE

Ibadan District Council
 Ibarapa District Council
 Aiyedade District Council
 Ede District Council
 Egbedore District Council
 Ejigbo District Council

Ifelodun District Council
 Ikirun District Council
 Odo-Otin District Council
 Oshogbo District Council
 Iwo District Council
 Ogbomosho District Council.

IJEBU PROVINCE

Ijebu-Remo Divisional Council
 Ijebu-Ode District Council
 Ijebu-Igbo District Council
 Ijebu Northern District Council
 Ijebu North-Western District Council

Ijebu Southern District Council
 Ijebu Eastern District Council
 Ijebu Western District Council
 Ijebu Waterside District Council
 Ilugun/Alaro District Council.

ONDO PROVINCE

Idanre District Council
 Ondo Central District Council
 Ile-Oluji-Okeigbo District Council
 Ondo Southern District Council
 Ondo Western District Council
 Akure Divisional Council
 Ikale-Idapommarun District Council
 Ikale-Orisunmeta District Council
 Ikale-Idapometa District Council
 Ilaje District Council
 Ese-Odo District Council
 Ekiti Southern District Council

Ado District Council
 Ijero District Council
 Ekiti Western District Council
 Ekiti Northern District Council
 Ikole District Council
 Iddo-Osi District Council
 Otun District Council
 Owo District Council
 Ekamarun District Council
 Irekari District Council
 Oka District Council
 Akoko Divisional Council.

OYO PROVINCE

Ilesha Urban District Council
 Ilesha Northern District Council
 Ilesha Southern District Council
 Ila District Council
 Ife Divisional Council

Oyo Southern District Council
 Iseyin District Council
 Okeho/Iganna District Council
 Shaki District Council
 Irepo District Council.

MADE by the Minister at Ibadan this 10th day of November, 1958.

ANTHONY ENAHORO,
Minister of Home Affairs and Midwest Affairs

W.R.L.N. 463 of 1958

BYE-LAWS made under THE DOGS ORDINANCE
(Cap. 56)

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

In exercise of the powers conferred upon the Owo District Council by section 15 of the Dogs Ordinance, and with the approval of the Minister of Health and Social Welfare, the following Bye-laws are hereby made :—

1. These Bye-laws may be cited as the Owo District Council (Rabies) Bye-laws, 1958, and shall apply to the area comprised within the radius of three miles from the District Council's Motor Park and its surroundings.

2. The owner or person in charge of a dog shall not permit the dog to be in the road, market or public place unless the dog is led on a leash, and a dog not so leashed shall be deemed not under control.

3. A dog found in any road, market or public place and not under control may be seized and destroyed.

4. The District Council may recover from the owner of a dog seized or destroyed under the preceding paragraph any expense incurred by the Council in seizing or destroying the dog.

MADE by the Owo District Council this 5th day of September, 1958, the Common Seal of the Council having been hereto affixed in the presence of—

J. D. OTEGBEYE,
for Secretary/Treasurer,
Owo Divisional Council

Witness to Signature:—

M. A. AJASIN,
Chairman, Owo District Council

APPROVED this 11th day of November, 1958.

J. OLA. ADIGUN,
Minister of Health and Social Welfare,
Western Region

B 742

W.R.L.N. 464 of 1958

*ORDER made under SECTION 16 of the DOGS ORDINANCE
(Cap. 56)*

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

In exercise of its powers under section 16 of the Dogs Ordinance, the Owo District Council hereby makes the following Order :—

1. This Order may be cited as the Rabies (Owo Town) Declaration and Prohibition Order, 1957.

2. The town of Owo within a circle having a radius of three miles with the District Council Motor Park as centre, is declared to be a diseased area.

3. The removal of dogs from the diseased area to any other area or from any other area to the diseased area is prohibited.

MADE at Owo this 5th day of September, 1958, the Common Seal of the Council being hereto affixed in the presence of:

J. D. OTEGBEYE,
*for Secretary/Treasurer,
Owo District Council*

M. A. AJASIN,
Chairman, Owo District Council

W.R.L.N. 465 of 1958

The Forestry Ordinance (Cap. 75)

OYO NEW PLANTATION (OYO) FOREST RESERVE
CORRIGENDUM

DATE OF COMMENCEMENT: 9TH OCTOBER, 1958

In Western Region Legal Notice 409 of 1958 published in *Western Region of Nigeria Gazette* No. 59 of 9th October, 1958:—

Page B 675, First Schedule, line one—*insert*—

“containing” between “land” and “twenty-seven”; line four—“stituated” should read “situated”.

W.R.L.N. 466 of 1958

*The Nigeria (Constitution) (Amendment No. 4)
Order in Council, 1958*STATUTORY INSTRUMENTS, 1958 No. 1958
WEST AFRICAMADE 21ST NOVEMBER, 1958
LAID BEFORE PARLIAMENT ... 27TH NOVEMBER, 1958
COMING INTO OPERATION ... 28TH NOVEMBER, 1958

At the Court at Buckingham Palace, the 21st day of November, 1958

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:—

1. (1) This Order may be cited as the Nigeria (Constitution) (Amendment No. 4) Order in Council, 1958, and shall be construed as one with the Nigeria (Constitution) Orders in Council, 1954 to 1957 (b), the Nigeria (Constitution) (Amendment) Order in Council, 1958 (c), the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958 (d), and the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958 (e).

Citation,
constructive
and com-
mencement

(2) The Nigeria (Constitution) Orders in Council, 1954 to 1957, the Nigeria (Constitution) (Amendment) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, and this Order may be cited together as the Nigeria (Constitution) Orders in Council, 1954 to 1958.

(3) Section 1 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958, is amended by the deletion of sub-section (2).

(4) This Order shall come into operation on the twenty-eighth day of November, 1958.

2. (1) Section 2 of the Nigeria (Constitution) Order in Council, 1954 (hereinafter called "the principal Order") (as amended by section 2 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, sub-section (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and section 2 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958) is amended by the deletion from sub-section (4) of sub-paragraph (iv) of paragraph (a) and the substitution of the following sub-paragraph:—

Amendment
of s. 2 of
Order of
1954.

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

(b) S.I. 1954/1146, 1955/432, 1956/836, 1957/1363, 1530 (1954 II, p. 2829; 1955 II, p. 3163; 1956 II, p. 2953; 1957 II, pp. 3028, 3030).

(c) S.I. 1958/429.

(d) S.I. 1958/1257.

(e) S.I. 1958 /1522.

“(iv) references to offices in the public service of the Federation include references to the offices of the judges of the Federal Supreme Court, the High Court of Lagos and the High Court of the Southern Cameroons and references to the offices of members of all other courts of the Federation, the Southern Cameroons or Lagos, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Federation or the Southern Cameroons, as the case may be; and references to offices in the public service of a Region include references to the offices of the judges of the High Court of the Region and references to the offices of the members of all other courts of the Region, being offices the emoluments attaching to which are paid out of the Consolidated Revenue Fund or the other public funds of the Region”.

(2) Any appointment of any person to any judicial office of any Region or the Southern Cameroons made by any person or authority during the period between the thirty-first day of March, 1958, and the commencement of this Order in purported exercise of any power conferred upon that person or authority by or under the Native Courts Law, 1956, of the Northern Region (f), the Customary Courts Law, 1957, of the Western Region (g), the Customary Courts Law, 1956, of the Eastern Region (h), or the Customary Courts Law, 1956, of the Southern Cameroons (i), as the case may be, shall for all purposes whatsoever be, and be deemed always to have been, duly made notwithstanding that, by virtue of the provisions of sub-paragraph (iv) of paragraph (a) of sub-section (4) of section 2 of the principal Order (as set out in sub-section (1) of section 3 of the Nigeria (Constitution) (Amendment) Order in Council, 1958), the provisions of the principal Order relating to the making of appointments to offices in the public service of the Federation or the public service of a Region, as the case may be, applied during that period in relation to the making of appointments to that judicial office, and all acts and things done by the person so appointed to that judicial office in exercise of the functions of that judicial office shall accordingly be deemed to have been validly and effectively done.

Amendment
of s. 138 of
Order of
1954.

3. Section 138 of the principal Order is amended—

(a) by the deletion from sub-section (2) of the word “and” in paragraph (b); and

(b) by the insertion in sub-section (2) after paragraph (b) of the following paragraph:—

“(bb) the Chief Justice of each Region and the Chief Justice of Lagos; and.”

Amendment
of s. 139 of
Order of
1954.

4. Section 139 of the principal Order (as amended by section 74 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (4) of the words “of his attaining” in paragraph (b) of the proviso and the substitution of the words “after his attainment of.”

Amendment
of s. 142 of
Order of
1954.

5. Section 142 of the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955, section 6 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, and section 75 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended—

-
- (f) Law No. 6 of 1956.
(g) Law No. 26 of 1957.
(h) Law No. 21 of 1956.
(i) Law No. 9 of 1956.

(a) by the deletion from sub-section (2) of the words "of the High Court of the Northern Region" in sub-paragraph (i) of paragraph (cc) and the words "of the Northern Region" in sub-paragraphs (ii) and (iii) of that paragraph; and

(b) by the deletion from sub-section (2) of the words "of his attaining" in sub-paragraph (ii) of the proviso to paragraph (d) and the substitution of the words "after his attainment of."

6. Section 180E of the principal Order (as set out in sub-section (1) of section 99 of the Nigeria (Constitution) (Amendment) Order in Council, 1958, and as amended by section 5 of the Nigeria (Constitution) (Amendment No. 3) Order in Council, 1958) is amended by the deletion of sub-section (2) and the substitution of the following sub-section:—

Amendment
of s. 180E of
Order of
1954.

"(2) This section applies to the offices of members of all courts of the Western Region other than the High Court, being offices the emoluments attaching to which are payable out of the Consolidated Revenue Fund or the other public funds of the Region, the office of Chief Registrar or Registrar of the High Court of the Region, the office of Registrar of any Magistrates' Court of the Region and the offices of Justices of the Peace of the Region and to such other offices connected with any of the Courts of the Region as may be prescribed by any law enacted by the Legislature of the Region."

7. (1) Section 190B of the principal Order (as set out in sub-section (1) of section 25 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958) is amended by the insertion after sub-section (5) of the following sub-section:—

Amendment
of s. 190B
of Order of
1954.

"(6) The provisions of sub-sections (1), (2), (3) and (4) of this section (which, by virtue of paragraph 7 of the First Schedule or paragraph 16 of the Second Schedule to the Nigeria (Retirement Benefits) Order in Council, 1958 (j), apply, subject to the provisions of that Order, in relation to the grant of certain benefits under that Order and to certain benefits so granted) shall apply, subject as aforesaid, in relation to the grant of all other benefits under the Second Schedule to that Order and to all other benefits so granted as they apply in relation to the grant of benefits, and benefits granted, under a pensions law in force in the Western Region or the Eastern Region and for that purpose sub-section (3) shall have effect as if the words "in accordance with any provisions in that behalf in that pensions law" were deleted:

Provided that those provisions shall not apply—

(a) in relation to the grant of any benefits under paragraph 6 of the Second Schedule to that Order in respect of which it is provided by any law enacted by the Federal Legislature that they shall be granted by the Governor-General and paid by the Federation or in respect of which it is provided by any law enacted by the Legislature of the Northern Region that they shall be granted by the Governor of that Region and paid by that Region; or

(b) in relation to any benefits granted under that paragraph by the Governor-General or the Governor of the Northern Region and payable by the Federation or that Region, as the case may be."

(2) The provisions of sub-sections (2), (3) and (4) of section 190B of the principal Order shall apply in relation to any benefits granted under any regulations made under Part 2 of Chapter VII of the principal Order and payable by the Western Region or the Eastern Region as they apply in relation to benefits granted under a pensions law in force in that Region:

Provided that the provisions of section 5 of the Nigeria (Retirement Benefits) Order in Council, 1958, shall apply in relation to any additional allowance granted under those regulations as they apply in relation to an additional allowance granted under that Order.

Amendment of s. 229 of Order of 1954. 8. Section 229 of the principal Order (as set out in sub-section (1) of section 106 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from sub-section (1) of the words "six months" in paragraph (b) of the proviso and the substitution of the words "seven years".

Amendment of First Schedule to Order of 1954. 9. The First Schedule to the principal Order (as amended by section 2 of the Nigeria (Constitution) (Amendment) Order in Council, 1955, section 16 of the Nigeria (Constitution) (Amendment) Order in Council, 1956, section 50 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1957, and section 107 of the Nigeria (Constitution) (Amendment) Order in Council, 1958) is amended by the deletion from Part I of the words "the revenues" in Item 29 and the substitution of the words "the Consolidated Revenue Fund or the other public funds".

Amendment of Third Schedule to Order of 1954. 10. The Third Schedule to the principal Order is amended by the insertion in paragraph 1 after the words "the following Chapters of" in sub-paragraph (a) of the words "the Code of Criminal Law established by".

Amendment of s. 25 of Order No. 2 of 1958. 11. Section 25 of the Nigeria (Constitution) (Amendment No. 2) Order in Council, 1958, is amended by the deletion of sub-section (2).

Adaptation of existing laws. 12. (1) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into conformity with the provisions of the Nigeria (Constitution) Orders in Council, 1954 to 1958, or otherwise for giving effect or enabling effect to be given to those provisions; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

(2) In this section "existing law" means a law in force or having effect immediately before the commencement of this Order that was enacted by any legislature in Nigeria and includes any instrument made in pursuance of any such law.

EXPLANATORY NOTE

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

This Order amends the provisions of the Nigeria (Constitution) Order in Council, 1954, relating to the judges of the Federal Supreme Court and the High Courts of the Northern Region and Lagos and to certain other judicial offices, the grant of pensions, offences involving disqualification for election and the Judicial Service Commissions and the Directors of Public Prosecutions of the Western and Eastern Regions. It also validates certain appointments of judicial officers.

B 748

W.R.L.N. 467 of 1958

The Customary Courts Law, 1957
(No. 26 of 1957)

APPOINTED DAY NOTICE

DATE OF COMMENCEMENT: 1ST DECEMBER, 1958

In exercise of the powers conferred by section 1 of the Customary Courts Law, 1957 (as amended by the Customary Courts (Amendment) Law, 1958) the Governor has been pleased to appoint the 1st day of December, 1958, as the date on which the Customary Courts Law, 1957 shall come into operation in the undermentioned part of the Region:—

Ishan Division.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 468 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
MUSHIN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 4TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Mushin District Council by sections 82(2) and 271 of the Local Government Law, 1957, the Mushin District Council in accordance with section 82(3) (a) of the said Law has resolved at its meeting held on the 6th of November, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 22nd November, 1958.

W.R.L.N. 469 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1956: IJEBU SOUTHERN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 9th day of August, 1958, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
11 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 13th November, 1958.

W.R.L.N. 470 of 1958

The Local Government Law, 1957
(No. 12 of 1957)THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
IJEBU SOUTHERN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Southern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Southern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 29th day of March, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 13th November, 1958.

W.R.L.N. 471 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
IJEBU NORTHERN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijebu Northern District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijebu Northern District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 8th day of November, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 472 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE BYE-LAWS
ORDER, 1957: EGBA-OWODE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Egba-Owode District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egba-Owode District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 5th day of November, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 473 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE MARKETS ADOPTIVE BYE-LAWS ORDER, 1956
IKOLE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikole District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikole District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of August, 1958, that the Markets Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
10 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 474 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS
ORDER, 1957: IKOLE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikole District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikole District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 14th day of August, 1958, that the Registration of Marriages Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
4 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 475 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958: ILAJE DISTRICT
COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ilaje District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ilaje District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 10th day of September, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th November, 1958.

W.R.L.N. 476 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE VEHICLE LICENSING ADOPTIVE BYE-LAWS
ORDER, 1958: ILAJE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ilaje District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ilaje District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 10th day of September, 1958, that the Vehicle Licensing Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
276 of 1957.

SCHEDULE

Fees to be paid under bye-law 3—

	£	s	d
(a) Bicycle or tricycle and other pedalled vehicle	0	7	6
(b) For a new licence and metal or plastic plate to replace one lost or stolen	0	1	0

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 27th November, 1958.

W.R.L.N. 477 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
MUSHIN DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Mushin District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Mushin District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 6th day of November, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 22nd November, 1958.

W.R.L.N. 478 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1958
ILE-OLUJI/OKEIGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ile-Oluji/Okeigbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ile-Oluji/Okeigbo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of October, 1958, that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 479 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF MOTOR PARKS ADOPTIVE
BYE-LAWS ORDER, 1958
ILE-OLUJI/OKEIGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ile-Oluji/Okeigbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ile-Oluji/Okeigbo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of October, 1958, that the Control of Motor Parks Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
55 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 24th November, 1958.

W.R.L.N. 480 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

INSTRUMENT AMENDING THE INSTRUMENT ESTABLISHING
THE IFETEDO LOCAL COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 7 (1) of the Local Government Law, 1957 (which powers have been delegated to the Minister of Local Government by Western Region Legal Notice 343 of 1958) the Instrument establishing the Ifetedo Local Council published as Western Region Legal Notice 254 of 1955 is hereby amended as follows:—

In paragraph 7 of the said Instrument *delete*—

“(d) the Ekarun of Ifetedo”, and

“(e) the Ladoyin of Ifetedo”

and *substitute* therefor—

“(d) the Ekerin of Ifetedo”, and

“(e) the Ashipa of Ifetedo”.

D. S. ADEGBENRO,
Minister of Local Government.

Ibadan 3rd November, 1958.

W.R.L.N. 481 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE EGBA-IFO DISTRICT COUNCIL (MARKETS)
(DEFAULT) ORDER, 1958

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 89 (1) (b) of the Local Government Law, 1957, the following Order is hereby made:—

1. This Order may be cited as the Egba-Ifo District Council (Markets) Short title. (Default) Order, 1958.
2. The Egba-Ifo District Council is hereby declared to be in default in the performance of the functions listed in the schedule hereto conferred and imposed upon them by the Local Government Law, 1957, hereinafter referred to as "the Law". Declaration that council is in default.
3. The functions listed in the schedule hereto shall be transferred to a committee comprising the following persons with effect from the date of commencement of this Order:— Transfer of functions.

(i) Mr J. O. Sorungbe— <i>Chairman</i>	(vi) Mr Alli Adebayo
(ii) Chief J. Oridota	(vii) Chief Salawu Are
(iii) Mr J. Alugo	(viii) Chief Salawu Bada
(iv) Mr Salami Efundoyin	(ix) Mr D. C. Adenekan
(v) Mr Salawu Akinrinola	(x) Mr Amusa Ogunyemi.
4. The persons listed in paragraph 3 above are hereby directed to perform the functions listed in the schedule hereto:— Direction to perform functions.

SCHEDULE

- (i) the function of providing and maintaining the works and services described in paragraphs (5) and (6) of section 65 of the Law;
- (ii) the function of making provision by bye-law in respect of the matters described in paragraph (12) of section 67 of the Law;
- (iii) the function of entering into any contract necessary for the discharge of any of the functions imposed by paragraph (i) above in accordance with the provisions of section 72 of the Law;
- (iv) the function of charging fees for any service or facility provided in the exercise of the functions listed in paragraphs (i) and (ii) above in accordance with the provisions of section 75 of the Law;
- (v) the function of proceeding with the acquisition of land as authorised by Western Region Legal Notice 28 of 1958 in accordance with the provisions of sections 229 to 232 of the Law;

(vi) the function of controlling expenditure under the following Heads and Sub-heads of the Egba-Ifo District Council estimates in accordance with the provisions of sections 111 (1) of the Law:—

<i>Head</i>	<i>Sub-head</i>
V ... ..	... 7 and 9
VI ... ..	... 3, 4 and 12
XIIIC ... ..	... 1 (5) 4 and 5.

MADE by the Governor in Council at Ibadan this 24th day of November, 1958.

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

W.R.L.N. 482 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

ASSIGNMENT ON DISSOLUTION (OWO DISTRICT
 NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

1. This Order may be cited as the Assignment on Dissolution (Owo Title District Native Authority) Order, 1958.
2. The rights, interests, obligations and liabilities of the Owo District Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Owo Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Owo District Native Authority.	Finch and Company (West Africa) Limited.	3-10-51	No. 32/32/11 of 14-12-51

MADE by the Minister at Ibadan this 25th day of November, 1958,

D. S. ADEGBENRO,
 Minister of Local Government

W.R.L.N. 483 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*ASSIGNMENT ON DISSOLUTION (IJBEBU DIVISIONAL
NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

- Title.** 1. This Order may be cited as the Assignment on Dissolution (Ijebu Divisional Native Authority) Order, 1958.
- Assignment.** 2. The rights, interests, obligations and liabilities of the Ijebu Divisional Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Ijebu Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Ijebu Divisional Native Authority	Omo Sawmills of Nigeria Limited	10-8-50	No. 8/8/11 of 29-9-50

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 484 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

ASSIGNMENT ON DISSOLUTION (IFE DIVISIONAL
NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

1. This Order may be cited as the Assignment on Dissolution (Ife Divisional Native Authority) Order, 1958.

2. The rights, interests, obligations and liabilities of the Ife Divisional Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Ife Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Ife Divisional Native Authority.	United Africa Company Limited.	4-2-54	No. 15/15/54 of 14-6-54
Ife Divisional Native Authority.	Aderawo Timber Trading Company.	6-1-54	No. 16/16/54 of 30-6-54

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 485 of 1958*The Local Government Law, 1957
(No. 12 of 1957)***ASSIGNMENT ON DISSOLUTION (IDANRE DISTRICT
NATIVE AUTHORITY) ORDER, 1958**

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958 the following Order is hereby made:—

- Title.** 1. This Order may be cited as the Assignment on Dissolution (Idanre District Native Authority) Order, 1958.
- Assignment.** 2. The rights, interests, obligations and liabilities of the Idanre District Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Idanre District Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Idanre District Native Authority.	United Africa Company Limited.	10-8-51	No. 38/38/11 of 23-2-52

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 486 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

ASSIGNMENT ON DISSOLUTION (BENIN DIVISIONAL
NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282a of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

1. This Order may be cited as the Assignment on Dissolution (Benin Title. Divisional Native Authority) Order, 1958.

2. The rights, interests, obligations and liabilities of the Benin Divisional Assignment. Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Benin Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Benin Divisional Native Authority	Akenzua and Sons ...	22-4-52	No. 1/1/54 of 26-7-52
Benin Divisional Native Authority	G. I. Obaseki and Sons	6-6-52	No. 35/35/11 of 1-2-52
Benin Divisional Native Authority	Nigeria Hardwood Company Limited.	28-4-50	No. 9/9/11 of 29-7-50
Benin Divisional Native Authority	Iyi Eweka and Company	8-7-52	No. 4/4/54 of 22-12-52
Benin Divisional Native Authority	British West African Timber Company Limited.	5-8-50	No. 19/19/11 of 31-10-50
Benin Divisional Native Authority	United Africa Company Limited.	30-8-48	No. 47/47/627 of 12-4-49 (Registered in the Lands Registry, Lagos).

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 487 of 1958

*The Local Government Law, 1957
(No. 12 of 1957)*ASSIGNMENT ON DISSOLUTION (ONDO DISTRICT
NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

- Title.** 1. This Order may cited as the Assignment on Dissolution (Ondo District Native Authority) Order, 1958.
- Assignment.** 2. The rights, interests, obligations and liabilities of the Ondo District Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Ondo Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>(Registered No. of the Lands) Registry, Ibadan and Date.</i>
Ondo District Native Authority	United Africa Company Limited.	4-6-51	No. 27/27/11 of 26-10-51
Ondo District Native Authority	P. A. Oladapo	26-11-51	No. 37/37/11 of 1-2-52

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 488 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

ASSIGNMENT ON DISSOLUTION (AKURE DISTRICT
NATIVE AUTHORITY) ORDER, 1958

DATE OF COMMENCEMENT: 25TH NOVEMBER, 1958

In exercise of the powers conferred on the Minister by section 282B of the Local Government Law, 1957, as amended by the Local Government (Amendment) (No. 3) Law, 1958, the following Order is hereby made:—

1. This Order may be cited as the Assignment on Dissolution (Akure Title District Native Authority) Order, 1958.
2. The rights, interests, obligations and liabilities of the Akure District Assignment Native Authority under the contracts listed in the schedule hereto subsisting immediately before the dissolution of the said Native Authority shall be deemed to be assigned to the Akure Divisional Council.

SCHEDULE

<i>Native Authority</i>	<i>Company</i>	<i>Date</i>	<i>Registered No. of the Lands Registry, Ibadan and Date</i>
Akure District Native Authority	S. A. Oladapo and Company	19-5-53	No. 9/9/54 of 2-9-53

MADE by the Minister at Ibadan this 25th day of November, 1958.

D. S. ADEGBENRO,
Minister of Local Government

W.R.L.N. 489 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

**THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
ILAJE DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ilaje District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ilaje District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on 10th September, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 2nd December, 1958.

W.R.L.N. 490 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

**THE REGISTRATION OF BIRTHS AND DEATHS ADOPTIVE
BYE-LAWS ORDER, 1958
ILE-OLUJI/OKEIGBO DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ile-Oluji/Okeigbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ile-Oluji/Okeigbo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on 4th October, 1958, that the Registration of Births and Deaths Adoptive Bye-Laws, 1956, be adopted.

W.R.L.N.
15 of 1956.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 2nd December, 1958.

W.R.L.N. 491 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE FOODSTUFFS AND REGULATED PREMISES
ADOPTIVE BYE-LAWS ORDER, 1958
ILE-OLUJI/OKEIGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ile-Oluji/Okeigbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ile-Oluji/Okeigbo District Council in accordance with section 82 (3) (a) of the said Law, has resolved at its meeting held on 4th October, 1958, that the Foodstuffs and Regulated Premises Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
356 of 1957.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 2nd December, 1958.

W.R.L.N. 492 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE SLAUGHTERING OF ANIMALS ADOPTIVE
BYE-LAWS ORDER, 1958
ILE-OLUJI/OKEIGBO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ile-Oluji/Okeigbo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ile-Oluji/Okeigbo District Council in accordance with section 82 (3) (a) of the said Law, has resolved at its meeting held on 4th October, 1958, that the Slaughtering of Animals Adoptive Bye-laws, 1958, be adopted.

W.R.L.N.
95 of 1958.

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 2nd December, 1958.

W.R.L.N. 493 of 1958

The Public Health Law, 1957
(No. 25 of 1957)

The Local Government Law, 1957
(No. 12 of 1957)

THE REGISTRATION OF BIRTHS AND DEATHS
ADOPTIVE BYE-LAWS ORDER, 1958
IKOLE DISTRICT COUNCIL

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ikole District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ikole District Council in accordance with section 82 (3) (a) of the said Law, has resolved at its meeting held on the 14th of August, 1958, that the Registration of Births and Deaths Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
15 of 1956

W. S. SMITH,
Permanent Secretary,
Ministry of Health and Social Welfare

Ibadan, 1st December, 1958.

W.R.L.N. 494 of 1958

The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)

DATE OF COMMENCEMENT: 11TH DECEMBER, 1958

In exercise of the powers conferred upon me by section 11 of the Magistrates' Courts (Western Region) Law, 1954, I do hereby by appointment confer upon all Justices of the Peace appointed under the terms of section 12 (1) and (2) of the Magistrates' Courts (Western Region) Law, 1954, as amended, the powers to adjourn proceedings and to remand in custody under sections 236 and 238 of the Criminal Procedure Ordinance, Cap. 43.

2. W.R.L.N. 423 of 1958 is hereby revoked.

MADE at Ibadan this 2nd day of December, 1958.

O. JIBOWU,
Chief Justice

W.R.L.N. 495 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 27TH NOVEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made:—

1. This Notice may be cited as the Delegation of Functions (Minister of Trade and Industry) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Trade and Industry.	Minister of Works and Transport.

GIVEN at Ibadan this 1st day of December, 1958.

By His Excellency's Command,

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

W.R.L.N. 496 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 1ST DECEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made:—

1. This Notice may be cited as the Delegation of Functions (Minister of Education) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Minister of Education.	Minister of Agriculture and Natural Resources.

GIVEN at Ibadan this 1st day of December, 1958.

By His Excellency's Command,

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

COMMENCEMENT: 17TH NOVEMBER, 1958

enferred by section 33B of the Interpretation Ordinance,
made:—

ited as the Delegation of Functions (Minister of Finance)

en pleased to depute the holder of the office mentioned
in schedule hereto to exercise all the powers and perform
conferred or imposed by any Law or Ordinance upon the
1st column of the schedule.

SCHEDULE

Column 2

Minister of Agriculture and Natural Resources.

day of December, 1958.

By His Excellency's Command,

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

COMMENCEMENT: 20TH NOVEMBER, 1958

enferred by section 33B of the Interpretation Ordinance,
made:—

ed as the Delegation of Functions (Minister of Economic

1st pleased to depute the holder of the office mentioned
in schedule hereto to exercise all the powers and perform
conferred or imposed by any Law or Ordinance upon the Minister
of the schedule.

SCHEDULE

Column 2

Minister of Agriculture and Natural Resources.

day of December, 1958.

By His Excellency's Command,

S. O. BIOBAKU,

Secretary to the Premier and Executive Council

W.R.L.N. 499 of 1958

The Interpretation Ordinance (Cap. 94)

DELEGATION OF FUNCTIONS

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

In exercise of the powers conferred by section 33B of the Interpretation Ordinance, the following Notification is made:—

1. This Notice may be cited as the Delegation of Functions (Minister of Education) Notice, 1958.

2. The Governor has been pleased to depute the holder of the office mentioned in the second column of the schedule hereto to exercise all the powers and perform all the duties which are conferred or imposed by any Law or Ordinance upon the Minister mentioned in the first column of the schedule.

<i>Column 1</i>	SCHEDULE	<i>Column 2</i>
Minister of Education.		Minister of Finance.

GIVEN at Ibadan this 1st day of December, 1958.

By His Excellency's Command,

S. O. BIOBAKU,
Secretary to the Premier and Executive Council

The Customary Courts Law, 1957
(No. 26 of 1957)

DATE OF COMMENCEMENT: 1st DECEMBER, 1958

In exercise of the powers conferred upon me by section 69 of the Customary Courts Law, 1957, I hereby direct that the Councils mentioned in column 1 of the following schedule shall be the competent Councils for the respective Customary Courts mentioned opposite them in column 2 of the said Schedule:—

SCHEDULE

<i>Column 1</i>							<i>Column 2</i>	
<i>Councils</i>							<i>Customary Courts</i>	
West Ishan Council.	District	Ugbegun ... ..	...	...	...	Grade D Customary Court	
		Igueben ... ..	...	...	...	Grade D Customary Court	
		Ujiogba ... ..	...	...	...	Grade D Customary Court	
		Ogwa ... ..	...	...	...	Grade D Customary Court	
		Ugun ... ..	...	...	...	Grade D Customary Court	
		Amahor ... ..	...	...	...	Grade D Customary Court	
		Ebelle ... ..	...	...	...	Grade D Customary Court	
		Ekpon ... ..	...	...	...	Grade D Customary Court	
Irrua-Ewu Council.	District	Ewu ... ..	...	...	...	Grade C Customary Court	
		Uwessan ... ..	...	...	...	Grade D Customary Court	
		Ekekato ... ..	...	...	...	Grade D Customary Court	
		Otoruwa ... ..	...	...	...	Grade D Customary Court	
		Unea ... ..	...	...	...	Grade D Customary Court	
Ewohimi-Ewatto-Ewossa District Council.	District	Ewohimi ... ..	...	...	...	Grade D Customary Court	
		Ewatto... ..	...	...	...	Grade D Customary Court	
		Ewossa ... ..	...	...	...	Grade D Customary Court	
Ivie-Uda-Esaba District Council.	District	Opoji ... ..	...	...	...	Grade D Customary Court	
		Urohi ... ..	...	...	...	Grade D Customary Court	
		Egoro ... ..	...	...	...	Grade D Customary Court	
		Ukhun-Idoa ... ..	...	...	...	Grade D Customary Court	
		Ihumudumu ... ..	...	...	...	Grade D Customary Court	
		Uhiele (Ukpoke) ... ..	...	...	...	Grade D Customary Court	
		Ilch ... ..	...	...	...	Grade D Customary Court	
		Igor ... ..	...	...	...	Grade D Customary Court	
		Irhuekpen ... ..	...	...	...	Grade D Customary Court	
Oromi-Uzea Council.	District	Okhiode ... ..	...	...	...	Grade D Customary Court	
		Obinnuan ... ..	...	...	...	Grade D Customary Court	
		Oberhuan ... ..	...	...	...	Grade D Customary Court	
		Uzea ... ..	...	...	...	Grade D Customary Court	
North-East Ishan District Council.	District	Ubiaja... ..	...	...	...	Grade D Customary Court	
		Udo ... ..	...	...	...	Grade D Customary Court	
		Ugboha ... ..	...	...	...	Grade D Customary Court	
		Oria-Ologoro ... ..	...	...	...	Grade D Customary Court	
		Ilushi-Ifeku ... ..	...	...	...	Grade D Customary Court	

SCHEDULE—*contd.*

<i>Column 1</i>		<i>Column 2</i>
<i>Councils</i>		<i>Customary Courts</i>
South-East Ishan District Council.	Emu	Grade D Customary Court
	Ohordua	Grade D Customary Court
	Okhuesan	Grade D Customary Court
	Orho	Grade D Customary Court
	Urowa-Inyelan	Grade D Customary Court
Uromi-Uzea District Council.		
Ewohimi-Ewatto-Ewossa District Council.	Ishan East	Grade B Customary Court
North-East Ishan District Council.		
South-East Ishan District Council.		
Irua-Ewu District Council.		
Ivie-Uda-Esaba District Council.	Ishan West	Grade B Customary Court
West Ishan District Council.		

DATED at Ibadan this 29th day of November, 1958.

F. R. A. WILLIAMS,
Minister of Justice

W.R.L.N. 501 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE PREPARATION AND SALE OF PALM WINE
ADOPTIVE BYE-LAWS ORDER, 1957
AIYEDADE DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Aiyedade District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Aiyedade District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 25th day of October, 1958, that the Preparation and Sale of Palm Wine Adoptive By-laws, 1957, be adopted.

W.R.L.N.
357 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th November, 1958.

W.R.L.N. 502 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE VEHICLE LICENSING ADOPTIVE BYE-LAWS ORDER, 1956
AIYEDADE DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Aiyedade District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Aiyedade District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 25th day of October, 1958, that the Vehicle Licensing Adoptive By-laws, 1956, be adopted.

W.R.L.N.
11 of 1956

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th November, 1958.

W.R.L.N. 503 of 1956

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1956: AIYEDADE DISTRICT COUNCIL**

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Aiyedade District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Aiyedade District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 25th day of October, 1958, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
13 of 1956.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 30th November, 1958.

W.R.L.N. 504 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

**THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1956: IJEDE LOCAL COUNCIL**

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ijede Local Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ijede Local Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 27th day of September, 1958, that the Control of Drumming Adoptive Bye-laws, 1956, be adopted.

W.R.L.N.
13 of 1956.

J. R. BROMAGE,
Permanent Secretary.
Ministry of Local Government

Ibadan, 30th November, 1958.

W.R.L.N. 505 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957: OGERE LOCAL COUNCIL

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ogere Local Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ogere Local Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 17th day of November, 1958, that the Control of Drumming Adoptive Bye-laws, 1956 as amended by the Control of Drumming Adoptive Bye-laws (Amendment) Order, 1957, be adopted substituting the following for the first and third schedules thereof:—

W.R.L.N.
13 of 1956
and 297 of
1957.

FIRST SCHEDULE

Sakara	Apala
Iya Ilu or Dundun	Juju
Kete or Agasa	

THIRD SCHEDULE

Description of Drum	Period	Fees		
		£	s	d
Sakara	From 7 a.m. to 7 p.m.	0	7	6
Sakara	From 7 p.m. to 7 a.m.	0	10	0
Iya Ilu or Dundun	From 7 a.m. to 7 p.m.	0	7	6
Iya Ilu or Dundun	From 7 p.m. to 7 a.m.	0	10	0
Kete or Agasa	From 7 a.m. to 7 p.m.	0	7	6
Kete or Agasa	From 7 p.m. to 7 a.m.	0	10	0
Apala or Juju	From 7 a.m. to 7 p.m.	0	7	6
Apala or Juju	From 7 p.m. to 7 a.m.	0	10	0

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 6th December, 1958.

W.R.L.N. 506 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

DATE OF COMMENCEMENT: 18TH DECEMBER, 1958

In exercise of the powers conferred on the Governor in Council under and by virtue of sections 7 and 264 of the Local Government Law, 1957 (which powers have been delegated to the Minister of Local Government by Western Region Legal Notice 343 of 1958), the Instrument establishing the Ipokia District Council published as Western Region Public Notice No. 141 of 1953, is hereby amended as follows:—

1. *Delete* paragraph 5 of the said instrument and *substitute* therefor—

“5. The Council shall consist of fifty-three members, namely:

The President

Thirteen Traditional members

Thirty-nine elected members.”

2. *Insert* a new paragraph after paragraph 5—

“5A. The thirteen traditional members shall be the persons for the time being holding the following titles:—

- | | |
|----------------------|--------------------------|
| 1. Aro of Ipokia; | 8. Bale of Desemo; |
| 2. Ogboni Olisa; | 9. Bale of Maun; |
| 3. Odofin Ipokia; | 10. Bale of Tube; |
| 4. Bale of Onfo; | 11. Bale of Jihome; |
| 5. Bale of Agosassa; | 12. Bale of Whckan; |
| 6. Bale of Ijoffin; | 13. Bashorun of Ijoffin” |
| 7. Bale of Ibatefin; | |

3. *Delete* paragraph 6 and *substitute* therefor—

“6. The quorum shall be twenty-six members.”

D. S. ADEGBENRO,
Minister of Local Government

Ibadan, 8th December, 1958.

W.R.L.N. 507 of 1958

The Magistrates' Courts (Western Region) Law, 1954
(No. 5 of 1955)

THE MAGISTRATES' (MONTHLY RETURNS OF
CRIMINAL CASES) DIRECTIONS, 1958

DATE OF COMMENCEMENT: 31ST DECEMBER, 1958

In exercise of the powers conferred by sub-section (1) of section 42 of the Magistrates' Courts (Western Region) Law, 1954 (No. 5 of 1955), I, OLUMUYIWA JIBOWU, Knight Bachelor, Chief Justice of the High Court, Western Region of Nigeria, do hereby give the following Directions:—

1. These Directions may be cited as the Magistrates' (Monthly Returns of Criminal Cases) Directions, 1958. Short title.

2. The Magistrates specified in the Schedule to these Directions are hereby required to forward at the expiration of every calendar month a list of all criminal cases decided by such Magistrates during the month. Directions to specified Magistrates.

3. The list of such criminal cases shall be forwarded to the Honourable the Chief Justice in the case of cases heard within the Ibadan Judicial Division and to the Judge of the Judicial Division concerned in all other cases. Forwarding of returns to Chief Justice and Judges.

4. The Directions given in W.R.L.N. 231 of 1957 are hereby revoked. Repeal of W.R.L.N. 231 of 1957.

SCHEDULE

All Senior Magistrates and Magistrates.

GIVEN under my hand this 11th day of December, 1958.

O. JIBOWU,
Chief Justice

W.R.L.N. 508 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE ISHAN PROVISIONAL AUTHORITY
(ASSIGNMENT) INSTRUMENT, 1958

DATE OF COMMENCEMENT: 1ST APRIL, 1958

In exercise of the powers conferred upon the Governor in Council by section 10 of the Local Government Law, 1957, the following Instrument is hereby made:—

1. This Instrument may be cited as the Ishan Provisional Authority (Assignment) Instrument, 1958, and shall be deemed to have come into force on the first day of April, 1958. Title and Commencement.
2. The members of the Staff of the Ishan Provisional Authority listed in the First Schedule hereto are hereby transferred to the Ishan Joint Education Board and to the District Councils listed therein. Transfer of Staff.
First Schedule.
3. The liability for the payment of retiring benefits and salary in lieu of notice of the staff listed in the second schedule hereto is hereby assigned to the District Councils listed therein. Assignment of liability for retiring benefits.
4. The buildings belonging to the Ishan Provisional Authority listed in the third schedule hereto are hereby assigned to the Ishan Joint Education Board. Transfer of Property.
Third Schedule.
5. The financial assets and liabilities of the Ishan Provisional Authority as indicated in the financial statement in the fourth schedule hereto are hereby assigned and transferred to the Ishan Joint Education Board and to the District Councils listed therein as detailed in the fifth to the ninth schedules hereto. Transfer of Financial Assets and Liabilities.
Fourth to Ninth Schedules.

FIRST SCHEDULE

No.	Name	Original Appointment	Date of Appointment	Assigned to
1.	J. I. Okonofua	Treasurer, Class "C"	10-7-56	Joint Education Board.
2.	L. I. Igberaese	Supervisor	1-9-52	Joint Education Board.
3.	S. I. Omeike	Supervisor	17-6-56	Joint Education Board.
4.	A. I. Inegbenebor	Clerk, Scale III	17-1-56	Joint Education Board.
5.	A. E. U. Iyi	Clerk, Scale IV	1-6-51	Joint Education Board.
6.	G. U. Obu	Treasury Clerk, Scale V	12-9-55	Joint Education Board.
7.	J. M. A. Okhueigbe	Clerk, Scale V	1-9-56	Joint Education Board.
8.	T. O. Odili	Treasury O/M, Scale VA	13-5-50	Joint Education Board.
9.	M. E. Okosun	Treasury Organiser	1-3-53	Joint Education Board.
10.	B. O. Aramude	Adult Education Organiser Messenger, Scale VI	1-9-56	Joint Education Board.

FIRST SCHEDULE—*contd.*

No.	Name	Original Appointment	Date of Appointment	Assigned to
11.	Samuel Okpeniku ...	Painter, Scale V ...	25-11-46	Joint Education Board.
12.	T. O. Okojie ...	Court Clerk, Scale III ...	1-4-41	Uromi-Uzea District Council.
13.	B. I. G. Ewah ...	Court Clerk, Scale IV ...	14-10-49	Uromi-Uzea District Council.
14.	P. A. Ighalo ...	Court Clerk, Scale IV ...	12-7-37	West Ishan District Council.
15.	D. J. Aigbogun ...	Court Clerk, Scale V ...	1-6-40	Irrua-Ewu District Council.
16.	D. O. Ukhurebor ...	Court Clerk, Scale V ...	7-7-43	Ivie-Uda-Esaba District Council.
17.	B. I. Ibhaze ...	Court Clerk, Scale V ...	7-7-43	Ivie-Uda-Esaba District Council.
18.	B. E. Okpaireh ...	Court Clerk, Scale V ...	23-3-40	South-East District Council.
19.	S. O. Alli ...	Messenger, Scale IV ...	7-7-43	Ivie-Uda-Esaba District Council.
20.	J. O. Akhigbe ...	Messenger, Scale VA ...	17-3-47	Ivie-Uda-Esaba District Council.
21.	J. A. Oyamenda ...	Messenger, Scale VA ...	1-12-53	Ivie-Uda-Esaba District Council.
22.	M. E. Okonojie ...	Messenger, Scale VI ...	4-2-31	Ivie-Uda-Esaba District Council.
23.	Odigie Aisabokhale ...	Messenger, Scale VI ...	1-4-41	Ivie-Uda-Esaba District Council.
24.	Ogholo ...	Messenger, Scale VA ...	4-2-31	West Ishan District Council.
25.	A. A. Aigbogun ...	Messenger, Scale VA ...	20-5-52	West Ishan District Council.
26.	S. O. Okosun ...	Messenger, Scale VA ...	1-6-49	West Ishan District Council.
27.	Ukpebor ...	Messenger, Scale VI ...	14-3-38	West Ishan District Council.
28.	N. O. Okojie ...	Messenger, Scale VA ...	1-1-50	Uromi-Uzea District Council.
29.	George Esanbhelo ...	Messenger, Scale VA ...	1-6-34	South-East District Council.
30.	John Efediyi ...	Messenger, Scale VA ...	1-1-50	South-East District Council.
31.	M. I. Okonufua ...	Messenger, Scale VI ...	1-12-53	South-East District Council.
32.	G. A. Obayogie ...	Messenger, Scale VA ...	1-9-53	Ewohimi-Ewatto-Ewossa, District Council.
33.	Ikhuohomon ...	Messenger, Scale VI ...	1-5-35	Ewohimi-Ewatto-Ewossa, District Council.
34.	Aletor Uloba ...	Messenger, Scale VA ...	1-10-32	Irrua-Ewu District Council.
35.	R. E. Osahaimen ...	Messenger, Scale VA ...	1-9-53	Irrua-Ewu District Council.
36.	Richard Ibojie ...	Messenger, Scale VI ...	1-9-44	Irrua-Ewu District Council.
37.	H. O. Osugie ...	Messenger, Scale VA ...	7-7-43	North-East District Council.
38.	J. O. Edeke ...	Messenger, Scale VA ...	1-1-50	North-East District Council.
39.	Wilson Ukato ...	Messenger, Scale VI ...	1-1-50	North-East District Council.
40.	Ohonsi Egbadon ...	Messenger, Scale VI ...	1-4-40	North-East District Council.
41.	Oyedo ...	Messenger, Scale VI ...	1-10-47	North-East District Council.
42.	D. A. Obu ...	Supervising Rate Clerk, Scale III.	1-4-39	West Ishan, Uromi-Uzea, Ivie-Uda-Esaba, Ewohimi Ewatto-Ewossa, North-East and South-East Ishan District Councils.
43.	J. A. Ituah ...	Messenger, Scale VA ...	1-9-53	All District Councils.

SECOND SCHEDULE

No.	Name	Office held	Salary per month			Salary to be paid in lieu of notice for	Salary in lieu of notice and Retiring Benefits, assigned to
			£	s	d		
1.	James Agboneni	Carpenter, Scale V	11	0	0	2 months	West Ishan District Council.
2.	P. O. Ijogbe	Clerk, Scale V	10	0	0	1 month	West Ishan District Council.
3.	M. I. Ikhilor	Messenger, Scale VA	8	0	0	1 month	West Ishan District Council.
4.	W. I. Aramude	Messenger, Scale VA	7	10	0	2 months	West Ishan District Council.
5.	S. I. Okosun	Messenger, Scale VI	7	0	0	4 months	West Ishan District Council.
6.	M. A. Enaboifo	Messenger, Scale VI	7	0	0	1 month	West Ishan District Council.
7.	Akhator Obetto	Messenger, Scale VA	7	10	0	4 months	Uromi-Uzea District Council.
8.	M. A. O. Omiyi	Clerk, Scale III	20	10	0	2 months	Uromi-Uzea District Council.
9.	B. I. Izowele	Mason	11	0	0	1 month	Uromi-Uzea District Council.
10.	J. M. Duze	Agricultural Assistant	8	0	0	2 months	Uromi-Uzea District Council.
11.	Dickson Okojie	Driver Mechanic	18	0	0	1 month	Uromi-Uzea District Council.
12.	J. E. Akhigbemidu	Agricultural Assistant	10	0	0	2 months	Uromi-Uzea District Council.
13.	J. U. Akpede	Agricultural Assistant	8	0	0	2 months	Uromi-Uzea District Council.
14.	J. O. Akhabue	Agricultural Assistant	10	0	0	1 month	Ivie-Uda-Esaba District Council.
15.	D. O. Oyabure	Court Clerk, Scale V	11	0	0	1 month	North-East Ishan District Council.
16.	J. A. O. Akahome	Agricultural Assistant	13	0	0	3 months	Ewohimi-Ewatto-Ewossa District Council.
17.	A. A. Omoifo	Court Clerk, Scale V	11	0	0	1 month	Ewohimi-Ewatto-Ewossa District Council.
18.	J. E. Usifo	Road Overseer, Scale V	9	10	0	1 month	South-East Ishan District Council.
19.	Dick Ojckhebbholo	Carpenter, Scale V	9	10	0	1 month	South-East Ishan District Council.
20.	M. W. A. Arebu	Foreman of Works	20	0	0	1 month	Irrua-Ewu District Council.
21.	W. I. Egualar	Messenger, Scale VI	6	10	0	1 month	Ewohimi-Ewatto-Ewossa District Council.
22.	Paul O. Unuane	Messenger, Scale VI	6	10	0	1 month	Ivie-Uda-Esaba District Council.
23.	J. O. Odiamehi	Messenger, Scale VI	6	10	0	1 month	North-East Ishan District Council.
							Ivie-Uda-Esaba District Council.

THIRD SCHEDULE

Building

Offices, Stores, Garage, Committee Room building and Staff Quarters of Ishan Provisional Authority situated on Crown Land, Ubiaja.

Assigned to
Ishan Joint Education Board.

FOURTH SCHEDULE

<i>Liabilities</i>			<i>Assets</i>		
	£	s d		£	s d
1. Deposits of Nigerian and C.D. and W. Grants ...	—	—	1. Cash ...	5,880	14 11
2. Other Deposits ...	11,363	8 5	2. Bank Current Account ...	8,092	12 11
3. Vehicle Suspense Account Cr	—	—	3. Fixed Deposits ...	1,030	0 0
4. Renewals Fund ...	—	—	4. Post Office Savings Bank...	—	—
5. Reserve Funds ...	—	—	5. Nigerian Savings Certificates ...	—	—
6. Balance of Assets over Liabilities ...	13,462	13 10	6. Investments:		
			(a) Crown Agents ...	—	—
			(b) Nigerian Loan ...	—	—
			(c) Reserve Fund ...	—	—
			(d) Renewal Fund ...	—	—
			7. Advances General ...	6,717	12 6
			8. Unallocated Stores ...	1,555	7 4
			9. Vehicle Suspense Accounts (Debit) ...	1,549	14 7
TOTAL ...	£ 24,826	2 3		£ 24,826	2 3

FIFTH SCHEDULE

No.	Name of Account	Balance			Assigned to
		£	s	d	
	Queen's Visit Expenses...	102	9	2	All District Councils.
	Sitting fees to Court Members	788	13	10	All District Councils.
	Agricultural Services ...	402	5	9	All District Councils.
	Veterinary Services ...	481	6	11	All District Councils.
	Messenger Ituah (D/A's Orderly)	37	0	0	All District Councils.
	Driver Mechanic, Dickson Okojie	38	0	0	All District Councils.
	Sitting allowances at 12s 6d to Ishan Provisional Authority Members.	34	7	6	All District Councils.
	Transport allowances to Ishan Provisional Authority Members.	77	16	0	All District Councils, except North-East Ishan District Council.
	Supervising Rates Clerks, salaries and allowances.	109	11	0	All District Councils except Irrua-Ewu District Council.
	Loss of Stores—Old Ishan Divisional Native Authority.	99	2	3	All District Councils except Irrua-Ewu to whom all other petrol and oil Advance Accounts have been assigned.
	Damage in Petrol drums ...	27	6	6	
	Registry Staff—Salaries and allowances	610	6	7	All District Councils except Uromi-Uzea without forest reserve.

FIFTH SCHEDULE—*contd.*

No.	Name of account	Balance	Assigned to
13.	Shortage in petrol stock in respect of which no successful court action has been brought against Storekeeper J. O. U. Anakaso.	181 16 5	All District Councils.
14.	Shortage in Oil stock in respect of which no successful court action has been brought against Storekeeper J. O. U. Anakaso.	138 19 6	All District Councils.
15.	Shortage in petrol drums by Storekeeper J. O. U. Anakaso.	46 0 0	All District Councils.
16.	Generating Sets for charging Car batteries, etc.	67 18 6	Ishan Joint Education Board.
17.	Scholarship fees paid on behalf of Agbonkhese, Edo College.	25 0 0	All District Councils.
18.	Scholarship fees paid on behalf of Aburime, Edo College.	11 0 0	All District Councils.
19.	Arrears of salary to Esekhhile, Ex-Court Clerk.	1 19 10	All District Councils.
20.	Utor No. 2 and Orobo Bridges...	615 4 5	All District Councils.
21.	Ishan Primers (Ebesan 11) ...	306 2 2	Ishan Joint Education Board.
22.	Late Councillor Dominic Akhimie, Loss of funds—Stores.	62 0 0	All District Councils.
23.	M. E. Osobase, Car Advance ...	240 14 0	West Ishan District Council, Ebelle.
24.	M. O. Obinyan, loss of funds ...	893 6 11	North-East Ishan District Council, Ubiaja.
25.	D. A. Obu, Motor Cycle Advance ...	78 15 0	North-East Ishan District Council, Ubiaja.
26.	J. O. U. Anakoso, Shortage of petrol ...	71 18 2	Irrua-Ewu District Council, Irrua.
27.	J. O. U. Anakoso, Shortage of petrol ...	304 7 10	Irrua-Ewu District Council, Irrua.
28.	J. O. U. Anakoso, Shortage of drums ...	3 0 0	Irrua-Ewu District Council, Irrua.
29.	J. O. U. Anakoso, Shortage of oil ...	152 7 0	Irrua-Ewu District Council, Irrua.
30.	L. I. Igbraese, Motor Cycle Advance ...	70 16 8	Ishan Joint Education Board.
31.	S. I. Omeike, Motor Cycle Advance ...	233 6 8	Ishan Joint Education Board.
32.	P. E. Ukpokolo, Bicycle Advance ...	2 8 0	Ishan Joint Education Board.
33.	C. E. Omiyi, Bicycle Advance ...	2 8 0	Ishan Joint Education Board.
34.	P. O. Ijogbe, Bicycle Advance ...	5 6 8	West Ishan District Council, Ebelle.
35.	Y. A. Danian, Bicycle Advance ...	10 16 0	Irrua-Ewu District Council, Irrua.
36.	J. T. Alekhuoje, Bicycle Advance ...	9 12 0	Ewohimi-Ewatto-Ewossa, District Council.
37.	Richard Iboje, Bicycle Advance ...	15 12 0	Irrua-Ewu District Council, Irrua.
38.	D. O. Igene, Bicycle Advance ...	14 8 0	Irrua-Ewu District Council, Irrua.
39.	Joseph Edeke, Bicycle Advance ...	8 8 0	North-East Ishan District Council, Ubiaja.
40.	Okojie Oleabhiele, Bicycle Advance ...	14 8 0	Uromi-Uzea District Council, Uromi.
41.	J. O. Idialu, Loss of tax money ...	28 10 0	Ewohimi-Ewatto-Ewossa, District Council.
42.	Mr Igeraese, Loss of funds ...	90 14 9	Ishan Joint Education Board.
43.	Loss of Timber fees—Mr Omede ...	55 0 0	Ivie-Uda-Esaba District Council.
44.	Loss of Native Court funds—J. A. Esekhhile.	58 0 0	Ivie-Uda-Esaba District Council.
45.	B. E. Okpaireh ...	10 0 0	Ivie-Uda-Esaba District Council.
46.	S. E. Omiaweale ...	31 15 0	Ivie-Uda-Esaba District Council.
47.	D. D. Abhulimen ...	37 7 6	Ivie-Uda-Esaba District Council.
48.	D. Ehizogie ...	10 0 0	Ivie-Uda-Esaba District Council.
	Total ...	<u>£6,717 12 6</u>	

SIXTH SCHEDULE

No.	Name of Account	Amount			Assigned to	Amount		
		£	s	d		£	s	d
1.	Native Courts—Uromi-Uzea District Council.	226	15	0	Uromi-Uzea District Council.	—	—	—
2.	Native Courts—North-East Ishan District Council.	311	4	0	North-East Ishan District Council.	—	—	—
3.	Native Courts—Ivie-Uda-Esaba District Council.	482	10	0	Ivie-Uda-Esaba District Council.	—	—	—
4.	Native Courts—Irrua-Ewu District Council.	349	12	0	Irrua-Ewu District Council	—	—	—
5.	Native Courts—West Ishan District Council.	93	17	6	West Ishan District Council.	—	—	—
6.	Native Courts—Ewohimi-Ewatto-Ewosa District Council.	177	10	0	Ewohimi-Ewatto-Ewossa, District Council	—	—	—
7.	Native Courts—South-East Ishan District Council.	16	0	0	South-East Ishan District Council.	—	—	—
8.	Rural Water Supply	3	7	4	North-East Ishan District Council.	—	—	—
9.	Chukudele of Ebu	3	2	6	North-East Ishan District Council.	—	—	—
10.	Ubiaja Native Court Hall ...	1	7	2	North-East Ishan District Council.	—	—	—
11.	Chief A. O. Ayewoh for Timber Security.	100	0	0	Ivie-Uda-Esaba District Council.	—	—	—
12.	Ekpoma Community Development Grant.	100	0	0	Ivie-Uda-Esaba District Council.	—	—	—
13.	Isaac Izevbogie for Timber Security.	100	0	0	West Ishan District Council.	—	—	—
14.	Edward Imariagbe.	1	11	7	West Ishan District Council.	—	—	—
15.	Chief A. O. Ayewoh for Timber Security.	100	0	0	Irrua-Ewu District Council	—	—	—
16.	United Africa Company Uromi Credit Balance.	95	19	8	Joint Education Board ...	—	—	—
17.	Balance Contingent Liabilities of the Old Ishan Divisional Native Authority.	0	17	7	All District Councils ...	—	—	—
18.	Local Council Election ...	70	0	0	Irrua-Ewu, Ewohimi-Ewatto-Ewossa, West Ishan, South-East Ishan and Uromi-Uzea District Councils.	—	—	—
19.	Primary School Building Grants	4,056	11	9	Ishan Joint Education Board	—	—	—
20.	Secondary Modern School Grant.	1,527	16	6	Ishan Joint Education Board	—	—	—
21.	Ishan Secondary Grammar School building.	2,000	0	0	Ishan Joint Education Board	—	—	—
22.	Adult Education	92	6	11	Ishan Joint Education Board	—	—	—
23.	Women Domestic Science Centre.	35	2	3	Ishan Joint Education Board	—	—	—
24.	Ishan Primers Credit... ..	96	15	8	Ishan Joint Education Board	—	—	—
25.	Unclaimed salaries in favour of Staff.	42	1	1	Ishan Joint Education Board	—	—	—
26.	Accountant-General, Western Region's outstanding account at 31-3-57.	431	2	1	West Ishan District Council	59	18	0
					Uromi-Uzea District Council.	59	18	0
					Ivie-Uda-Esaba District Council.	45	7	10
					Irrua-Ewu District Council	56	5	9
					North-East Ishan District Council.	97	19	7
					Ewohimi-Ewatto-Ewossa District Council	55	13	5
					South East Ishan District Council.	55	19	6

SIXTH SCHEDULE—*contd.*

No.	Name of Account	Amount			Assigned to	Amount		
		£	s	d		£	s	d
27. Audit Fee, 1956-57 ...		414	14	10	Uromi-Uzea District Council.	83	0	1
					West Ishan District Council.	74	10	4
					Ivie-Uda-Esaba District Council.	66	10	1
					Irrua-Ewu District Council.	53	19	1
					North-East Ishan District Council.	49	15	1
					Ewohimi-Ewatto-Ewossa District Council	45	10	1
					South-East Ishan District Council.	41	10	1
28. Arrears of Increment due to Veterinary Inoculators, L. E. Aletor and P. E. Ajayi for the period 1-10-57 to 31-3-58; £126-138 per annum each.		12	0	0	Irrua-Ewu District Council.	12	0	0
29. Claim submitted by Messrs John Holts and Company Limited, Uromi for value of stores supplied to Mr Anakaso on behalf of the Ishan Divisional Council.		421	3	0	North-East Ishan District Council.	421	3	0

£11,363 8 5

SEVENTH SCHEDULE

No.	Name of Account	Balance			Assigned to
		£	s	d	
1.	J. O. U. Anakaso, loss of Unallocated Stores.	13	15	4	Irrua-Ewu District Council.
2.	Balance Unallocated Stores ...	1,541	12	0	All District Councils except Irrua-Ewu.
3.	Loss on Sale of Kitcar LA632... ..	56	10	3	All District Councils except Irrua-Ewu.
4.	Kitcar B2642	581	17	9	Joint Education Board.
5.	Lorry B2697	728	14	7	Joint Education Board.
6.	Tanker G2636	182	12	0	North-East Ishan District Council.
	Total	£3,105	1	11	

EIGHTH SCHEDULE—contd.

Account	North-East Ishan District Council			Ewolimi-Ewatto-Ewossa District Council			South-East Ishan District Council			Total					
	£	s	d	£	s	d	£	s	d	£	s	d			
1. General Revenue Balance	—	—	—	968	13	6	433	16	2	506	4	0	13,462	13	10
2. Other Deposit and Liabilities	888	1	2	—	—	—	303	15	9	118	11	7	11,363	8	5
3. Vehicle Suspense Account	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
4. Renewals Fund Deposits	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
5. Reserve Funds Deposits	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
6. Colonial Development and Welfare Deposits	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	—	—	—	888	1	2	303	15	9	118	11	7	—	—	—
	—	—	—	1,856	14	8	737	11	11	624	15	7	24,826	2	3
7. Renewals Fund Investments	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
8. Reserve Fund Investments	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
9. Advances General	1,468	6	0	—	—	—	513	17	0	436	9	11	6,717	12	6
10. Unallocated Stores	197	10	0	—	—	—	214	10	0	182	2	0	1,555	7	4
11. Vehicle Suspense Account	190	18	8	—	—	—	9	4	11	6	3	8	1,549	14	7
	—	—	—	1,856	14	8	737	11	11	624	15	7	—	—	—
12. Share of Liquid Surplus	—	—	—	—	—	—	—	—	—	—	—	—	15,003	7	10

NINTH SCHEDULE

No.	Account	Amount			To be assigned to	Amount		
		£	s	d		£	s	d
1.	Cash	5,880	14	11	Ishan Joint Education Board	5,880	14	11
2.	Bank Current Account	8,092	12	11	Ishan Joint Education Board	8,092	12	11
3.	Bank Fixed Deposit	1,030	0	0	Ishan Joint Education Board	1,030	0	0
4.	Post Office Savings Bank	—	—	—		—	—	—
5.	Nigerian Savings Certificate	—	—	—		—	—	—
6.	Investments	—	—	—		—	—	—
7.	Advances, General	6,717	12	6	Ishan Joint Education Board	773	14	9
					West Ishan District Council	949	15	7
					Uromi-Uzea District Council	687	5	10
					Ivie-Uda-Esaba District Council	809	9	6
					Irrua-Ewu District Council	1,078	3	11
					North-East Ishan District Council	1,468	6	0
					Ewohimi-Ewatto-Ewossa District Council	513	17	0
					South-East Ishan District Council	436	9	11
						£ 6,717	12	6
8.	Unallocated Stores	1,555	7	4	West Ishan District Council	312	10	0
					Uromi-Uzea District Council	345	10	0
					Ivie-Uda-Esaba District Council	289	10	0
					Irrua-Ewu District Council	13	15	4
					North-East Ishan District Council	197	10	0
					Ewohimi-Ewatto-Ewossa District Council	214	10	0
					South-East Ishan District Council	182	2	0
						£ 1,555	7	4
9.	Vehicle Suspense Account	1,549	14	7	Ishan Joint Education Board	1,310	12	4
					West Ishan District Council	11	6	1
					Uromi-Uzea District Council	11	9	1
					Ivie-Uda-Esaba District Council	9	19	10
					North-East Ishan District Council	190	18	8
					Ewohimi-Ewatto-Ewossa District Council	9	4	11
					South-East Ishan District Council	6	3	8
						£ 1,549	14	7

Made by the Governor in Council at Ibadan this 8th day of December, 1958.

S. O. BIOBAKU,
Secretary to the Premier and
Executive Council

I
I
01
19

Iba

W.R.L.N. 509 of 1958

The Local Government Law, 1957 (No. 12 of 1957)

THE PREPARATION AND SALE OF PALM WINE ADOPTIVE BYE-LAWS ORDER, 1958 IREPO DISTRICT COUNCIL

DATE OF COMMENCEMENT: 25TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Irepo District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Irepo District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 8th day of November, 1958 that the Preparation and Sale of Palm Wine Adoptive Bye-laws, 1957, be adopted, substituting the following for the second schedule thereof:—

W.R.L.N.
357 of 1957.

SECOND SCHEDULE

	<i>s</i>	<i>d</i>
Fee for a yearly licence (Wine tapping and selling) ...	7	6
Fee for a half yearly licence (Wine tapping and selling) ...	5	0

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 12th December, 1958.

W.R.L.N. 510 of 1958

The Local Government Law, 1957 (No. 12 of 1957)

THE REGISTRATION OF MARRIAGES ADOPTIVE BYE-LAWS ORDER, 1957 IPOKIA DISTRICT COUNCIL

DATE OF COMMENCEMENT: 25TH DECEMBER, 1958

Notice is hereby given that in exercise of the powers conferred upon the Ipokia District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Ipokia District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 12th day of November, 1958 that the Registration of Marriages Adoptive Bye-laws, 1957, be adopted.

W.R.L.N.
4 of 1957.

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 13th December, 1958.

W.R.L.N. 511 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

THE CONTROL OF DRUMMING ADOPTIVE BYE-LAWS
ORDER, 1957: EGUN-AWORI DISTRICT COUNCIL

DATE OF COMMENCEMENT: 25TH DECEMBER, 1958

W.R.L.N. 13
of 1956 and
297 of 1957.

Notice is hereby given that in exercise of the powers conferred upon the Egun-Awori District Council by sections 82 (2) and 271 of the Local Government Law, 1957, the Egun-Awori District Council in accordance with section 82 (3) (a) of the said Law has resolved at its meeting held on the 4th day of July, 1958, that the Control of Drumming Adoptive Bye-laws, 1956 as amended by the Control of Drumming Adoptive Bye-laws (Amendment) Order, 1957, be adopted substituting the following for the first and third schedules thereof:—

FIRST SCHEDULE

Hungan	Sato	Batakoto
Iya Ilu	Juju	Akoto
Sakara	Agbodaglome	Agahun
Apala	Bembe	Dohun

THIRD SCHEDULE

<i>Description of Drum</i>	<i>Period</i>	<i>Fees</i>	
		<i>s</i>	<i>d</i>
Hungan, Iya Ilu, Sakara, Apala, Juju, Bembe, Agbodaglome, Sato, Batakoto, Akoto Agahun, and Dohun.	For any period between 6 a.m. and 6 p.m.	2	6
	For any period between 6 p.m. and 6 a.m.	5	0

J. R. BROMAGE,
Permanent Secretary,
Ministry of Local Government

Ibadan, 10th December, 1958.

W.R.L.N. 512 of 1958

The Local Government Law, 1957
(No. 12 of 1957)

The Road Traffic Ordinance
(No. 43 of 1947)

THE IKEJA DISTRICT COUNCIL (CONTROL OF TRAFFIC)
BYE-LAWS, 1958

DATE OF COMMENCEMENT: 25TH DECEMBER, 1958

In exercise of the powers conferred under and by virtue of section 271 of the Local Government Law, 1957; section II (1) of the Road Traffic Ordinance and Western Region Legal Notice 203 of 1955, the following Bye-laws are hereby made by the Ikeja District Council with the approval of the Regional Minister to whom responsibility for Transport (including road traffic matters) is assigned:—

1. These Bye-laws may be cited as the Ikeja District Council (Control of Traffic) Bye-laws, 1958. Short title.
2. In these Bye-laws—

“council” means the Ikeja District Council;	Interpreta- tion.
“highway” includes any of the roads set out in the Schedule hereto;	Schedule.
“Minister” means the Regional Minister to whom responsibility for Transport (including road traffic matters) is assigned.	
3. No person in charge of any motor vehicle within the area of authority of the council shall drive such motor vehicle to exceed— Speed limits.
 - (i) the speed limit of thirty-five miles per hour on any highway; or
 - (ii) the speed limit of twenty-five miles per hour on any highway when passing through a town or village.
4. No person in charge of any motor vehicle shall park or station such vehicle on any highway except for purposes of loading or unloading. No parking on highways.
5. Any person who contravenes or fails to comply with any of the provisions of these Bye-laws, shall be guilty of an offence and, on conviction, shall be liable to a fine of ten pounds for the first offence, or, in default of payment, to imprisonment for one month, or to a fine of twenty-five pounds, or, in default of payment, two months imprisonment for any subsequent offence. Penalty.

SCHEDULE

BYE-LAW 2

1. Ikeja-Isheri Road.
2. Maboju-mile one on Agege Road.
3. Orile Agege-Ipaja-Ayobo-Ijan Road.
4. Depowu-Idimu-Obadore Road.
5. Iju Ishaga Road.
6. Government Farm Ojokoro-Agbado Road.

MADE by the Ikeja District Council this 31st day of March, 1958, the common seal of the Council hereunto affixed in the presence of—

G. O. LATOKUN,
Secretary,
Ikeja District Council

O. AYENI,
Chairman,
Ikeja District Council

Signified in accordance with the Ikeja District Council Standing Orders, dated 1st October, 1955.

APPROVED at Ibadan this 12th day of November, 1958.

A. O. OGEDENGBE,
Minister of Works and Transport

W.R.L.N. 513 of 1958

The Petroleum Ordinance
(Cap. 168)

PETROLEUM (AMENDMENT) (WESTERN REGION)
REGULATIONS, 1958

DATE OF COMMENCEMENT: 25TH DECEMBER, 1958

In exercise of the powers conferred upon the Governor in Council by section 3 of the Petroleum Ordinance, 1958, the following Regulations are hereby made:—

1. These Regulations may be cited as the Petroleum (Amendment) Short title. (Western Region) Regulations, 1958.

2. There shall be inserted in regulation 2 of the Petroleum Regulations (hereinafter referred to as the principal Regulations) immediately after the definition of "petroleum in bulk" the following definition:—
"prescribed officer" means "any officer appointed as such by the Governor;"

Amendment
of regulation
2
of Regula-
tions 27
of 1928.

3. The expression "resident", "district officer" or "administrative officer" shall be deleted wherever it occurs in Parts II, III and V of the principal Regulations and there shall be substituted therefor the expression "prescribed officer".

Amendment
of Parts
II, III and
V of
Regulations
27 of 1928.

4. Regulation 67 of Part IV of the principal Regulations is hereby amended by deleting the words "administrative officer or any officer authorised by him or" occurring in the first two lines of the Regulation.

Amendment
of Part IV of
Regulations
27 of 1928.

MADE at Ibadan by the Governor in Council this 8th day of December, 1958.

S. O. BIOBAKU,
*Secretary to the Premier and
Executive Council*