



# DEFENCE REGULATIONS

Including

## The Nigeria General Defence Regulations, 1941

(being Regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, as applied to Nigeria and consolidated up to and including the 30th day of April, 1944)

to which is prefaced

The Emergency Powers (Defence) Acts, 1939, 1940 and 1942, the Evidence and Powers of Attorney Act, 1940 and His Majesty's Orders in Council applying those Acts to Nigeria and providing for the reciprocal enforcement of certain regulations

together with

a collection of other emergency relations and an index of orders, rules, etc. made thereunder (corrected to the 31st May, 1944)

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*Prepared in the Attorney-General's Chambers, Lagos, Nigeria*

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Second Edition — June, 1944.

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# **PART I**

## **United Kingdom Emergency Legislation and The Nigeria General Defence Regulations, 1941**

*(Corrected to the 30th April, 1944)*

Public Notice No. 68 of 1939 republished.

**EMERGENCY POWERS (DEFENCE) ACT, 1939.**  
**2 & 3 GEO. 6. CHAPTER 62.**

**ARRANGEMENT OF SECTIONS.**

Sections.

1. Defence regulations.
2. Power to impose charges.
3. Extra-territorial operation of Defence Regulations.
4. Provisions as to colonies, &c.
5. Extra-territorial operation of defence legislation of certain Dominions, &c.
6. Hearing of proceedings in camera.
7. Proof of instruments.
8. Provisions as to certain Orders in Council.
9. Saving of prerogative powers.
10. Interpretation.
11. Duration of Act.
12. Short title.

**EMERGENCY POWERS (DEFENCE) ACT, 1939.**

2 & 3 Geo. 6.  
Chapter 62.

AN ACT TO CONFER ON HIS MAJESTY CERTAIN POWERS WHICH IT IS  
EXPEDIENT THAT HIS MAJESTY SHOULD BE ENABLED TO EXERCISE  
IN THE PRESENT EMERGENCY; AND TO MAKE FURTHER  
PROVISION FOR PURPOSES CONNECTED WITH THE  
DEFENCE OF THE REALM.

[24TH AUGUST, 1939].

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) Subject to the provisions of this section, His Majesty may by Order in Council make such Regulations (in this Act referred to as "Defence Regulations") as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community.

Defence  
Regulations.

(2) Without prejudice to the generality of the powers conferred by the preceding sub-section, Defence Regulations may, so far as appears to His Majesty in Council to be necessary or expedient for any of the purposes mentioned in that sub-section,—

(a) make provision for the apprehension, trial and punishment of persons offending against the Regulations, and for the detention of persons whose detention appears to the Secretary of State to be expedient in the interests of the public safety or the defence of the realm;

(b) authorise—

(i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking;

(ii) the acquisition, on behalf of His Majesty, of any property other than land;

(c) authorise the entering and search of any premises; and

(d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification.

(3) Defence Regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the Regulations to make orders, rules and bye-laws for any of the purposes for which such Regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the Regulations.

(4) A Defence Regulation, and any order, rule or bye-law duly made in pursuance of such a Regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

(5) Nothing in this section shall authorise the imposition of any form of compulsory naval, military or air force service or any form of industrial conscription, or the making of provision for the trial by courts martial of persons not being persons subject to the Naval Discipline Act, to military law or to the Air Force Act.

(6) In this section the expression "enactment" includes any enactment of the Parliament of Northern Ireland.

Power to impose charges.

2. (1) The Treasury may by order provide for imposing and recovering, in connection with any scheme of control contained in or authorised by Defence Regulations, such charges as may be specified in the order; and any such order may be varied or revoked by a subsequent order of the Treasury.

(2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the order so directs, be paid into such public fund or account as may be specified in the order.

\* See amendments Emergency Powers (Defence) (No. 2) Act, 1940.  
page 15.

(3) Any such order as aforesaid shall be laid before the Commons House of Parliament as soon as may be after it is made, but, notwithstanding anything in sub-section (4) of section one of the Rules Publication Act, 1893, shall be deemed not to be a statutory rule to which that section applies. 56 & 57 Vict. c. 66.

(4) Any such order as aforesaid imposing or increasing a charge shall cease to have effect on the expiration of the period of twenty-eight days beginning with the day on which the order is made, unless at some time before the expiration of that period it has been approved by a resolution of the Commons House of Parliament, without prejudice, however, to the validity of anything previously done under the order or to the making of a new order.

In reckoning any period of twenty-eight days for the purposes of this sub-section, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(5) Without prejudice to the preceding provisions of this section, any Defence Regulations may provide—

- (a) for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the Regulations, such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury; and
- (b) for imposing and recovering such charges as may be so prescribed in respect of any services which, in pursuance of such Regulations, are provided on behalf of His Majesty, or under arrangements made on behalf of His Majesty, other than services necessary for the performance of duties imposed by law upon the Crown;

and all sums received by way of such fees or charges as aforesaid shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine.

**3.** (1) Unless the contrary intention appears therefrom, any provisions contained in, or having effect under, any Defence Regulation shall—

- (a) in so far as they specifically impose prohibitions, restrictions or obligations in relation to ships, vessels or aircraft, or specifically authorise the doing of anything in relation to ships, vessels or aircraft, apply to all ships, vessels or aircraft in or over the United Kingdom and to all British ships or aircraft, not being Dominion ships or aircraft, wherever they may be; and
- (b) in so far as they impose prohibitions, restrictions or obligations on persons, apply (subject to the preceding provisions of this sub-section) to all persons in the United Kingdom and all persons on board any British

Extra territorial operation of Defence Regulations.

ship or aircraft, not being a Dominion ship or aircraft, and to all other persons being British subjects except persons in any of the following countries or territories, that is to say,—

- (i) a Dominion,
- (ii) India, Burma and Southern Rhodesia,
- (iii) any country or territory to which any provisions of this Act can be extended by Order in Council, and
- (iv) any other country or territory, being a country or territory under His Majesty's protection or suzerainty:

Provided that Defence Regulations may make provision whereby the owner, manager or charterer of any British ship or aircraft, being a person resident in the United Kingdom or a corporation incorporated under the law of any part of the United Kingdom, is subjected to restrictions in respect of the employment of persons in any foreign country or territory in connection with the management of the ship or aircraft.

(2) In this section the expression "Dominion ship or aircraft" means a British ship or aircraft registered in a Dominion, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom; and, for the purposes of sub-section (1) of this section, any ship or aircraft registered in India, Burma or Southern Rhodesia, not being a ship or aircraft for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, shall be treated as if it were a Dominion ship or aircraft.

(3) Sub-section (1) of this section shall apply in relation to British protected persons, as that sub-section applies in relation to British subjects.

Provisions as  
to colonies,  
etc.

4. (1) His Majesty may by Order in Council direct that the provisions of this Act other than this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order,—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, and
- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction;

and, in particular, but without prejudice to the generality of the preceding provisions of this section, such an Order in Council may direct that any such authority as may be specified in the Order shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the country or territory in respect of which the Order is made.

(2) His Majesty may by Order in Council, make, or authorise the making of, provision whereby persons offending against any Defence Regulations may be apprehended, tried and punished in the United Kingdom, or any of the countries or territories specified in the preceding sub-section, whether section one of this Act extends to that country or territory or not.

5. (1) If and so far as the provisions of any Act for purposes of defence passed by the Parliament of the Commonwealth of Australia or by the Parliament of the Dominion of New Zealand purport to have extra-territorial operation as respects—

- (a) ships or aircraft registered in the said Commonwealth or Dominion, or
- (b) the employment of persons in relation to British ships or aircraft by owners, managers or charterers of such ships or aircraft who are persons resident in the said Commonwealth or Dominion or corporations incorporated under the law of the said Commonwealth or Dominion or any part thereof.

the said provisions shall be deemed to have such operation.

(2) No law made for purposes of defence by the Indian Legislature or the Federal Legislature of India or by the Legislature of Burma shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it makes provision whereby any owner, manager or charterer of a British ship or aircraft who is a person resident in India or Burma or a corporation incorporated under the law of India or Burma or any part thereof, is subjected to restrictions in respect of the employment of persons in relation to the ship or aircraft.

Nothing in this sub-section shall be taken to prejudice the effect of section ninety-nine of the Government of India Act, 1935, or section thirty-three of the Government of Burma Act, 1935.

(3) If and so far as the provisions of any law for purposes of defence made by the Legislature of Southern Rhodesia purport to have extra-territorial operation as respects—

- (a) aircraft registered in Southern Rhodesia, or
- (b) the employment of persons in relation to British aircraft by owners, managers or charterers of such aircraft who are persons resident in Southern Rhodesia or corporations incorporated under the law of Southern Rhodesia,

the said provisions shall be deemed to have such operation.

Extra-territorial operation of defence legislation of certain Dominions, etc.

26 Geo. 5.  
c. 2.  
26 Geo. 5.  
c. 3.

Hearing of  
proceedings  
in camera.

6. (1) If, as respects any proceedings before a court (whether instituted before or after the commencement of this Act), the court is satisfied that it is expedient, in the interests of the public safety or the defence of the realm so to do, the court—

- (a) may give directions that, throughout, or during any part of, the proceedings, such persons or classes of persons as the court may determine shall be excluded;
- (b) may give directions prohibiting or restricting the disclosure of information with respect to the proceedings.

The powers conferred by this sub-section shall be in addition to, and not in derogation of, any other powers which a court may have to give such directions as aforesaid.

(2) If any person contravenes any directions given by a court under the preceding sub-section, then, without prejudice to the law relating to contempt of court, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) The operation of sub-section (4) of section eight of the 10 & 11 Geo. Official Secrets Act, 1920, shall be suspended during the 5. c. 75. continuance in force of this Act.

Proof of  
instruments.

7. Every document purporting to be an instrument made or issued by any Minister or other authority or person in pursuance of any provision contained in, or having effect under, Defence Regulations, and to be signed by or on behalf of the said Minister, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that Minister, authority or person; and *prima facie* evidence of any such instrument as aforesaid may, in any legal proceedings including arbitrations), be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister or other authority or person having power to make or issue the instrument.

Provisions as  
to certain  
Orders in  
Council.

8. (1) Every Order in Council containing Defence Regulations shall be laid before Parliament as soon as may be after it is made; but, notwithstanding anything in sub-section (4) of section one of the Rules Publication Act, 1893, such an Order shall be deemed not to be a statutory rule to which that section applies.

(2) If either House of Parliament, within the next twenty-eight days on which that House has sat after such an Order in Council as aforesaid is laid before it, resolves that the Order be annulled, the Order shall thereupon cease to have effect except as respects things previously done or omitted to be done, without prejudice, however, to the making of a new Order.

(3) Any power conferred by the preceding provisions of this Act to make an Order in Council shall be construed as including a power to vary or revoke the Order.

9. The powers conferred by or under this Act shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown. Saving of prerogative powers.

10. (1) In this Act the expression "Dominion" means any Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by His Majesty's Government in such a Dominion. Interpretation, 22 Geo. 5 c. 4.

(2) References in this Act to British aircraft shall be construed as references to aircraft registered in any part of His Majesty's Dominions, in any British protectorate or in any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's Dominions.

(3) For the avoidance of doubt it is hereby declared that any reference in this Act to Defence Regulations includes a reference to regulations made under any provision of this Act, as extended to any country or territory by an Order in Council under this Act, and that any reference in this Act to any country or territory includes a reference to the territorial waters, if any, adjacent to that country or territory.

11. (1) Subject to the provisions of this section, this Act shall continue in force for the period of one year, beginning with the date of the passing of this Act, and shall then expire: Duration of Act.

Provided that, if at any time while this Act is in force, an address is presented to His Majesty by each House of Parliament praying that this Act should be continued in force for a further period of one year from the time at which it would otherwise expire, His Majesty may by Order in Council direct that this Act shall continue in force for that further period.

(2) Notwithstanding anything in the preceding sub-section, if His Majesty by Order in Council declares that the emergency that was the occasion of the passing of this Act has come to an end, this Act shall expire at the end of the day on which the Order is expressed to come into operation.

(3) The expiry of this Act shall not affect the operation thereof as respects things previously done or omitted to be done.

12. This Act may be cited as the Emergency Powers (Defence) Act, 1939. Short title.

AN ORDER  
MADE BY THE KING'S MOST EXCELLENT MAJESTY  
IN COUNCIL UNDER SUB-SECTION (1) OF SECTION  
FOUR OF THE EMERGENCY POWERS  
(DEFENCE) ACT, 1939.

WHEREAS by sub-section (1) of section four of the Emergency Powers (Defence) Act, 1939, it is provided that His Majesty may by Order in Council direct that the provisions of that Act other than that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order—

- (a) to the Isle of Man or any of the Channel Islands,
- (b) to Newfoundland or any colony,
- (c) to any British protectorate,
- (d) to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, and
- (e) (to the extent of His Majesty's jurisdiction therein) to any other country or territory being a foreign country or territory in which for the time being His Majesty has jurisdiction:

Now, therefore, His Majesty in pursuance of sub-section (1) of section four of the said Act, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Emergency Powers (Colonial Defence) Order in Council, 1939.
2. (1) In this Order unless the context otherwise requires—
  - (a) the expression "territory" includes the territorial waters, if any, adjacent thereto, and any dependency thereof;
  - (b) the expression "Governor" in relation to any territory includes any person administering the Government of the territory, and, in the case of Zanzibar, means the British Resident or the person lawfully discharging his functions.
- (2) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The provisions of the Emergency Powers (Defence) Act, 1939, other than section four thereof (excepting the following provisions thereof, that is to say, sub-sections (3) and (4) of section two, section five, sub-section (3) of section six, and sections eight, nine, eleven and twelve) shall, subject to the adaptations and modifications contained in the First Schedule to this Order, extend to the territories mentioned in the Second Schedule to this Order.

4. The powers conferred on the Governor of a territory by virtue of this Order shall be in addition to, and not in derogation of, any other powers possessed by the Governor.

#### \*FIRST SCHEDULE

(a) The Governor shall be substituted for His Majesty in Council as the authority empowered to make Defence Regulations for the territory.

(b) In sub-section (1) of section one "the territory" shall be substituted for "the realm."

(c) In paragraph (a) of sub-section (2) of section one "the Governor" shall be substituted for "the Secretary of State."

(d) In sub-section (3) of section one "the Governor" shall be substituted for "His Majesty in Council."

(e) In sub-section (4) of section one the words "other than this Act," in both places where they occur, shall be omitted.

(f) In sub-section (6) of section one for the words "includes any enactment of the Parliament of Northern Ireland" there shall be substituted the words "includes any Act of Parliament in its application to the territory other than the Emergency Powers (Defence) Act, 1939, any Order of His Majesty in Council in its application to the territory other than an Order made under the Emergency Powers (Defence) Act, 1939, and any Ordinance or other law in force in the territory."

(g) In sub-section (1) of section two "the Governor" shall be substituted for "the Treasury" in both places where the words occur.

(h) In sub-section (2) of section two "the general revenues of the territory" shall be substituted for "the Exchequer of the United Kingdom."

(i) In sub-section (5) of section two for the words "such fee not exceeding five pounds as may be prescribed under the Regulations with the approval of the Treasury" there shall be substituted the words "such fee as may be prescribed by or under the Regulations" and for the words "shall be paid into the Exchequer of the United Kingdom or, if the Treasury so direct, be paid into such public fund or account as they may determine" there shall be substituted the words "shall be paid into the general revenues of the territory or, if the Governor so directs, be paid into such public fund or account as he may determine."

(j) In sub-section (1) of section three "the territory" shall be substituted for "the United Kingdom" wherever those words occur, and in paragraph (b) of that sub-section the words "the United Kingdom and" shall be inserted between the figure "(i)" and the words "a Dominion."

(k) In sub-section (1) of section six "this Order" shall be substituted for "this Act", and "the territory" shall be substituted for "the realm."

(l) In section seven the references to a Minister shall be omitted.

(m) References to British ships shall be construed as including references to all ships registered in, or licensed under the law of the territory.

\* See amendments page 16.

## SECOND SCHEDULE.

Aden (Colony and Protectorate).	Leeward Islands:—
Bahamas.	Antigua.
Barbados.	Dominica.
Bermuda.	Montserrat.
British Guiana.	St. Christopher and Nevis.
British Honduras.	Virgin Islands.
British Solomon Islands Protectorate.	Malta.
Ceylon.	Mauritius.
Cyprus.	Nigeria:—
Falkland Islands.	(a) Colony.
Fiji.	(b) Protectorate.
Gambia (Colony and Protectorate).	(c) Cameroons under British Mandate.
Gibraltar.	Northern Rhodesia.
Gilbert and Ellice Islands Colony.	Nyasaland Protectorate.
Gold Coast—	Palestine (excluding Trans-Jordan).
(a) Colony.	St. Helena and Ascension.
(b) Ashanti.	St. Lucia.
(c) Northern Territories.	St. Vincent.
(d) Togoland under British Mandate.	Seychelles.
Grenada.	Sierra Leone (Colony and Protectorate).
Hong Kong.	Somaliland Protectorate.
Jamaica (including Turks and Caicos Islands and the Cayman Islands).	Straits Settlements.
Kenya (Colony and Protectorate).	Tanganyika Territory.
	Trinidad and Tobago.
	Uganda Protectorate.
	Zanzibar Protectorate.

Public Notice No. 86 of 1941

Public Notice No. 40 of 1940 republished.

**EMERGENCY POWERS (DEFENCE) ACT, 1940,**

**3 & 4 GEO. 6. CHAPTER 20.**

AN ACT TO EXTEND THE POWERS WHICH MAY BE EXERCISED BY HIS MAJESTY UNDER THE EMERGENCY POWERS (DEFENCE) ACT, 1939.

[22nd May, 1940.]

WHEREAS by the Emergency Powers (Defence) Act, 1939, His Majesty was enabled to exercise certain powers for the purpose of meeting the emergency existing at the date of the passing of that Act:

AND WHEREAS by reason of the development of hostilities since that date it has become necessary to extend the said powers in order to secure that the whole resources of the community may be rendered immediately available when required for purposes connected with the defence of the Realm:

NOW, THEREFORE, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) The powers conferred on His Majesty by the Emergency Powers (Defence) Act, 1939 (hereinafter referred to as the "principal Act") shall, notwithstanding anything in that Act, include power by Order in Council to make such Defence Regulations making provision for requiring persons to place themselves, their services, and their property at the disposal of His Majesty, as appear to him to be necessary or expedient for securing the public safety, the defence of the Realm, the maintenance of public order, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies or services essential to the life of the community.

Extension  
of powers  
under 2 & 3  
Geo. 6. c. 62

(2) In paragraph (d) of sub-section (2) of section 1 of the principal Act and in sub-section (4) of that section the expression "enactment" shall mean any enactment passed before the commencement of this Act.

(3) Sub-section (1) of section 11 of the principal Act (which relates to the duration of that Act) shall have effect as if for the words "one year," where those words first occur, there were substituted the words "two years."

2. This Act may be cited as the Emergency Powers (Defence) Act, 1940, and this Act and the Emergency Powers (Defence) Act, 1939, may be cited together as the Emergency Powers (Defence) Acts, 1939 and 1940

Short title  
and citation.

AT THE COURT AT BUCKINGHAM PALACE,  
THE 7TH DAY OF JUNE, 1940.

Present

The King's Most Excellent Majesty.

Lord President.	Mr. Cross.
Lord Moyne.	Mr. Dalton.
Lord Alness.	Sir Charles Edwards.
Captain Crookshank.	Sir Percy Harris.
Mr. Bracken.	Sir Robert Vansittart.
Sir Walter Citrine.	

WHEREAS His Majesty has been pleased by the Emergency Powers (Colonial Defence) Order in Council, 1939, to direct that certain provisions of the Emergency Powers (Defence) Act, 1939 (hereinafter referred to as "the principal Act"), should extend to the territories mentioned in the Second Schedule to that Order:

AND WHEREAS the powers exercisable under the principal Act have been extended by the Emergency Powers (Defence) Act, 1940:

NOW, THEREFORE, His Majesty, in pursuance of sub-section (1) of section 4 and of sub-section (3) of section 8 of the principal Act, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the principal Act which by the Order in Council hereinbefore recited were extended to the territories mentioned in the Second Schedule to that Order subject to the adaptations and modifications contained in the First Schedule thereto shall apply to those territories subject also to the further modification that the said provisions shall have effect in those territories as amended by the Emergency Powers (Defence) Act, 1940; and the said Order in Council shall be construed accordingly.

2. This Order may be cited as the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940.

*Rupert B. Howorth.*

*Public Notice No. 87 of 1941*

The following Order of His Majesty in Council is published for general information.

By His Excellency's Command,

C. C. WOOLLEY,

*Chief Secretary to the Government.*

Chief Secretary's Office,

Lagos, 20th September, 1941.

*The Defence Regulations (Reciprocal Enforcement)  
Order, 1940*

ORDER IN COUNCIL, DATED JUNE 19, 1940, MADE UNDER SECTION  
4 (2) OF THE EMERGENCY POWERS (DEFENCE) ACT, 1939  
[S.R. & O. 1940 No. 1036]

1. *Reciprocal Enforcement of Defence Regulations.*—Any person committing an offence against any Defence Regulation in force in any country to which this Order applies, being a Regulation—

- (a) imposing or providing for the imposition of prohibitions, restrictions or obligations in relation to ships or vessels; or
- (b) authorising the doing of anything in relation to ships or vessels; or
- (c) imposing or providing for the imposition of prohibitions, restrictions or obligations on the owner, charterer, master or person having the possession or management of a ship or vessel, or on a person on board or lawfully engaged to serve on board a ship or vessel;

may be apprehended, tried and punished for that offence in any other country to which this Order applies as if he had committed an offence against the corresponding Defence Regulation in force in that other country, or if there is no corresponding regulation in force in that other country, as if he had committed an offence against a Defence Regulation in force in that other country which contains no special provisions as respects the trial and punishment thereof.

2. *Countries to which Order Applies.*—This Order applies to the United Kingdom and every other country in which Defence Regulations are for the time being in force by virtue of sub-section (1) of section four of the Emergency Powers (Defence) Act, 1939.

3. *Short Title and Interpretation.*—(1) This Order may be cited as the Defence Regulations (Reciprocal Enforcement) Order, 1940.

(2) In this Order the expression "country" includes a territory, and the expression "ship or vessel" includes a ship or vessel under construction.

(3) The Interpretation Act, 1889, shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

*Public Notice No. 168 of 1942*

The subjoined Act of Imperial Parliament and the Order of His Majesty in Council made in pursuance thereof are published for general information.

By His Excellency's Command,

T. HOSKYNs-ABRAHAM.

*Acting Chief Secretary to the Government.*

Lagos, 30th June, 1942.

*Emergency Powers (Defence) (No. 2) Act, 1940*  
*3 & 4 Geo. 6 Ch. 45*

AN ACT TO REMOVE DOUBTS AS TO THE EXTENT OF  
THE POWERS WHICH MAY BE EXERCISED BY HIS  
MAJESTY UNDER THE EMERGENCY POWERS  
(DEFENCE) ACT, 1939

[1st August, 1940.]

WHEREAS by the Emergency Powers (Defence) Act, 1939, His Majesty was enabled to exercise certain powers for the purpose of meeting the emergency existing at the date of the passing of that Act, but the said powers did not enable provision to be made for the trial by courts martial of persons not being subject to the Naval Discipline Act, to military law, or to the Air Force Act:

AND WHEREAS by reason of the development of hostilities since that date it has become expedient to remove doubts as to the extent of the said powers in order to secure that provision for the trial of such persons by special courts may be made where necessary:

NOW, THEREFORE, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. POWER TO PROVIDE FOR TRIAL OF OFFENCES BY SPECIAL COURTS IN CERTAIN AREAS.—(1) It is hereby declared that the powers conferred on His Majesty by the Emergency Powers (Defence) Act, 1939 (hereinafter referred to as "the principal Act") to make by Order in Council such Defence Regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order, and the efficient prosecution of any war in which His Majesty may be engaged, include power to make provision for securing that, where by reason of recent or immediately apprehended enemy action the military situation is such as to require that criminal justice should be administered more speedily than would be practicable by the ordinary courts, persons whether or not subject to the Naval Discipline Act, to military law, or to the Air Force Act, may, in such circumstances as may be provided by the Regulations, be tried by such special courts, not being courts martial, as may be so provided.

(2) After paragraph (a) of sub-section (2) of section one of the principal Act there shall be inserted the following paragraph—

“(aa) make provision for the apprehension and punishment of offenders and for their trial by such courts, not being courts martial, and in accordance with such procedure as may be provided for by the Regulations, and for the proceedings of such courts being subject to such review as may be so provided for, so, however, that provision shall be made for such proceedings being reviewed by not less than three persons who hold or have held high judicial office, in all cases in which sentence of death is passed, and in such other circumstances as may be provided by the Regulations;”

and in the said paragraph (a) the words “for the apprehension trial and punishment of persons offending against the Regulations and” are hereby repealed.

*Statutory Rules and Orders 1942 (No. 509)*  
*Emergency Powers (Defence)*

**THE EMERGENCY POWERS (COLONIAL DEFENCE)  
(EXPLANATION) ORDER IN COUNCIL, 1942**

At the Court at Buckingham Palace, the 19th day of March, 1942

Present,

The King's Most Excellent Majesty.

WHEREAS His Majesty has been pleased by the Emergency Powers (Colonial Defence) Order in Council, 1939, to direct that certain provisions of the Emergency Powers (Defence) Act, 1939 (hereinafter referred to as “the principal Act”), should extend to the territories mentioned in the Second Schedule to that Order:

AND WHEREAS the powers exercisable under the principal Act have been explained by the Emergency Powers (Defence) (No. 2) Act, 1940:

Now, THEREFORE, His Majesty, in pursuance of sub-section (1) of section four and of sub-section (3) of section eight of the principal Act, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the principal Act which by the Order in Council hereinbefore recited were extended to the territories mentioned in the Second Schedule to that Order subject to the adaptations and modifications contained in the First Schedule thereto shall apply to those territories subject also to the further modification that the said provisions shall have effect in those territories as explained by the Emergency Powers (Defence) (No. 2) Act, 1940; and the said Order in Council shall be construed accordingly.

2. This Order may be cited as the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942.

*Rupert B. Howorth.*

*Public Notice No. 305 of 1942*

The subjoined order of His Majesty in Council is published for general information.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Lagos, 16th October, 1942.

*Statutory Rules and Orders 1942 No. 1572*

*Emergency Powers (Defence)*

COLONIAL DEFENCE

THE EMERGENCY POWERS (COLONIAL DEFENCE) (AMENDMENT)  
ORDER IN COUNCIL, 1942

At the Court at Buckingham Palace, the 6th day of August, 1942.

Present,

The King's Most Excellent Majesty.

Lord President. . . . . Secretary, Sir Archibald  
Sinclair.

Lord Macmillan. . . . . Mr Williams.

His Majesty, in pursuance of sub-section (1) of section four and sub-section (3) of section eight of the Emergency Powers (Defence) Act, 1939 (*a*), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. The Emergency Powers (Colonial Defence) Order in Council, 1939 (*b*), shall have effect as if, after paragraph (c) of the First Schedule thereto, there were inserted the following paragraph:—

“(cc) in paragraph (aa) of sub-section (2) of section one, the words ‘not less than three’ shall be omitted.”

2. This order may be cited as the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1942.

*E. C. E. Leadbitter.*

Public Notice No. 77 of 1941

**THE EVIDENCE AND POWERS OF ATTORNEY ACT, 1940**

(3 & 4 GEO. 6. CH. 28)

It is notified that the Act of Parliament cited as the Evidence and Powers of Attorney Act, 1940, and two Orders made by His Majesty in Council thereunder are applicable to Nigeria and are accordingly published for information:



3 & 4 GEO. 6.

CH. 28.

*Evidence and Powers  
of Attorney Act, 1940*

**CHAPTER 28**

An Act to empower certain officers and other persons to administer oaths and take affidavits, to facilitate the proof in criminal proceedings of documents intercepted in the post, and to make further provision as respects powers of attorney.

(13th June, 1940).

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Lord Chancellor may by order provide for empowering officers of His Majesty's naval, military and air forces, holding such ranks or appointments as may be specified in the order, to administer oaths and take affidavits during any war in which His Majesty is engaged for all or any purposes for which an oath may be administered or affidavit taken by a commissioner for oaths appointed under section one of the Commissioners for Oaths Act, 1889.

Authority to  
administer  
oaths

52 & 53 Vict.  
c. 10.

(2) The Secretary of State may by order provide for empowering persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with His Majesty, has undertaken to represent His interests in a country in which He has for the time being no diplomatic or consular representatives appointed on the advice of His Government in the United Kingdom, to administer oaths and take affidavits for all or any of the purposes aforesaid.

(3) Any such order may prescribe—

(a) the classes of persons to whom oaths may be administered or from whom affidavits may be taken in pursuance of the order;

- (b) the places or circumstances in which an oath or affidavit may be so administered or taken;
- (c) the facts to be stated in the jurat or attestation by any person by whom any oath or affidavit is so administered or taken.

(4) Any document purporting to have subscribed thereto the signature of any person in testimony of any oath or affidavit being administered or taken before him, and containing in the jurat or attestation a statement of the facts required to be stated therein by an order under this section, shall be admitted in evidence without proof of the signature being the signature of that person or of the facts so stated.

(5) As from the date on which an order made under sub-section (1) of this section comes into force, the Commissioners for Oaths (Prize Proceedings) Act, 1907, shall be repealed.

7 Edw. 7.  
c. 25.

Proof in  
criminal  
proceedings  
of docu-  
ments  
intercepted  
in post.

2.—(1) In any criminal proceedings instituted, whether before or after the commencement of this Act, during the war period—

(a) a certificate certifying that any document or documents annexed to, or otherwise identified by, the certificate constituted or formed part of a postal packet which was examined by an authorised examiner on a date specified therein; or

(b) a certificate certifying that any photographic copy or copies so annexed or identified is or are a true copy or true copies, made by an authorised photographer, of any document or documents which constituted or formed part of such a postal packet as aforesaid,

shall, if purporting to be signed by a person being a competent officer, be admissible as evidence of the matters so certified, without proof of the signature being the signature of that person or of his official capacity.

(2) In this section—

(a) the expression " authorised examiner " means a person authorised by or on behalf of His Majesty to examine (whether within or without the United Kingdom) postal packets which have been despatched by post;

(b) the expression " authorised photographer " means a person authorised as aforesaid to photograph (whether within or without the United Kingdom) such postal packets as aforesaid;

(c) the expression " competent officer " means a person holding any such appointment or office (whether within or without the United Kingdom) concerned with the examination of postal packets as may be specified in an Order of His Majesty in Council;

(d) the expression " document " includes an envelope or other outer covering of a postal packet;

- (e) the expression "postal packet" has the same meaning as in the Post Office Act, 1908, but does not include a telegram while in the course of transmission by telegraph.

8 Edw. 7.  
c. 48.

(3) His Majesty may by Order in Council direct that the foregoing provisions of this section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, any colony, any British protectorate, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

3.—(1) No instrument creating a power of attorney, being an instrument to which this section applies, shall be of any effect unless it is attested by at least one witness and unless and until the instrument either—

Powers of attorney executed by certain persons.

(a) has been deposited in the central office of the Supreme Court under section two hundred and nineteen of the Supreme Court of Judicature (Consolidation) Act, 1925; or

15 & 16  
Geo. 5. c. 49.

(b) has been registered in Scotland in the books of council and session; or

(c) has been deposited in the proper office of the Supreme Court under section forty-eight of the Conveyancing Act, 1881, as it applies to Northern Ireland.

44 & 45  
Vict. c. 41.

(2) Rules of court may provide that no instrument to which this section applies shall be deposited or registered as aforesaid unless it is presented by a solicitor and there is produced at the time of its presentation—

(a) an affidavit sworn by that solicitor proving that he caused the instrument to be engrossed and sent to the donor for execution and that he believes that the signature of the person executing the instrument as the donor is the signature of that person; and

(b) an affidavit verifying the execution of the instrument, sworn by the attesting witness or one of the attesting witnesses:

Provided that no rule made by virtue of this sub-section as respects the Supreme Court shall apply to an instrument creating a power of attorney under section one of the Execution of Trusts (Emergency Provisions) Act, 1939, or any corresponding enactment of the Parliament of Northern Ireland.

2 & 3 Geo. 6  
c. 114

(3) A statement in writing by the donor of a power of attorney (whether or not contained in the instrument creating the power) that the instrument creating the power is not an instrument to which this section applies shall, in favour of a person dealing with the donee of the power, be conclusive evidence of that fact.

(4) For the purpose of the following enactments (which impose penalties for making false statements in a statutory declaration), namely—

1 & 2 Geo. 5.  
c. 6.  
23 & 24 Geo.  
5. c. 20.  
5 & 6 Will. 4.  
c. 62

- (a) section five of the Perjury Act, 1911;  
(b) section two of the False Oaths (Scotland) Act, 1933;  
(c) section twenty-one of the Statutory Declarations Act, 1835;

any such statement as is mentioned in the last foregoing sub-section shall be deemed to be a statutory declaration.

(5) This section applies to instruments executed after the commencement of this Act during the war period either—

- (a) outside the United Kingdom by a member of His Majesty's naval, military or air forces, or a person engaged in the nursing service or other auxiliary service of any of those forces; or  
(b) by a British subject in territory which is under the sovereignty of, or in the occupation of, a Power with which His Majesty is at war, not being territory in the occupation of His Majesty or of a Power allied with His Majesty.

Proof of  
instruments  
creating  
powers of  
attorney

4.—(1) A document purporting to be—

- (a) an office copy of an instrument deposited in the central office of the Supreme Court under section two hundred and nineteen of the Supreme Court of Judicature (Consolidation) Act, 1925; or  
(b) an extract of an instrument creating a power of attorney registered in Scotland in the books of council and session; or  
(c) an office copy of an instrument deposited in the proper office of the Supreme Court under section forty-eight of the Conveyancing Act, 1881, as it applies to Northern Ireland;

shall, in any part of the United Kingdom, without further proof be sufficient evidence of the contents of the instrument and of the fact that it has been so deposited or registered.

(2) Sub-section (4) of the said section two hundred and nineteen and sub-section (4) of the said section forty-eight are hereby repealed.

Application  
to Scotland.

5. In the application of sections one and two of this Act to Scotland the following modifications shall be made:—

(1) section one shall have effect as if there were added at the end of sub-section (1) the following words—“ or by a judge ordinary, magistrate, justice of the peace or notary public ”;

(2) for sub-section (1) of section two, the following sub-section shall be substituted:—

“(1) In any criminal proceedings instituted, whether before or after the commencement of this Act, during the war period—

- (a) a certificate certifying that any document or documents specified therein and attached thereto

constituted or formed part of a postal packet which was examined by an authorised examiner on a date specified therein: or

(b) a certificate certifying that any document or documents so specified and attached is or are a true photographic copy or true photographic copies, made by an authorised photographer, of any document or documents which constituted or formed part of such a postal packet as aforesaid, shall, if purporting to be signed by a person being a competent officer, be competent and sufficient evidence of the matters so certified, without proof of the signature being the signature of that person or of his official capacity, and any document so certified as a photographic copy shall be held as equivalent to the original."

6. In the application of section one of this Act to Northern Ireland, for the reference to a commissioner for oaths appointed under section one of the Commissioners for Oaths Act, 1889, there shall be substituted a reference to a commissioner to administer oaths appointed under section seventy-four of the Supreme Court of Judicature Act (Ireland), 1877.

Application to Northern Ireland.  
40 & 41 Vict. c. 57.

7. Any Order in Council or order made under this Act may be revoked or varied by a subsequent Order in Council or order made in like manner.

Provision as to orders.

8.—(1) This Act may be cited as the Evidence and Powers of Attorney Act, 1940.

Short title and interpretation.

(2) In this Act the expression "war period" means the period during which the Emergency Powers (Defence) Act, 1939, is in force.

2 & 3 Geo. 6, c. 62.

## STATUTORY RULES AND ORDERS.

### 1940 No. 1192

### EVIDENCE

### Postal Packets

ORDER IN COUNCIL UNDER S. 2 (2) (c) OF THE EVIDENCE AND POWERS OF ATTORNEY ACT, 1940 (3 & 4 GEO. 6, C. 28), SPECIFYING THE PERSONS WHO ARE COMPETENT OFFICERS FOR THE PURPOSE OF SIGNING CERTIFICATES

At the Court at Buckingham Palace, the 2nd day of July, 1940

PRESENT.

The King's Most Excellent Majesty in Council

Whereas by sub-section (2) (c) of section 2 of the Evidence and Powers of Attorney Act, 1940, it is enacted that the expression "competent officer" in that section means a person holding any such appointment or office (whether within or without the United Kingdom) concerned with the examination of postal packets as may be specified in an Order of His Majesty in Council:

29

Now, therefore, His Majesty, in exercise of the power so conferred upon Him and of all other powers enabling Him in that behalf, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered that any person holding any such appointment or office as is specified in the schedule to this Order, being appointments or offices concerned with the examination of postal packets, shall be a competent officer for the purposes of section 3 of the Evidence and Powers of Attorney Act, 1940.

*Rupert B. Howorth.*

#### SCHEDULE

Director or Senior Staff Officer in the Investigation Branch of the Personnel Department of the Post Office.

Deputy Assistant Censor or superior office in the Postal and Telegraph Censorship in the United Kingdom.

Assistant Censor or superior office in the Postal and Telegraph Censorship in any Dominion as defined in section 1 of the Statute of Westminster, 1931, or in any territory in respect of which a Mandate has been accepted by His Majesty, and is being exercised by His Majesty's Government in a Dominion.

Chief Censor in the Postal and Telegraph Censorship in any Colony or British Protectorate, or in any territory in respect of which a Mandate has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

Officer in His Majesty's Armed Forces, not below the acting rank of—

- (a) Lieutenant, Royal Navy, Royal Naval Reserve, or Royal Naval Volunteer Reserve or
  - (b) Lieutenant, Royal Marines or
  - (c) Captain in His Majesty's Army or
  - (d) Flying Officer in the Royal Air Force, Royal Air Force Reserve, or Royal Air Force Volunteer Reserve
- appointed to duties concerned with the examination of postal packets.

#### STATUTORY RULES AND ORDERS

1941 No. 371

#### EVIDENCE

#### Territories Overseas

THE EVIDENCE AND POWERS OF ATTORNEY ORDER IN COUNCIL, 1941  
At the Court at Buckingham Palace, the 14th day of March, 1941

PRESENT,

The King's Most Excellent Majesty

Lord President.	Lord Woolton.
Earl Marshal.	Mr Duff Cooper.
Viscount Galway.	Sir Arthur Salter.

Whereas by sub-section (3) of section two of the Evidence and Powers of Attorney Act, 1940 (a), it is provided that His Majesty may by Order in Council direct that the foregoing provisions of that section shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, any colony, any British protectorate, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom:

And whereas it is expedient that the provisions of sub-sections (1) and (2) of section two of the said Act should, subject to the adaptation specified in this Order, extend to the territories mentioned in the Schedule to this Order:

Now, therefore, His Majesty, in pursuance of sub-section (3) of section two of the said Act, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Evidence and Powers of Attorney Order in Council, 1941.

2. The provisions of sub-sections (1) and (2) of section two of the Evidence and Powers of Attorney Act, 1940, shall extend to the territories mentioned in the Schedule to this Order, subject to the following adaptation, that is to say:—

For the words "United Kingdom" wherever they occur in sub-section (2) of section two of the said Act there shall be substituted the name of the territory.

*Rupert B. Howorth.*

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(a) 3 & 4 Geo. 6. c. 28.

#### SCHEDULE

Aden (Colony and Protectorate).  
 Bahamas.  
 Barbados.  
 Bermuda.  
 British Guiana.  
 British Honduras.  
 Ceylon.  
 Cyprus.  
 Falkland Islands.  
 Fiji.  
 Gambia (Colony and Protectorate).  
 Gibraltar.  
 Gold Coast:—

- (a) Colony.
- (b) Ashanti.
- (c) Northern Territories.
- (d) Togoland under British Mandate.

Hong Kong.  
 Jamaica (including Turks and Caicos Islands and the Cayman Islands).

Kenya (Colony and Protectorate).  
 Leeward Islands:—

Antigua.  
 Montserrat.  
 St. Christopher and Nevis.  
 Virgin Islands.

Malta.  
 Mauritius.  
 Nigeria:—

(a) Colony.  
 (b) Protectorate.  
 (c) Cameroons under British Mandate.

Northern Rhodesia.  
 Nyasaland Protectorate.  
 Palestine (excluding Trans-Jordan).  
 St. Helena.

Seychelles.  
 Sierra Leone (Colony and Protectorate).  
 Somaliland Protectorate.  
 Straits Settlements.  
 Tanganyika Territory.  
 Trinidad and Tobago.  
 Uganda Protectorate.

Western Pacific:—

(a) British Solomon Islands Protectorate.  
 (b) Gilbert and Ellice Islands Colony.  
 (c) Pitcairn Island.

(d) Any other colony, or territory under His Majesty's protection, in or in relation to which jurisdiction may lawfully be exercised under the Pacific Order in Council, 1893.

Windward Islands:—

Dominica.  
 Grenada.  
 St. Lucia.  
 St. Vincent.

Zanzibar Protectorate.

Reference in this Schedule to any territory of which there are dependencies shall be construed as including a reference to such dependencies.

By His Excellency's Command,

C. C. WOOLLEY,  
*Chief Secretary to the Government.*

Lagos, 23rd August, 1941.

Public Notice No. 277 of 1943

*THE EVIDENCE AND POWERS OF ATTORNEY ACT, 1943*

(6 & 7 Geo. 6 Ch. 18)

In Public Notice No. 77 of 1941 in Gazette No. 51 of 1941 there were reproduced the Evidence and Powers of Attorney Act, 1940, and two Orders made by His Majesty in Council thereunder which are all applicable to Nigeria; that Act has since been amended by the Evidence and Powers of Attorney Act, 1943, and accordingly that latter Act is now published for general information.

By His Excellency's Command,

T. HOSKYNs-ABRAHAM,

*Acting Chief Secretary to the Government.*

Chief Secretary's Office,

Lagos, 18th August, 1943.

38664/12



6 & 7 Geo. 6

CH. 18.

*Evidence and Powers of  
Attorney Act, 1943*

**CHAPTER 18**

An Act to amend the Evidence and Powers of Attorney Act, 1940, to provide for the proof of notarial acts of certain foreign, diplomatic and consular representatives, and for purposes connected therewith. (22nd April, 1943.)

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Evidence and Powers of Attorney Act, 1940 (hereafter in this Act referred to as the "principal Act") shall have effect as if after sub-section (2) of section one of that Act (which enables provision to be made for empowering officers of His Majesty's naval, military and air forces and members of the diplomatic, consular or other foreign service of a foreign Power to administer oaths and take affidavits in time of war) the following sub-section were inserted:—

Authority to  
administer  
oaths in  
certain  
countries.  
3 & 4 Geo. 6  
c. 28.

(2A) If the Lord Chancellor is satisfied that in any country or place outside the United Kingdom conditions are such that adequate provision for the administration of oaths and the taking of affidavits cannot be made by means of orders conferring powers upon persons of the descriptions specified in the foregoing provisions of this section, he may by order provide for empowering other persons having such qualifications as may be specified in the order, or acting in any such capacity as may be so specified, to administer oaths and take affidavits in that country or place for all or any of the purposes aforesaid."

Deposit of  
photographic  
copies of  
certain  
powers of  
attorney.

2. Rules of court made in pursuance of section three of the principal Act (which requires the deposit or registration of certain instruments creating powers of attorney executed outside the United Kingdom during the present war) may make provision, in such cases and subject to such conditions as may be specified in the rules, for the deposit or registration of photographic copies of such instruments and of any affidavits of due execution required in connection therewith, instead of the originals.

Offences.

3.—(1) If any person in any oath or affidavit taken or made in pursuance of section one of the principal Act in any place outside the United Kingdom for the purposes of any proceeding or matter in any part of the United Kingdom, makes any statement which, if the oath or affidavit had been taken or made in that part, would constitute the offence of perjury, he shall be guilty of the like offence as if the oath or affidavit had been so taken or made.

(2) Where any document made outside the United Kingdom, or any copy of such a document, is transmitted to any part of the United Kingdom for deposit or registration under section three of the principal Act, any act done in relation thereto which, if it had been done in that part, would constitute, in England or Northern Ireland, an offence against the Forgery Act, 1913, or, in Scotland, the crime of uttering a forged document, shall be deemed to have been so done, and for the purpose of this sub-section and of section six of the said Act (which relates to the uttering of forged documents) any copy so transmitted of a forged document shall be deemed itself to be a forged document.

3 & 4 Geo. 5  
c. 27

(3) In any proceedings in respect of an offence committed outside the United Kingdom in connection with any affidavit or other document of which a photographic copy is transmitted to any part of the United Kingdom the copy may be used in evidence without proof of the destruction of the original as if such proof had been given.

(4) A person charged with an offence under this section may be proceeded against, indicted, tried and punished in any county or place where he is apprehended or is in custody as if the offence had been committed in that county or place, and for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that county or place.

4. The Secretary of State may by order direct that so much of sub-section (2) of section six of the Commissioners for Oaths Act, 1889, as relates to the proof of notarial acts done in foreign countries and places by British diplomatic and consular officers shall apply in relation to notarial acts done by such persons as may be specified in the order, being persons serving in the diplomatic, consular or other foreign service of a Power which, by arrangement with His Majesty, has undertaken to represent His interests in any country or place in which His Majesty has for the time being no diplomatic or consular representatives appointed on the advice of His Government in the United Kingdom.

Evidence of notarial acts done by certain foreign diplomatic and consular representatives 52 & 53 Vict. c. 10.

5.—(1) References in this Act to the principal Act shall, except where the context otherwise requires, be construed as references to that Act as amended by this Act.

Construction, short title and citation.

(2) This Act may be cited as the Evidence and Powers of Attorney Act, 1943, and this Act and the principal Act may be cited together as the Evidence and Powers of Attorney Acts, 1940 and 1943.

*The Nigeria General Defence Regulations, 1941*  
No. 75 of 1941

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## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940.

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

2 & 3 Geo. 6  
c. 62.  
3 & 4 Geo. 6  
c. 20.

## PART I.

## PRELIMINARY.

1. These regulations may be cited as the Nigeria General Defence Regulations, 1941, and shall come into operation on the 24th day of September, 1941.
2. (1) In these regulations:—
- |   |  |
|---|--|
| <p>“ aircraft ” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;</p> <p>“ alien ” means any person who is not a British subject or a British protected person;</p> <p>“ ammunition ” has the same meaning as in the Arms Ordinance;</p> <p>“ Dominion ” means a Dominion within the meaning of the Statute of Westminster, 1931, and includes any territory administered by His Majesty's Government in such a Dominion;</p> <p>“ Dominion ship or aircraft ” means a British ship or aircraft registered in any Dominion other than Newfoundland, or in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty's Government in the United Kingdom, and, “ Dominion ship ” and “ Dominion aircraft ” shall be construed accordingly;</p> <p>“ enemy ” includes a potential enemy. (<i>Inserted by Regulations 28 of 1943</i>);</p> <p>“ enemy alien ” means a person who not being a British subject or a British protected person possesses the nationality of a state at war with His Majesty;</p> <p>“ essential services ” means services essential for the defence of the realm or the prosecution of war or</p> | <p>Citation and commencement.</p> <p>Definitions.</p> <p>10 &amp; 11 Geo. 5 c. 80<br/>25 Geo. 5. &amp; 1 Edw 8 c. 44.<br/>Chapter 132.</p> |
|---|--|

essential to the life of the community. (*Inserted by Regulations 98 of 1941*):

- Chapter 133.  
Chapter 132.
- “explosive” has the same meaning as in the Explosives Ordinance;
- “firearm” has the same meaning as in the Arms Ordinance;
- “guilty of an offence” means guilty of an offence against these regulations;
- “land” includes land covered with water, houses or buildings and parts of houses or buildings;
- “national” includes subject and citizen;
- “officer of police” means a police officer of or above the rank of sub-inspector;
- “photographs” includes any photographic plates, photographic films or other sensitised articles which have been exposed in a camera, whether they have been developed or not;
- “police officer” has the same meaning as in the Police Ordinance, 1930, or any Ordinance repealing or amending that Ordinance;
- “postal packet” has the same meaning as postal article in the Post Office Ordinance, 1928;
- “requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;
- “seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water;
- “ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Act, 1894, but shall not include a ship or vessel belonging to His Majesty;
- “telegram” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;
- “the war” means any war in which His Majesty may be engaged;
- “United Kingdom ship or aircraft” means a ship or aircraft registered in the United Kingdom and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty’s Government in the United Kingdom;
- “war offence” means:—
- (a) treason, in so far as it consists in adhering to the King’s enemies, giving them aid and comfort;
  - (b) an offence of trading with the enemy;
- No. 2 of 1930.
- No. 31 of 1928.
- 57 & 58 Vict. c. 60.

- (c) an offence against any of these Regulations;
- (d) an offence against any Order in Council or Order made under Part I or section 7 of the Air Navigation Acts, 1920 and 1936; 10 & 11 Geo. 5 c. 80  
25 Geo. 5 & 1 Edw. 8 c. 44.
- (e) an offence under the Official Secrets Acts, 1911 and 1920 as applied by the Official Secrets Ordinance, 1941 and under that Ordinance; 1 & 2 Geo. V, c. 28.  
11 & 12 Geo. V, c. 75.
- (f) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offence specified in paragraphs (a) to (e) of this definition; No. 31 of 1941.

“ wireless transmitting apparatus ” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “ wireless receiving apparatus ” means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these regulations or any order made or direction given thereunder to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4) The Interpretation Ordinance shall apply to the interpretation of these regulations or any orders or rules made thereunder as it applies to the interpretation of an Ordinance: No. 27 of 1939.

Provided that where any of the provisions of these regulations or of any orders or rules made thereunder are in conflict with the provisions of the Interpretation Ordinance the provisions of these regulations, rules or orders shall prevail. Proviso.

3. (1) The competent authority shall be the person or the holder of a specified office appointed by the Governor in writing or by these regulations for the purposes of all or any of the regulations in which such expression occurs and subject to the provisions of any of these regulations any person so appointed or so stated to be is in these regulations referred to as the competent authority. Competent authorities.

(2) Where for any reason the Governor considers it advisable that a person or the holder of an office not appointed by these regulations or in writing under paragraph (1) should perform the duties of a competent authority either in addition to or in substitution for any other competent authority the Governor may by writing appoint such person or the holder of such office to be a competent authority and may specify that such person or the Additional competent authorities.

holder of such office shall be a competent authority in addition to or in substitution for any other competent authority appointed as aforesaid and thereupon such person or the holder of such office shall have all the powers and authority of a competent authority in the place of or in addition to such other competent authority as aforesaid.

Extent of jurisdiction.

(3) Unless otherwise stated in the instrument of appointment the powers and duties conferred and imposed by these regulations on an administrative officer shall only be exercised by such officer in the case of the administrative area of which he is in charge or in which he is stationed.

## PART II.

### CENSORSHIP AND THE CONTROL AND SUPPRESSION OF PUBLICATIONS, WRITINGS, PLANS, PHOTOGRAPHS, COMMUNICATIONS, AND MEANS OF COMMUNICATION.

#### A.

#### PRESS CENSORSHIP.

Application of part and meaning of press censor.

4. This part of Part II shall apply to printed matter of all descriptions and in this part the expression press censor means the press censor, Lagos, and includes assistant press censors.

Control of press censorship.

5. (1) The press censorship will be under the general control of the Chief Secretary to the Government, who is hereby appointed the press censor, and who will act directly with the public in Lagos through an officer deputed by him to act for him and in his name, whose office will be situated in the Secretariat Building, Lagos or such other place as may be signified by notice, and with the public elsewhere than in Lagos through assistant press censors.

(2) The assistant press censors hereby appointed are:—

(a) In Calabar Province, the Resident, Calabar;

(b) In Owerri Province, the Resident, Port Harcourt.

(3) (a) All matter printed in the Province of Calabar must, if to be censored, be submitted to the assistant press censor, Calabar.

(b) All matter printed in the Province of Owerri must, if to be censored, be submitted to the assistant press censor, Port Harcourt.

(c) All matter printed elsewhere in Nigeria must, if to be censored, be submitted to the press censor, Lagos.

Prohibited matters.

6. All matters the publication of which is wholly prohibited are matters the publication of which are likely to be of assistance to the enemy, injurious to the operations of His Majesty's forces or of his allies, prejudicial to the morale of the civil population or the troops, and include the following specific items:—

(a) information as to movement and position of troops or aircraft;

- (b) information as to movements of British, allied or enemy ships of war;
- (c) information as to movements of British or allied merchant shipping;
- (d) information which would assist the enemy in reconstructing the British or allied order of battle;
- (e) matter calculated to impair the efficiency, morale, or discipline of, or to prejudice the recruiting for His Majesty's forces or to create or encourage disaffection in any section of the population in any part of the British Empire;
- (f) the disclosure of the intentions or supposed intentions of the British forces or of allies either in attack or defence;
- (g) information as to new inventions, type of aircraft, guns, ammunition, gas or other war materials;
- (h) (i) such information regarding labour unrest, food shortage or such other matters as the Governor has cause to believe might raise the morale of the enemy.

(ii) In any prosecution or proceeding before a court under this paragraph a certificate by the Governor given under the hand of the Chief Secretary to the Government that the Governor has cause to believe that information published comes within subparagraph (i) of this paragraph shall be receivable in evidence and shall be conclusive proof that the information published might raise the morale of the enemy. (*As amended by Regulations 10 of 1942*).

7. The press may submit voluntarily any matter which it would like to have considered by the press censor before publication, and this may be submitted either in manuscript or in proof, but all matter must be submitted in triplicate, one copy will be returned marked with one of the following answers:—

Voluntary submission of matter for press censorship.

- (a) No objection seen to publication.
- (b) Responsibility for publication must rest with the publisher.
- (c) Must not be published.

8. Photographs and other pictorial matter intended for publication must be submitted in triplicate and with any proposed "caption" written either on them or on attached labels. The document will be "passed," "stopped," or passed subject to the condition that some detail which might give useful information to the enemy is blocked out.

Submission of pictorial matter.

9. Documents will be censored according to priority of receipt:

Priority.

Proviso.

Provided that proofs for daily and Sunday newspapers will normally be given priority, over articles for monthly or weekly papers or magazines, unless the latter would suffer injury thereby.

Time for submission.

10. The publisher must see that documents to be censored are submitted in time to be censored prior to the intended time of publication.

Penalty for publication of prohibited matter.

11. The owner, editor, printer and publisher of any newspaper, magazine, book, pamphlet or other publication by means of which any information, illustration, statement, comment, or suggestion of the nature specified in regulation 6 is knowingly published and also any person who sells any newspaper, magazine, book, pamphlet or other publication knowing it to contain any such information, illustration, statement, comment or suggestion or who is otherwise responsible for the publication thereby is guilty of an offence, and the Governor in addition to or in substitution for any prosecution of an owner, editor, printer or publisher under this regulation may by order prohibit the printing or publishing of any such newspaper, magazine, book, pamphlet or other publication or permit the printing or publishing of any such newspaper, magazine, book, pamphlet or other publication subject to the condition hereinafter specified and any such order made under this regulation shall, unless some specified time is mentioned therein, remain operative until cancelled or varied.

*(Added by Regulations 10 of 1942.)*

Power of Governor to prohibit or restrict publication.

12. (1) Whenever in the opinion of the Governor any newspaper, magazine, book, pamphlet, periodical or other matter, hereinafter in this part of Part II called a newspaper, during the continuance of the present war contains incorrect statements of fact or incorrect allegations of fact or repeatedly contains unfair or unjustified criticisms or comments, which statements, allegations, criticisms or comments are in the opinion of the Governor:—

- (i) likely to excite disaffection or create or encourage discontent against the Government of Nigeria; or
- (ii) injurious to the tranquillity of any section of the community in Nigeria; or
- (iii) likely to create or encourage discontent in any section of the community; or
- (iv) likely to create or encourage feelings of ill-will, enmity or contempt between different sections of the community,

the Governor may by order prohibit the printing or publishing of such newspaper or permit the printing and publishing of such newspaper subject to the condition hereinafter specified.

(2) An order made under this regulation shall, unless some specified time is mentioned therein, remain operative until cancelled or varied.

Power to institute inquiry and procedure therefor.

13. (1) If at any time the Governor considers it necessary so to do he may appoint such persons to hold an inquiry in such form, in such place and at such time as he may consider necessary

in order to ascertain whether any statement appearing in a newspaper is in fact correct or not.

(2) The persons so appointed shall make and furnish to the Governor a full report in writing of their proceedings and shall record their findings and their reasons therefor.

(3) The proprietor, printer or publisher of any newspaper containing a passage regarding which an inquiry is ordered to be held shall be entitled to be present and represented by a legal practitioner at any such inquiry.

14. (1) The condition which may be attached to an order of the Governor under regulation 11 or 12 is that the printer and publisher of the newspaper to which the order refers shall before publication submit to the person named in the order or if no person is so named to the Chief Secretary, or to such other person as the Chief Secretary may direct, the entire contents of every item, paragraph, caption, heading, article, notice, advertisement, letter or editorial which it is proposed to publish in any issue of the said newspaper.

Condition of order under regulation 11 or 12.

*(Amended by Regulations 10 of 1942.)*

(2) The person named in the order or the Chief Secretary or other person as aforesaid may in his discretion excise or alter any of the contents of the proposed publications.

15. Any person who prints or publishes any newspaper containing any matter which in accordance with the provisions of regulation 14:—

Penalty for breach of condition.

(a) has been excised, whether such matter is published in the form prior to excision or in any other form, or

(b) has been altered, whether such matter is published in the form prior to alteration or in any form other than that to which it has been altered.

without obtaining approval of its publication in the form in which it has been published shall be guilty of an offence against these regulations.

## B

### CENSORSHIP OF POSTAL MATTERS AND TELEGRAMS.

16. (1) The Governor may appoint a Chief Censor of postal matters and telegrams for Nigeria.

Appointment of Chief Censor and staff.

(2) The Governor, or such person as the Governor may approve, may appoint a censor information officer, a senior assistant censor, and such number of assistant censors and deputy assistant censors as may be considered necessary.

17. (1) The Chief Censor in the performance of his duties shall be guided in matters of policy by an advisory committee to be appointed by the Governor and such committee shall in addition advise the Chief Censor on any matters which he may place before it.

Duties.

(2) The censor information officer, the senior assistant censor, the assistant censors and the deputy assistant censors shall perform their duties in accordance with such instructions as may be issued by the Chief Censor.

(3) The appointment of the Chief Censor shall be notified in the Gazette but the appointment of the advisory committee and of the censor information officer, the senior assistant censor, the assistant censors and of the deputy assistant censors shall not require such notification.

(4) The word "censor" in this part of Part II includes, unless the context otherwise requires, the Chief Censor, the censor information officer, the senior assistant censor, the assistant censors and the deputy assistant censors.

(5) The General Manager the Nigerian Railway, all officers of the Posts and Telegraphs Department, any person in charge of or employed at cable and radio stations, all shipping companies and their agents, masters and pursers of ships, all air transport companies or undertakings and their agents, all pilots or other persons in charge of aircraft, pursers of aircraft and all other persons shall, if so ordered either specifically or generally by the Chief Censor, detain and produce to the censor at such place or places as the Chief Censor may require, any specified category of, or any or all, postal packets, telegrams or other documents whatsoever, or the bags or other containers in which there may be any document to which this sub-regulation refers, being in or coming into their possession whether the same may be in course of, or intended for, transmission to, from, through, or in Nigeria and whether the same may be intended for delivery in Nigeria or elsewhere.

*(Substituted by Regulations 116 of 1942)*

(6) The censor, or any person authorised by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any document to which sub-regulation (5) refers.

*(Amended by Regulations 116 of 1942)*

(7) The person in charge of any cable or radio station shall detain and produce to the censor all telegrams coming into his possession either for transmission or delivery or such telegrams or telegrams from or to such places or from or to such persons or class of persons as the Chief Censor may specify.

(8) No person shall without the authority of the censor transmit any telegram at any place in Nigeria or on any vessel or aircraft within the territorial waters thereof unless such telegram has first been passed for transmission by the censor and is in the form approved by the censor.

(9) The Chief Censor may, if in his opinion it is necessary, direct that after a certain date telegrams, other than those originating from an official source as to which the censor shall be the sole judge, shall not be received for transmission and if received

shall not be transmitted unless the same be either in clear or in a well known commercial code which code must be stated in the telegram in clear and a full translation of such telegram in English provided.

(10) Any person authorised in writing by the Chief Censor may enter by day or by night, in and upon any ship, aircraft or premises whatsoever, for the purpose of seeing that there is complied with, and if necessary ensuring compliance with, any order given by the Chief Censor in accordance with the authority conferred upon him by sub-regulation (5).

(Added by Regulations 116 of 1942)

### C

#### CENSORSHIP OF NEWS RECEIVED FROM OUTSIDE NIGERIA.

18. The Information Officer, Nigerian Secretariat, Lagos, is hereby appointed the competent authority for this part of Part II; he may appoint such number of assistants as he may consider necessary and the term competent authority in this part includes such assistants. Competent Authority.

19. In addition to the provisions of regulations 4-17 no person or persons in respect of whom a notice is published in accordance with the provisions of regulation 24 shall print or publish any matter or information:— Additional restrictions on certain persons.

(a) received directly or indirectly by means of a wireless receiving set; or

(b) received directly or indirectly from a newspaper, book, magazine or periodical published in any country outside Nigeria.

without first submitting the said matter or information to the competent authority and receiving his approval for publishing the same.

20. Where matter or information is submitted to the competent authority for his approval prior to publication such approval may be given in respect of the whole or a part only of such matter or information. Approval may be in part.

21. The provisions of regulation 19 shall not apply to matter or information:— Exemptions.

(a) transmitted by wireless from the British Broadcasting Corporation or by a wireless broadcasting station in any part of His Majesty's dominions; or

(b) received through Reuters Agency; or

(c) contained in any newspaper, book, magazine or periodical published in the United Kingdom or in any part of His Majesty's dominions:

Provided that where any such publication is subject to any order or other prohibition prohibiting the publication or issue of that publication in the United Kingdom or in any part of His Majesty's dominions or

the transmitting of that publication outside the territory where it is printed either generally or to any specified place (other than the general prohibition of communicating with an enemy country) the provisions of this regulation shall not apply to the matter or information contained in any such publication; or

- (d) official sources of the Government; or
- (e) received from a source notified by the competent authority by notice in the Gazette as not being subject to the provisions of regulation 19.

Duty of publishers.

22. It shall be the duty of every person who without the approval of the competent authority publishes any matter or information, to satisfy himself that such matter or information has not originated directly or indirectly from any of the sources to which regulation 19 applies.

Onus of proof and liability of persons concerned.

23. (1) Where a person is charged with an offence against the provisions of regulation 19 or publishes any information which has been submitted to the competent authority under regulation 19 but which has not been approved for publication under regulation 20, the onus of proving that the matter or information published without the prior approval of the competent authority was not subject to the provisions of regulation 19, shall lie on the person charged.

(2) Where an offence against regulation 19 is committed by a newspaper or where information which has been submitted to the competent authority under regulation 19 is published by a newspaper without the prior approval of the competent authority under regulation 20, the proprietor, printer, publisher and editor of such newspaper shall each be jointly and severally liable unless he can prove that the offence was committed without his knowledge or consent and that he had taken all reasonable steps to ensure—

- (a) in the former instance that regulation 19 had been complied with in respect of the matter forming the subject of the charge; and
- (b) in the latter instance that once information has been supplied to the competent authority under regulation 19 it is not published without the prior approval of the competent authority under regulation 20.

Operation and suspension of this part.

24. (1) This part shall not come into force unless and until the Governor notifies by notice in the Gazette that it is his intention to bring it into force and thereupon it shall come into force either generally or in respect of any particular person or persons or of any particular publication specified in the said notice on such day as may be notified by the same or any other notice in the Gazette.

(2) At any time subsequent to the bringing into operation of this part the Governor may by notice in the Gazette, if in his opinion it may no longer be necessary for this part to be kept in

operation, suspend the operation of this part either generally or in respect of any particular person or persons or of any particular publication specified in the said notice.

(3) Such suspension may be either for definite or indefinite periods and in either case this part may again be brought into operation at any time by notice in the Gazette, if in the opinion of the Governor it is necessary so to do.

#### D.

#### CONTROL OF MEANS OF COMMUNICATION.

25. The Postmaster-General is hereby appointed the Competent Authority.  
competent authority for this part of Part II.

26. (1) The competent authority may make provision by order for securing that postal packets of any such description as may be specified in the order shall not be despatched by post from Nigeria to destinations outside Nigeria, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order. Postal communications.

(2) The competent authority may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from Nigeria to any destination outside Nigeria otherwise than by post, or conveyed into Nigeria otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

27. (1) Any person who is about to embark on any vessel or aircraft at any place in Nigeria for the purpose of leaving Nigeria, or lands from any vessel or aircraft at any place on coming to Nigeria (which person is hereafter in this paragraph referred to as the traveller) shall, if requested so to do by an authorised officer:— Persons arriving in or departing from Nigeria.

(a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of regulation 26;

(b) produce any such article as aforesaid which he has with him,

and an authorised officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of regulation 26, and, if the authorised officer has reasonable ground for suspecting that the traveller has any article

about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorised officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph.

(2) Where, at any place in Nigeria, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated, or intends to communicate, at that place with a person embarking thereat on a vessel or aircraft for the purpose of leaving Nigeria, or landing thereat from a vessel or aircraft on coming to Nigeria, the provisions of paragraph (1) of this regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on a vessel or aircraft for the purpose of leaving Nigeria; and where any person is on any occasion found travelling in Nigeria to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on a vessel or aircraft for the purpose of leaving Nigeria.

(3) Where there is declared or produced to the authorised officer in compliance with this regulation, or discovered by the authorised officer in circumstances in which it ought to have been so declared or produced, any plate, film or other article which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take such steps (including subjection of the article to the process of development) as may be reasonably necessary for enabling the authorised officer to ascertain whether or not it has been so exposed.

(4) In this regulation an authorised officer means any administrative officer, censor within the meaning of part B of Part II, customs and excise officer or police officer.

Wireless  
telegraphy.

28. (1) The competent authority may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control:—

(a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;

(b) any such wireless receiving apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the competent authority to be readily adaptable for the purpose of being so used:

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Wireless Telegraphy Ordinance, 1935, authorising the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

Proviso.

No. 3 of  
1935.

(2) In any proceedings arising out of a contravention of paragraph (1) of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

Proviso,

(4) An authorised officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (3) of this regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Wireless Telegraphy Ordinance, 1935, the competent authority in his discretion may refuse to grant a licence under the said Ordinance and may revoke at any time a licence granted under that Ordinance.

No 3 of  
1935.

(6) In this regulation authorised person means any administrative officer; any officer of police or a person holding a commission in any of His Majesty's Forces and, for the purpose of controlling the use of wireless on ships, Collectors of Customs.

Interference with telegraphic communications.

29. No person shall knowingly:—
- (a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television; or
  - (b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Proviso.

Provided that this regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty, censor within the meaning of part B of Part II or police constable acting in the course of his duty as such.

Signalling to foreign vessels or aircraft.

30. No person shall, except with permission granted by or on behalf of the competent authority, make any signal (either visually or by means of sound or otherwise) to any foreign vessel or foreign aircraft:

Proviso.

Provided that this regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

Signalling apparatus.

31. (1) Subject to any exemptions for which provision may be made by order of the competent authority, no person shall, except with permission of the competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence:

Proviso.

Provided that this regulation shall not restrict the doing of anything by any servant of His Majesty or police officer acting in the course of his duty as such, and (without prejudice to regulation 28) shall not apply:—

- (a) in relation to any wireless transmitting apparatus, or
- (b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date

Pigeons.

32. (1) Subject as hereinafter provided, no live pigeon shall be imported into Nigeria except under the authority of a licence granted by the competent authority; and pigeons shall, if imported into Nigeria otherwise than under the authority of such a licence, be deemed to be goods the importation of which is prohibited by the Customs Ordinance, and the enactments relating to customs shall apply accordingly:

- (a) any instructions for utilising any means of secretly conveying, receiving or recording information;
- (b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information; or
- (c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this regulation, shall, if requested by or on behalf of the Governor so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, shall, if requested by or on behalf of the Governor so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this regulation.

(5) In this regulation the expression "instructions for utilising any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this regulation shall not apply—

- (a) to the possession of:—
  - (i) any code or cipher the use of which is approved by the Governor; or
  - (ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or
- (b) to the use, in accordance with conditions imposed by the Governor, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph, and shall not restrict the doing of anything by any servant of His Majesty or police officer acting in the course of his duty as such.

#### E.

##### PROVISIONS FOR SAFEGUARDING INFORMATION.

34. No person shall, in any manner likely to prejudice the defence of the realm or the efficient prosecution of the war,—

- (a) obtain;
- (b) record, communicate to any other person or publish, or
- (c) have in his possession any document containing, or other record whatsoever of, any information being, or purporting to be, information with respect to any of the following matters, that is to say:—

- (i) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;
- (ii) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;
- (iii) any measures for the defence or fortification of any place on behalf of His Majesty;
- (iv) the number, description or location of any prisoners of war;
- (v) munitions of war;
- (vi) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

35. No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy: Communication with enemy agents

Provided that in any proceedings taken by virtue of this regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence. Proviso.

36. (1) Subject to any exemptions for which provision may be made by order of the Governor, no person shall, except under the authority of a written permit granted by or on behalf of the Governor, Photography and sketching.

- (a) have a camera with him,
  - (i) in any such area in Nigeria as may be specified by order of the Governor, being an area in relation to which the restriction of photography appears to the Governor to be expedient in the interests of defence, or
  - (ii) in any premises in relation to which an order made under regulation 75 of these regulations is in force, or any prohibited place within the meaning of the Official Secrets Acts, 1911 and 1920, as applied to Nigeria by the Official Secrets Ordinance, 1941, or
  - (iii) on board any ship or vessel or aircraft, other than a ship of war or aircraft of His Majesty's Forces, in Nigeria, or
- (b) make any photograph, sketch, plan or other representation,
  - (i) of, or of any part of or object in, any such area as aforesaid, or
  - (ii) of any premises in relation to which an order made under regulation 75 of these regulations is in force, or of any prohibited place within the meaning of the Official Secrets Acts, 1911 and

1920, as applied to Nigeria by the Official Secrets Ordinance, 1941, or any part of or object in any such premises or place, or

- (iii) of persons, things or occurrences of any such description as may be specified by order of the Governor.

(2) The Governor may make such orders as he thinks necessary for securing that photographs, sketches, plans or other representations made under the authority of a permit granted in pursuance of sub-regulation (1) of this regulation shall not be published either at all or in any specified manner unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain, or destroy or otherwise dispose of anything submitted as aforesaid.

(3) This regulation shall not apply to anything done by any servant of His Majesty or police officer acting in the course of his duty as such. (*Substituted by Regulations 19 of 1942*).

Custody of  
articles likely  
to be of use  
to the enemy

37. Any person who

- (a) without lawful authority or excuse has in his possession or under his control any document, note, photograph, sketch, plan, design, model, pattern, specimen or article (including any key or other instrument affording means of access to information) of such a nature as is calculated to be, or might be directly or indirectly useful to the enemy; or
- (b) without lawful authority destroys, makes away with, or allows any person to inspect, or to be in possession of such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid; or
- (c) loses, fails to take reasonable care of, or so conducts himself as to endanger the safe custody of such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid; or
- (d) retains such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid in his possession or control when he has no right to retain it; or when it is contrary to his duty to retain it; or
- (e) fails to comply with any directions issued by lawful authority with regard to the custody, production or the return of such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid,

shall be guilty of an offence against these regulations. (*As amended by Regulations 90 of 1941*).

## F.

## DISSEMINATION OF INFORMATION.

37A. Residents of Provinces and the Commissioner of the Colony are hereby appointed competent authorities for the purposes of this part of Part II.

Appointment of competent authorities.

37B. A competent authority may by order establish war information services either on a voluntary or other basis or partly on one and partly on another and by the same or any subsequent order provide for the appointment of the personnel of any such service, the duties of the personnel and for all other matters supplementary or incidental to such service which the competent authority in his opinion thinks it expedient for the purposes of the service to provide, including in particular the provision of penalties for persons who while not belonging to any such service purport so to belong or who do any act likely to cause persons to believe that they do so belong. (*Part F inserted by Regulations 41 of 1943*).

Establishment of war information services.

## PART III.

## MOVEMENTS AND ACTIVITIES OF PERSONS.

## A.

## ENEMY ALIENS.

38. The Commissioner of the Colony in the case of the Colony and the Residents of Provinces in the Protectorate, including the Cameroons under British Mandate, are respectively hereby appointed the competent authority in respect of their own areas for this part of Part III.

Competent Authorities.

39. All enemy aliens shall forthwith be arrested and detained.

Enemy aliens to be interned.

40. (1) Where a doubt arises as to whether a person arrested or to be arrested is an enemy alien the person concerned shall, unless otherwise directed by the competent authority, be arrested and the question shall be referred to the Governor.

Disputed nationality to be determined by the Governor.

(2) In considering the question the Governor may act on evidence other than strict legal evidence and may refer the question to the Chief Justice for a report, upon any specified question of law or fact arising therein, by a judge of the Supreme Court or of the High Court.

(3) Upon receipt of the said report the Governor shall, after taking the report into consideration, give a decision upon the question submitted to him.

41. (1) The enemy alien arrested shall be detained in a place of safe custody approved by the competent authority and in special circumstances the person arrested, may, while under arrest, be allowed to remain at large, subject to such conditions as to place of residence, restriction of movement and communication as the competent authority may approve or direct.

Custody and parole.

(2) When an enemy alien is allowed to be at large he shall, as a condition precedent, state in writing and take an oath to the following effect:—

The undersigned declares under oath that he will not take up arms against Great Britain or her allies, and will not act in any manner inimical to those countries until the end of the present war.

.....  
(Signature of person making the declaration).

Before me at  
this day of

.....  
(Signature of person before whom the oath was taken and declaration signed).

(3) Where any concession has been granted by the competent authority to any enemy alien under this regulation such concession may be withdrawn by the competent authority at any time without assigning any reason therefor.

Maintenance of person at large.

42. When an enemy alien is arrested but allowed to remain at large, such person shall be responsible for his or her maintenance, unless the competent authority shall specifically otherwise direct.

Custody to be deemed lawful custody.

43. (1) Where an enemy alien is arrested and detained in custody or is arrested and allowed to be or remain at large such person shall, during such time as he is in custody or allowed to be or remain at large, be deemed to be in lawful custody.

(2) Every such person shall be liable to be detained in such place and under such conditions as the competent authority may from time to time determine.

Who may arrest.

44. An arrest under this part of Part III may be made by any member of the local forces of or above the rank of corporal, any member of the Nigeria police force, any administrative officer or other officer in the service of the Government of Nigeria or by any person called in to the aid of any of such officers by any such officer.

Offences against this part.

45. Whosoever commits an offence against the provisions of this part of Part III or offers resistance to arrest under the said part in any manner whatsoever; or fails to assist an officer when called upon to do so under regulation 44; or having been arrested escapes or tries to escape from custody; or having been arrested is allowed to remain at large on certain conditions breaks or attempts to break any of such conditions or fails to comply with the requirements of any condition shall be guilty of an offence.

Conveying articles or messages into or out of internment camps.

46. Any person who, without authority from the officer-in-charge of an internment camp, conveys any message or thing whatsoever into or out of an internment camp, or to or from any internee of any such camp shall be guilty of an offence.

## B.

## ALIENS.

47. (1) The Governor may by order declare any area to be an area to and in which entry and movement respectively are either prohibited or restricted, hereinafter called a special area. Special areas.

(2) The Governor may as to any special area by order—

- (a) prohibit any alien or any class of aliens from entering or remaining in the area;
- (b) impose on any alien or class of aliens entering or being in the area such conditions or restrictions as he may think fit as to—
  - (i) registration with or reporting to the police or any naval, military or air force authority;
  - (ii) surveying or making sketches or photographs;
  - (iii) the use of any machine, apparatus or other article of any description;
  - (iv) any other matter or thing as to which he may deem it necessary in the interests of public safety to impose conditions or restrictions;
- (c) impose upon any householder or other person the obligation to report to the police or any naval, military or air force authority the presence of any alien in his household or in any premises occupied by him or under his control, and the departure of any such alien;
- (d) exempt from the restrictions imposed in respect of the area aliens or any class of aliens who pass through the area in the course of a continual journey.

(3) The Governor may by order require the whole or any part of the inhabitants of any area specified in the order to leave that area if necessary for the purposes of public safety, security or the defence of Nigeria.

48. (1) The Governor may, if he deems it necessary or expedient for securing public safety, the defence of the realm, the maintenance of public order or conducive to the public good, make an order, in this regulation referred to as a deportation order, requiring an alien to leave and remain thereafter out of Nigeria. Deportation order.

*(Substituted by Regulations 51 of 1942)*

(2) An alien in respect of whom a deportation order is made shall leave Nigeria in accordance with the order, and shall thereafter, so long as the order is in force, remain out of Nigeria.

(3) An alien in respect of whom a deportation order is made may be detained in such manner as may be directed by the Governor, and may be placed on a ship about to leave Nigeria, and shall be deemed to be in legal custody whilst so detained, and until the ship finally leaves Nigeria.

(4) The master of a ship about to call at any port outside Nigeria shall, if so required by the Governor or by an immigration officer, receive an alien against whom a deportation order has been made and his dependants, if any, on board the ship, and afford him and them a passage to that port and proper accommodation and maintenance during the passage.

(5) Where a deportation order is made in the case of any alien, the Governor may, if he thinks fit, apply any money or property of the alien in payment of the whole or any part of the expense of or incidental to the voyage from Nigeria and the maintenance until departure of the alien and his dependants (if any).

Power of Governor to direct detention where deportation impracticable.

48A. (1) Where a deportation order has been made under the provisions of regulation 48 the Governor may by order direct the detention of such alien for such period as he may think fit if in his opinion such deportation is impracticable or prejudicial to the efficient prosecution of any war in which His Majesty may be engaged and that the detention of such alien is necessary or expedient for securing public safety, the defence of the realm, the maintenance of public order or conducive to the public good.

(2) Where an order of detention has been made under the provisions of this regulation the Governor may, if he thinks fit, direct that an advisory committee established under part C of Part III of these regulations shall consider the objections of such alien to such order of detention and the provisions of part C of Part III of these regulations and the rules made thereunder in respect of such advisory committees shall apply *mutatis mutandis* to the hearing of objections to an order of detention made under this regulation. (Inserted by Regulations 51 of 1942).

Power to detain on arrival by sea or air.

48B. Where the Governor has reasonable cause to believe that any alien on board any vessel or aircraft arriving in Nigeria has recently been concerned in acts prejudicial to public safety, to defence, or to the efficient prosecution of the war, or in the preparation or instigation of such acts, he may order such alien to be removed from such vessel or aircraft and detained. Whilst so detained such alien shall be deemed to be in lawful detention.

(Inserted by Regulations 18 of 1943)

Detention in Nigeria under order made elsewhere.

49. Whenever any alien shall with the consent of the authority concerned be brought into Nigeria from some other British possession under a deportation order made under any regulations having the like effect as these regulations, such deportation order shall be deemed to be a deportation order made under regulation 48 and such alien may be detained thereunder in legal custody within Nigeria.

Change of name by aliens.

50. (1) Except in such circumstances as may be specified by order of the Governor, no alien who is in Nigeria on the coming into force of these regulations shall, while in Nigeria at any time after that day, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said day.

(2) Where, after the coming into force of these regulations any alien carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the said day, he shall, for the purposes of paragraph (1) of this regulation, be deemed to be using a name other than that by which he was ordinarily known immediately before the said day.

(3) In relation to any alien who, not having been in Nigeria on the coming into force of these regulations, thereafter lands in Nigeria, paragraphs (1) and (2) of this regulation shall have effect as if for any reference in those paragraphs to the said day there were substituted a reference to the day on which he first lands in Nigeria after the coming into force of these regulations.

(4) For the purposes of this regulation, the expression "name" shall be construed as including surname, and a name shall be deemed to be changed if the spelling thereof is altered.

51. The Governor may direct that any alien or class of aliens shall be exempt, either unconditionally or subject to such conditions as the Governor may impose, from all or any of the provisions of regulations 47, 48, 49 and 50.

Exemptions.

52. The Commissioner of Police is hereby appointed the competent authority for regulations 53, 54, 55 and 56 of this part: he may appoint such number of assistants as he may consider necessary and the term competent authority in this part includes such assistants.

Competent authority for fire-arms.

53. No alien shall, save as hereinafter provided, have in his possession, custody or under his control:—

Control of fire-arms in possession of aliens.

(a) any gun, rifle, automatic pistol, pistol, revolver or other fire-arm, or any ammunition or explosive in respect of any gun, rifle, automatic pistol, pistol, revolver or other fire-arm as aforesaid; or

(b) any air gun, air pistol or any projectile therefor.

54. (1) Every alien shall forthwith deliver up to the competent authority or to the senior police officer in the district in which such alien may be living or to the nearest administrative officer all articles to which regulation 53 applies.

Fire-arms to be delivered up and receipt given.

(2) The person to whom the article is delivered in accordance with this regulation shall give to the alien surrendering the same a receipt therefor made out in such manner that the article in question can be subsequently identified.

55. Where an alien is in possession of any article to which regulation 53 applies and a licence, permit or other statutory authority is necessary to enable him to have such article in his possession, custody or under his control the surrendering of such article as required by regulation 53 shall not render the alien liable to be prosecuted by reason of the fact that he is not in

Absence of authority to possess article no offence.

possession of such licence, permit or other statutory authority as aforesaid and no proceedings shall be taken against such alien in respect of not being in possession of any such licence, permit or other statutory authority as aforesaid:

Proviso.

Provided that the exemption conferred by this regulation shall not apply to any offence in respect of which legal proceedings have been commenced prior to the coming into force of this regulation.

Authority to possess may be given to alien.

56. The competent authority may authorise any alien, more especially the subject or national of any country allied with His Majesty in the prosecution of the War, to be in possession of or to have in his custody or under his control any article referred to in regulation 53 and in any such case the competent authority shall issue or cause to be issued to the said alien any licence, permit or other statutory authority required to enable the said alien lawfully to have in his possession, custody or under his control any such article.

### C.

#### SUSPECTED PERSONS.

Restriction of movements of suspected persons.

57. (1) The Governor, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for all or any of the following purposes, that is to say:—

- (a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, that person shall not be in any such area in Nigeria as may be so specified;
- (b) for prohibiting or restricting the possession or use by him of any specified articles;
- (c) for prohibiting him from being out of doors between such hours as may be specified in the order, except under the authority of a written permit granted by such authority or person as may be specified in the order;
- (d) imposing upon him such restrictions as may be specified in the order in respect of his employment or business, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or the propagation of opinions;
- (e) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

*((b), (c) and (d) inserted by Regulations 90 of 1943)*

(2) If any person is in any area in contravention of an order made under this regulation, or fails to leave any area in accordance with the requirements of such an order, then, without prejudice

to any proceedings which may be taken against him, he may be removed from that area by any member of the police force or by any person authorised in that behalf by the Governor.

58. (1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations, or to have been recently concerned in acts prejudicial to the public safety or the defence of the realm, or in the preparation or instigation of such acts, and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

Detention  
orders.

(2) If the Governor has reasonable cause to believe any person to have been or to be a member of, or to have been or to be active in the furtherance of the objects of, any such organisation as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organisations hereinbefore referred to are any organisation as respects which the Governor is satisfied that either—

(a) the organisation is subject to foreign influence or control, or

(b) the persons in control of the organisation have or have had associations with persons concerned in the government of, or sympathies with the system of government of, any Power with which His Majesty is at war,

and in either case that there is danger of the utilisation of the organisation for purposes prejudicial to the public safety, the defence of the realm, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged, or the maintenance of supplies or services essential to the life of the community.

(3) If the Governor has reasonable cause to believe—

(a) that the recent conduct of any person for the time being in an area to which this paragraph applies, or any words recently written or spoken by such a person expressing sympathy with the enemy, indicates or indicate that that person is likely to assist the enemy; and

(b) that by reason thereof it is necessary to exercise control over that person;

he may make an order against that person directing that he be detained.

The Governor may by order apply this sub-regulation to any area to which he thinks it necessary or expedient that this sub-regulation should apply, having regard to any actual or immediately apprehended enemy action.

(4) At any time after an order has been made against any person under this regulation, the Governor may direct that the operation of the order be suspended subject to such conditions—

(a) prohibiting or restricting the possession or use by that person of any specified articles;

- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, in respect of the place of his residence, and in respect of his association or communication with other persons;
- (c) prohibiting him from being out of doors between such hours as may be so specified, except under the authority of a written permit granted by such authority or person as may be so specified;
- (d) requiring him to notify his movements in such manner, at such times, and to such authority or person as may be so specified;
- (e) prohibiting him from travelling except in accordance with the permission given to him by such authority or person as may be so specified;

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so imposed, or that the operation of the order can no longer remain suspended without detriment to the public safety or the defence of the realm.

(5) For the purposes of this regulation, there shall be one or more advisory committees consisting of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of such an order, by any condition attached to a direction given by the Governor or by the revocation of any such direction under the powers conferred by this regulation may make his objections to such a committee.

(6) It shall be the duty of the Governor to secure that any person against whom an order is made under this regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to such an advisory committee as aforesaid.

(7) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor and it shall be the duty of the chairman to inform the objector of the grounds on which the order had been made against him and to furnish him with such particulars as are, in the opinion of the chairman, sufficient to enable him to present his case.

(8) The Governor shall make a report to the Secretary of State at least once in every month as to the action taken under this regulation (including the number of persons detained under orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of any such advisory committee as aforesaid.

(9) If any person fails to comply with a condition attached to a direction given by the Governor under sub-regulation (4) of

this regulation, that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this regulation.

(10) Any person detained in pursuance of this regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Governor and in accordance with instructions issued by him. (*Substituted by Regulations 90 of 1943*).

#### D.

##### POTENTIALLY DANGEROUS PERSONS.

59. The Commissioner of Police is hereby appointed the competent authority for the purposes of this part of Part III; he may appoint such number of assistants as he may consider necessary and the term competent authority in this part includes such assistants. Competent Authority.

60. (1) Where in the opinion of the competent authority it is in the interest of Nigeria that certain special steps should be taken in respect of any person because of what are believed by the competent authority to be his anti-British or anti-allied views or who in the opinion of the competent authority may be regarded as potentially dangerous to the peace and welfare of Nigeria under the conditions occasioned by reason of war; the competent authority may make one or more of the orders specified in regulation 61. Power to make orders.

(2) Any order made under this regulation may be varied or suspended from time to time as the competent authority may consider necessary.

61. The competent authority may by order direct that the person to whom the order applies shall:— Scope of orders.

- (a) reside in an area specified in the order;
- (b) report to the police daily or at specified periods at such hour or at such time and at such place as may be specified in the order;
- (c) not be permitted to own or use a motor vehicle except on such terms and conditions as the competent authority may approve;
- (d) remain indoors within his house during the hours of darkness or during such other hours as may be specified in the order;
- (e) surrender all firearms, cameras, binoculars, wireless sets, vehicles or other articles to be specified in the order that he may have in his possession, custody or under his control;
- (f) do any other thing or refrain from doing any other thing which, in the opinion of the competent authority, it is necessary that the person shall do or refrain from doing in the interest of the peace and welfare of Nigeria.

Orders may  
be written  
or verbal.

62. Where an order is made under regulation 61 it may be made either orally or in writing but if made orally it shall subsequently be confirmed in writing and in either such case it shall be complied with forthwith.

Order to be  
obeyed  
forthwith.

63. (1) Where a person shall have been made subject by the competent authority to an order under this part of Part III such order shall be obeyed forthwith even though the person to whom the order refers desires to appeal against such order as herein provided.

Appeal.

(2) A person against whom an order has been made under this part may appeal therefrom to the Governor whose decision shall be final.

### E.

#### PERSONS ENTERING OR LEAVING NIGERIA.

Competent  
Authority.

64. The Commissioner of Police is hereby appointed the competent authority for the purposes of this part of Part III; he may appoint such numbers of assistants as he may consider necessary and the term competent authority in this part includes such assistants.

Control of  
persons  
entering or  
leaving  
Nigeria.

65. (1) No person shall enter or leave Nigeria by sea, inland waters, land or air except with the approval in writing of the competent authority.

(2) No person shall after a date to be specified by the competent authority by notice in the Gazette, enter or leave Nigeria by inland waters or land except by such route or routes as may be specified by the competent authority by notice in the Gazette and subject to such conditions as may be specified by such notice.

(3) Subject to the provisions of any notice issued under sub-regulation (4), no person shall issue any ticket, voucher or other document entitling any other person to be conveyed out of Nigeria by sea, inland waters, land or air without examining the approval in writing given under sub-regulation (1) and endorsing the particulars thereof on the said ticket, voucher or other document.  
(*Inserted by Regulations 94 of 1941.*)

(4) The competent authority in respect of persons to whom this regulation applies may, by notice in the Gazette, direct that the provisions of this regulation or any part thereof shall not apply to a person or class of persons specified in such notice.  
(*Re-numbered by Regulations 94 of 1941.*)

(5) Whosoever contravenes or fails to comply with the provisions of this part or any conditions prescribed by the competent authority shall be guilty of an offence against this regulation.  
(*Inserted by Regulations 94 of 1941.*)

## F.

## UNDESIRABLE PERSONS ATTEMPTING TO ENTER OR BEING IN NIGERIA.

66. (1) Notwithstanding any Ordinance or regulation to the contrary an Immigration Officer if so directed by the Governor or by a person holding a commission in any of His Majesty's Forces or by any person authorised in that behalf by the Governor shall not permit any specified person to land in Nigeria.

Exclusion of undesirable persons.

(2) If a person who has been refused permission to land under this regulation lands in Nigeria he shall be guilty of an offence and forthwith be arrested and detained until such time as he can be deported and he shall thereupon be deported.

(3) If a person has been refused permission to land by the Immigration Officer on the directions of some person other than the Governor he can appeal to the Governor against such order and the Governor's decision shall be final.

(4) No person who was born in Nigeria or of parents who at the time of his birth were ordinarily resident in Nigeria or who obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status of Aliens Act, 1914, or under the Naturalisation of Aliens Ordinance shall be refused permission to land under this regulation but such person may be requested to leave Nigeria and if he does not do so within a time specified in the request he may be dealt with in accordance with the provisions of regulation 58.

4 & 5 Geo.  
V. c. 17.  
Chapter 155.

67. (1) Where on account of the receipt of secret information or otherwise the Governor is of opinion that the presence of any particular person in Nigeria is not in the interest of public safety, defence, the maintenance of public order, the efficient prosecution of any war in which His Majesty may be engaged or the maintaining of supplies or services essential to the life of the community, such person shall be notified that he must leave Nigeria within a date to be specified and if he is found in Nigeria after that date he may be either deported or detained in custody.

Deportation of undesirable persons.

(2) A certificate by the Chief Secretary that the Governor is acting on secret information which should not be divulged shall be full and conclusive proof of the facts stated in the certificate and such information shall not be divulged.

(3) No person who was born in Nigeria or of parents who at the time of his birth were ordinarily resident in Nigeria or who obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status of Aliens Act, 1914, or under the Naturalisation of Aliens Ordinance shall be notified to leave Nigeria but such person may be requested to leave Nigeria and if he does not do so within a time specified in the request he may be dealt with in accordance with the provisions of regulation 58.

4 & 5 Geo.  
V. c. 17.  
Chapter 155.

Persons entering Nigeria from foreign territory in West Africa.

68. In addition to any other powers conferred upon him by these regulations the Governor may direct, in such manner as he may deem expedient, that any person entering, or who has recently entered, Nigeria concerning whom there is doubt as to his identity or the purpose for which he has entered Nigeria or who is at suspected person, may be detained for a period not exceeding seven days pending enquiries. (*As amended by Regulations No. 42 of 1942*).

#### G.

#### BOARDING OF, AND DEPARTURE FROM, SHIPS.

Competent Authority.

69. The Commissioner of Police is hereby appointed the competent authority for this part of Part III and the term competent authority also includes any person authorised by the said Commissioner to act on his behalf as the competent authority.

Power to make orders.

70. The competent authority may make provision by order for controlling the boarding of, and the disembarkation or departure from, any ship in territorial waters by any person whomsoever.

Offence.

71. Any person who contravenes or fails to comply with any order, instructions or direction issued by the competent authority shall be guilty of an offence.

#### H.

#### GENERAL PROVISIONS.

Power to arrange for transfer of persons detained.  
2 & 3 Geo.  
6. c. 62.

72. (1) Where any person has been lawfully ordered to be detained in the United Kingdom or in any country or territory to which the Emergency Powers (Defence) Act, 1939, has been extended by any Order in Council made under section 4 of that Act, the Governor may if it appears to him that it is expedient in the interests of public safety or defence that that person should be detained but that his detention in the United Kingdom or that country or territory, as the case may be, is impracticable or inexpedient, make arrangements with the authority in the United Kingdom or the said country or territory by which that person has been ordered to be detained (in this regulation called "the detaining authority") for the removal of that person to Nigeria, and may make an order against that person directing that while on board any British ship not being a Dominion ship and after his arrival in Nigeria he shall be detained.

(2) Any person detained in pursuance of this regulation:—

- (a) shall be deemed to be in lawful custody;
- (b) shall be under the joint control of the Governor and the detaining authority;
- (c) shall be detained in accordance with instructions issued by the Governor with the concurrence of the detaining authority;
- (d) after arrival in Nigeria shall be detained in such place as may be authorised by the Governor with the concurrence of the detaining authority;

(e) shall be returned to the United Kingdom or the country or territory, as the case may be, where he was originally detained, if the detaining authority so requests; and

(f) shall be released if his release is ordered by the Governor:

Provided that, if the Governor is satisfied that there is urgent necessity of issuing instructions regarding the control or detention of any such person without consulting the detaining authority, he may issue such instructions accordingly, and any instructions so issued shall have effect pending agreement after such consultation as aforesaid and, if concurred in by the detaining authority, thereafter.

Proviso.

73. (1) No person being either a British subject or a British protected person, shall, without the permission of the Governor, voluntarily enter any enemy territory or voluntarily enter any vehicle, vessel or aircraft being used in the service of a Power at war with His Majesty:

Entering enemy territory.

Provided that this sub-regulation shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

Proviso.

(2) Any person convicted of an offence against this regulation shall be liable to imprisonment for a term of five years or to a fine of five hundred pounds or to both such imprisonment and such fine.

(3) In this regulation the expression "enemy territory" has the same meaning as in the Trading with the Enemy Ordinance, 1939.

No. 23 of 1939.

74. In regulations 75, 76 and 78 the term an authorised officer means any administrative officer or any person holding a commission in any of His Majesty's Forces or any person authorised by such administrative officer or commissioned officer.

Meaning of an authorised officer in regulations 75, 76 and 78.

75. (1) If, as respects any premises, it appears to the Governor to be necessary or expedient, in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare those premises to be a protected place for the purposes of these regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Protected places.

Any premises in relation to which an order made under this regulation is in force are hereafter in these regulations referred to as a protected place.

(2) Where, in pursuance of this regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions

for regulating his conduct as may be given by the Governor or by the authority or person granting the permission; and an authorised officer, or any person authorised in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this regulation, or, while in such a place, fails to comply with any direction given under this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorised officer or any person authorised in that behalf by the occupier of the premises.

Protected  
areas.

76. (1) Without prejudice to any other of these regulations, the Governor, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

Any area in relation to which an order made under this regulation is in force is hereafter in these regulations referred to as a protected area.

(2) If any person is in a protected area in contravention of this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorised officer:

Provido.

Provided that the Governor, if he considers that circumstances especially so require, may direct by the same or by a subsequent order, that, subject to any exemptions as aforesaid, no person whatsoever shall reside or be in the area without such permission.

Controlled  
areas.

77. (1) Without prejudice to any other of these regulations the Governor may, as respects:—

(a) any protected place or protected area, or

(b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these regulations; and a

rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provisions for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

(2) If any person entering or seeking to enter, or being in, any place mentioned in paragraph (b) of sub-regulation (1) as respects which rules made under that regulation are in force or any protected area, upon being questioned by a person authorised to act under this sub-regulation, fails to satisfy the person so authorised as to the purposes for which he is entering, or seeking to enter, or is in, that area or place, the person so authorised may search that person, and may detain him for the purpose of searching him.

The persons authorised to act under this sub-regulation are—

- (i) in relation to a protected area or any such place as is mentioned in paragraph (b) of sub-regulation (1), any police officer, any member of His Majesty's Forces acting in the course of his duty as such and any person authorised by the Governor in that behalf;
- (ii) in relation to a protected place, any police officer, any person acting on behalf of His Majesty, and any person authorised in that behalf by an authority or person having power, in accordance with the provisions of sub-regulation (1) of regulation 75 of these regulations, to permit persons to be in that place.

78. (1) No person shall:—

- (a) trespass on, or on premises in the vicinity of, any premises to which this regulation primarily applies;
- (b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft;
- (c) trespass on premises in the vicinity of any protected place,

Trespassing  
and loitering

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorised officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that

person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this regulation primarily applies or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by an authorised officer to leave it.

(4) The premises to which this regulation primarily applies are premises used or appropriated either temporarily or permanently:—

(a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or

(b) for the performance of any essential services.

(5) In this regulation 'premises' includes land with or without buildings thereon. ((3), (4) and (5) as amended by Regulations 4 of 1942)).

#### PART IV.

### CONTROL OF PORTS AND MOVEMENT OF VESSELS AND AIRCRAFT

#### A.

#### CONTROL OF PORTS AND VESSELS.

Interpreta-  
tion.

79. For the purposes of part A of this Part:—

"the Admiralty" includes any person authorised to act on their behalf;

"the Director" means the Director of Marine and any officer authorised by him to act on his behalf;

"port" means a port appointed under the provisions of the Ports Ordinance;

"Sea Transport Officer" means the person authorised to act on behalf of the Department of Sea Transport.

Cap. 100.

General  
control of  
navigation.

80. (1) The Director may by order make provision for regulating the movements, navigation, pilotage, anchorage, mooring and berthing of vessels within the harbours and inland waters of Nigeria save that in respect of vessels under charter to the Department of Sea Transport, the Sea Transport Officer may, in his discretion, request pilotage, mooring, anchorage or berthing in respect of any such vessel in priority to any other vessel and if any such request is not complied with in a reasonable time the Sea Transport Officer may refer such request to the Chief Secretary whose decision shall be final.

(2) The Admiralty may by order make provision as to the places in or to which vessels may be or go within the territorial waters of Nigeria and for regulating the movements and navigation of vessels therein.

(3) Any order made under the provisions of this regulation shall be known as a navigation order and if, in the case of any vessel, a navigation order is not complied with or is contravened, the master of such vessel shall be guilty of an offence.

(4) Any person authorised by the Admiralty or the Director, as the case may be, may in relation to any vessel take such steps and use such force as may appear to that person to be reasonably necessary for securing compliance with any navigation order relating to the vessel, or, where an offence against this regulation has occurred in respect of the vessel, for enabling proceedings for the offence effectually to be taken.

(5) This regulation shall apply in relation to sea planes on the surface of the water as the provisions apply to vessels and sea planes taking off from or alighting on the water shall be deemed, for the purposes of this regulation, to be on the surface of the water while in contact therewith.

81. (1) The Admiralty may, if it appears necessary in the interests of defence so to do, give directions with respect to any particular vessel in a port or place in Nigeria, that such vessel shall not leave that port or place until permitted so to do by such authority or person as may be specified in the directions and if any vessel leaves or attempts to leave a port or place in contravention of such directions the master of the vessel shall be guilty of an offence against these regulations.

Particular control of ships entering or leaving Nigeria.

(2) The Admiralty may, with the consent of the Governor, if it appears necessary in the interests of defence so to do, direct that any particular vessel in any port or place in Nigeria to leave such port or place and may further require any such ship to leave territorial waters.

(3) The Admiralty may in relation to any vessel take or cause to be taken such steps and use or cause to be used such force as may appear reasonably necessary to secure compliance with any direction given under this regulation with respect to a vessel, or, where an offence against this regulation has occurred in respect of a vessel, for enabling proceedings for such offence effectually to be taken.

(4) Any directions given under the provisions of this regulation whereby any vessel is required not to leave any port or place in Nigeria shall cease to have effect forty-eight hours after the time at which such directions were given to the master concerned unless during such period such directions have been confirmed by the Governor.

82. (1) Without the general or special permission of the Admiralty no vessel coming by sea from a place outside Nigeria shall, for the purpose of disembarking or embarking any person or unloading or loading any cargo or freight, slow down or stop at any place within Nigeria or the territorial waters thereof elsewhere than in a port.

General control of vessels entering or leaving Nigeria.

(2) Without the special permission of the Admiralty no vessel anchored or moored within Nigeria or the territorial waters thereof shall leave Nigeria except from a port save that the provisions of this sub-regulation shall not apply to any vessel which leaves a place in Nigeria to proceed by inland water to another place in Nigeria.

(3) Any special permission granted by the Admiralty under the provisions of this regulation shall be in writing and signed by the person authorised to sign.

(4) Where an offence has been committed against this regulation the master of the vessel in respect of which the offence is occasioned shall be guilty of an offence against these regulations. (*Substituted by Regulations 14 of 1943*).

Measures for safety of ships.

83. (1) The Admiralty may if it appears to be necessary or expedient for the safety of ships registered in Nigeria and of persons on board such ships so to do, make provision by order for securing that any ship registered in Nigeria to which the order applies shall not, except under permission granted by the Admiralty, proceed to sea from any port in Nigeria unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with, and an order under this regulation may be made so as to apply either to a particular ship or to ships of a particular class.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence.

(3) An officer authorised by the Admiralty may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken. (*As amended by Regulations 14 of 1943*).

Control of trade by sea.

84. (1) Without prejudice to any navigation order the Admiralty, with a view to securing that ships registered in Nigeria are used in such a manner only as may be considered expedient in the interests of the defence of Nigeria or the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that a ship registered in Nigeria shall not proceed to sea from any port (whether within or outside Nigeria) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to:—

- (a) the class of cargoes or passengers which may be carried in the ship; and
- (b) the hiring of the ship, and the terms upon which cargoes or passengers may be carried in the ship, and may also contain provisions for requiring any ship in respect of which such a licence is in force to comply with any directions given by such authority or person as may be specified in the order as to the ports to which the ship is to proceed for any particular purposes.

Any provision of an order under this paragraph may be framed so as to apply to any specified class of ship registered in Nigeria, and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this regulation.

(3) An officer authorised by the admiralty may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken. (*As amended by Regulations 14 of 1943*).

85. (1) The Director shall be responsible for placing and maintaining all lights, buoys, beacons and other apparatus used in Nigeria for the purpose of aiding navigation in or on the water.

Control of navigation lights and buoys.

(2) Save as hereinafter in this regulation provided:—

(a) no light, buoy, beacon or other apparatus, used in Nigeria for the purpose of aiding navigation in or on the water shall be discontinued, altered or removed; and

(b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus,

save that nothing in this sub-regulation contained shall be deemed to prohibit the Director altering or moving the position of any such light, buoy, beacon or other apparatus where it is necessary so to do for the purpose of safe navigation.

(3) The Chief Secretary, if it appears to him necessary in the interests of public safety or defence so to do, may give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(4) Any person who contravenes the provisions of this regulation or who fails to comply with any direction given under this regulation shall be guilty of an offence. (*Substituted by Regulations 14 of 1943*).

Liability for payment of fines and power to fine owner or agent.

85A. (1) Where a fine has been imposed on a master for an offence against part A of this Part, the master and the owner and the agent of the vessel in respect of which the offence was committed shall be jointly and severally liable for the payment of the said fine.

(2) Where an offence has been committed against part A of this Part and the owner or agent of the vessel in respect of which the offence was committed requests that the vessel should not be detained pending the hearing of the charge against the master, the Admiralty may, instead of proceeding against the master, impose a fine on the person requesting that the ship should not be detained and upon payment of such fine the liability of the master for the offence aforesaid shall cease and determine and the vessel shall not be detained in respect of the said offence.

(3) Any fine imposed by the Admiralty under this regulation shall not exceed the fine which a court could have imposed upon the master. (*Inserted by Regulations 14 of 1943*).

Vesting of powers in certain emergency.

85B. Upon the apprehended or threatened hostile investment of any port in Nigeria the Chief Secretary may direct that all the powers and duties contained in part A of this Part be vested in the Admiralty either generally or in respect of any particular port, and upon such direction being given the Admiralty shall be the sole competent authority for the purposes of part A of this Part either generally or in respect of any particular port. (*Inserted by Regulations 14 of 1943*).

## B.

### CONTROL OF AIRCRAFT.

Competent authority.

86. (1) The Controller of Civil Aviation is hereby appointed the competent authority to control the movement of aircraft in Nigeria until such time as the control of aircraft is taken over by His Majesty's Forces.

(2) The competent authority may appoint such assistants as he may consider necessary and the term competent authority in respect of the control of aircraft includes such assistants.

General control of aircraft.

87. The competent authority may give all such orders as may be necessary for controlling the movements of aircraft, restricting the passage and flight of aircraft and prohibiting the flight of aircraft.

Control of aircraft entering or leaving Nigeria.

88. (1) Without the special permission of the competent authority no aircraft coming from a place outside Nigeria shall land or come to rest in Nigeria elsewhere than at a Customs aerodrome.

(2) No aircraft shall without special permission to the contrary depart from Nigeria except from a Customs aerodrome.

(3) The special permission required by this regulation shall be in writing and signed by the competent authority.

(4) In this regulation a "Customs aerodrome" means an aerodrome approved as such under the Customs (Aircraft) Regulations, 1936.

No. 32 of  
1936.

(5) Where an offence has been committed against this part the pilot of the aircraft shall be liable and where there is more than one pilot in the aircraft each shall be jointly and severally liable unless and until he satisfies the court that the offence was committed without his consent or approval.

(6) Where a fine has been imposed on a pilot for an offence against this part the pilot and the owner and the agent of the said aircraft in respect of which the offence was committed shall be jointly and severally liable for the payment of the said penalty.

(7) Where an offence has been committed against this part and the owner or agent requests that the aircraft should not be detained pending the hearing of the charge against the pilot the competent authority may instead of proceeding against the pilot, impose a fine on the person requesting that the aircraft should not be detained. Upon payment of that fine the liability of the pilot for the offence aforesaid shall cease and determine and the aircraft shall not be detained in respect of the said offence.

(8) Any fine imposed by the competent authority under this regulation shall not exceed the fine which could have been imposed by a court on the pilot.

(9) This regulation shall not apply where an aircraft coming from a place outside Nigeria is, owing to accident, stress of weather or unavoidable cause, compelled to land or come to rest at a place other than a Customs aerodrome:

Provided that in such an event the provisions of regulation 21 of the Customs (Aircraft) Regulations, 1936, are complied with.

No. 32 of  
1936.

89. Without prejudice to the powers conferred on the competent authority by regulation 87 the competent authority may either generally or in respect of any particular aircraft or type of aircraft give all such directions as he may consider necessary for:—

Specific  
control of  
aircraft.

- (a) prohibiting flying over a prohibited area at any height that he may specify;
- (b) prescribing defined routes, or aerial corridors, for the entry into and departure from Nigeria of aircraft;
- (c) prohibiting the carriage of explosives or arms or ammunitions of war except with special permission;
- (d) prohibiting the carriage of photographic apparatus except with special permission;

(2) No aircraft shall without special permission to the contrary depart from Nigeria except from a Customs aerodrome.

(3) The special permission required by this regulation shall be in writing and signed by the competent authority.

(4) In this regulation a "Customs aerodrome" means an aerodrome approved as such under the Customs (Aircraft) Regulations, 1936. No. 32 of 1936.

(5) Where an offence has been committed against this part the pilot of the aircraft shall be liable and where there is more than one pilot in the aircraft each shall be jointly and severally liable unless and until he satisfies the court that the offence was committed without his consent or approval.

(6) Where a fine has been imposed on a pilot for an offence against this part the pilot and the owner and the agent of the said aircraft in respect of which the offence was committed shall be jointly and severally liable for the payment of the said penalty.

(7) Where an offence has been committed against this part and the owner or agent requests that the aircraft should not be detained pending the hearing of the charge against the pilot the competent authority may instead of proceeding against the pilot, impose a fine on the person requesting that the aircraft should not be detained. Upon payment of that fine the liability of the pilot for the offence aforesaid shall cease and determine and the aircraft shall not be detained in respect of the said offence.

(8) Any fine imposed by the competent authority under this regulation shall not exceed the fine which could have been imposed by a court on the pilot.

(9) This regulation shall not apply where an aircraft coming from a place outside Nigeria is, owing to accident, stress of weather or unavoidable cause, compelled to land or come to rest at a place other than a Customs aerodrome:

Provided that in such an event the provisions of regulation 21 of the Customs (Aircraft) Regulations, 1936, are complied with. No. 32 of 1936.

89. Without prejudice to the powers conferred on the competent authority by regulation 87 the competent authority may either generally or in respect of any particular aircraft or type of aircraft give all such directions as he may consider necessary for:— Specific control of aircraft.

- (a) prohibiting flying over a prohibited area at any height that he may specify;
- (b) prescribing defined routes, or aerial corridors, for the entry into and departure from Nigeria of aircraft;
- (c) prohibiting the carriage of explosives or arms or ammunitions of war except with special permission;
- (d) prohibiting the carriage of photographic apparatus except with special permission;

- (e) declaring prohibited areas;
- (f) prohibiting flying between certain hours except with special permission;
- (g) providing the documents to be carried by aircraft and the particulars required to be entered in such documents and for the conditions under which cargo may be transported and the ultimate destination;
- (h) prohibiting the use of wireless apparatus except for the purpose of ensuring regularity of service or the safety of the aircraft;
- (i) appropriating for the use of His Majesty's naval, military and air forces any aerodrome, aircraft, machinery, plant and materials.

Telegraphic instructions.

90. Any directions given by the competent authority may be carried out by any person to whom these orders are addressed and such directions may be conveyed by telegram.

Amendment of Colonial Air Navigation (Application of Acts) Order, 1937.

91. (1) The power of the Governor under paragraph 4 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937, to regulate or prohibit by order the navigation of aircraft shall be exercisable in relation to the navigation of aircraft registered in Nigeria over any area outside Nigeria, as it is exercisable in relation to the navigation of any aircraft over Nigeria, and the said paragraph shall have effect as if it enabled the Governor to make, in an order under that paragraph, such provision with respect to incidental and supplementary matters as appears to him to be necessary or expedient for the purposes of the order.

(2) In addition to the provisions authorised by the said paragraph 4, an order under that paragraph may, for the purpose of securing compliance with the order, contain provisions authorising any commissioned officer in His Majesty's forces or any person acting under the orders of any such officer to fire at any aircraft that flies or attempts to fly in contravention of the order.

(3) Paragraph 11 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937 which enables a person alleged to be guilty of an offence under the Acts or under any Order in Council or regulations made thereunder to be tried in any place where he is for the time being, shall extend to offences under any order made under paragraph 4 of the said Schedule, and accordingly the said paragraph 11 shall have effect as if there were therein inserted after the words "Order in Council" the word "order."

### C.

#### GENERAL CONTROL.

92. (1) Notwithstanding the provisions of the preceding regulations the Chief Secretary, if it appears to him to be necessary or expedient so to do in the interests of public safety,

Overriding control of departure of ships or aircraft.

the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, may give directions—

- (a) as respects any class of ships or aircraft in Nigeria, that no ship or aircraft of that class shall leave any port or place in Nigeria at which it may be;
- (b) as respects any particular ship or aircraft at any port or place in Nigeria, that the ship or aircraft shall not leave that port or place,

except with permission granted by the Chief Secretary or such person as may be specified in the directions and such directions may be conveyed by telegram.

(2) If any ship or aircraft leaves or attempts to leave any port or place in contravention of any directions given under this regulation, the master of the ship or, as the case may be, the pilot of the aircraft shall be guilty of an offence.

(3) Any person acting on behalf of the Chief Secretary may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any directions given under this regulation relating to the ship or aircraft, or, where an offence against this regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

93. (1) No person lawfully engaged to serve on board any ship to which this regulation applies shall—

Deserters  
from ships.

- (a) neglect or refuse without reasonable cause to join his ship or to proceed to sea in his ship; or
- (b) desert or be absent without leave from his ship; or
- (c) be absent without leave from his duty at any time.

(2) Nothing in the foregoing provisions of this regulation shall be taken to prejudice the provisions of section 221 of the Merchant Shipping Act, 1894, relating to forfeiture of effects or wages for desertion or absence without leave.

57 & 58  
Vict. c. 60.

(3) Where an authorised officer has reason to believe that any person has, in Nigeria, contravened the provisions of paragraph (1) of this regulation, that person may be conveyed on board his ship by or under the direction of that officer.

(4) For the purpose of the last foregoing paragraph, the following persons shall be authorised officers, that is to say, any mate of the ship, the person having the management of the ship, any member of the police force, any commissioned officer of His Majesty's forces and any superintendent within the meaning of the Merchant Shipping Act, 1894.

57 & 58  
Vict. c. 60.

(5) In relation to ships to which this regulation applies, the last two foregoing paragraphs shall have effect—

- (a) in the case of a British ship, in substitution for the provisions of section 222 of the Merchant Shipping Act, 1894; and

57 & 58  
Vict. c. 60

(b) in the case of a ship belonging to a subject of a foreign country to which section 238 of that Act for the time being applies, in substitution for the provisions of sub-sections (2) and (3) of that section.

(6) No person lawfully engaged to serve on board any ship to which this regulation applies, shall join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded.

(7) The ships to which this regulation applies are—

- (a) every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty; and
- (b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under regulation 84 of these regulations.

#### PART V.

#### TRANSPORT.

Competent authority.

94. In this part the competent authority means the Superintending Sea Transport Officer and any Harbour Master acting under the directions of the Superintending Sea Transport Officer, and the General Manager, Nigerian Railway.

Control of lines of communication.

95. The competent authority may with a view to facilitating the operations of His Majesty's Forces or the movement of persons and supplies in connection with any such operations or in any matter which in the opinion of the competent authority affects the safety and security of Nigeria give directions for prohibiting or restricting the use of any railway dock, harbour or wharf whether the same be public or private subject to such conditions as may be specified in the directions and the competent authority may at all times authorise the entry in or use of any private wharf if in his opinion it is necessary that such wharf should be entered upon and or used. (*As amended by Regulations 26 of 1942*).

Transport by railway and storage of goods at railway premises or wharves.

95a. The acceptance of goods or persons for transport by railway and the storage of goods at any railway premises or wharves, shall be conditional upon the facilities available and shall be subject to priorities as circumstances may permit. The determination of such priorities shall be in the absolute discretion of the General Manager, Nigerian Railway. (*Inserted by Regulations 26 of 1942*).

Congestion of traffic at ports and on railways.

96. The competent authority may, if it appears to him to be necessary for the purpose of preventing or avoiding any undue congestion of traffic at any port or railway premises, cause to be removed from the port or premises, and to be kept at such place in Nigeria as he thinks proper, any goods at the port or on the premises which are not removed therefrom with reasonable despatch by or on behalf of the consignee.

97. (1) Without prejudice to any navigation order the Comptroller of Customs or any person authorised by him, if it appears to him or such person as aforesaid to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war or for maintaining supplies or services essential to the life of the community, may make provision by order for prohibiting or restricting the shipping or unshipping of articles or persons or any specified class of articles or persons at any port in Nigeria and an order under this regulation may contain such incidental and supplementary provisions as appear to the Comptroller of Customs or person authorised as aforesaid to be necessary or expedient for the purposes of the order.

Control of traffic at ports.

(2) Any reference in this regulation to shipping or unshipping shall be construed as including a reference to embarking or putting on board seaplanes or disembarking or unloading from seaplanes.

98. The Director of Public Works, if he considers it necessary in the interests of defence so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of any waterway.

General control of highways.

99. Without prejudice to any other of these regulations, the Director of Public Works may by order provide for the regulation of traffic on highways, and, without prejudice to the generality of the power aforesaid, any such order may in particular provide:—

General control of traffic on highways.

(a) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either generally or in such circumstances as may be determined by or in accordance with the order;

(b) for prohibiting or regulating the use of vehicles or any class of vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified,

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which the order applies.

100. (1) An authorised officer may, if it appears to him to be necessary in the interests of public safety, defence or the efficient prosecution of the war so to do, give, with respect to any particular road vehicle at a place in Nigeria, directions that the road vehicle shall not leave the place until permitted to do so by such authority or person as may be specified in the directions; and if any road vehicle leaves or attempts to leave any place in contravention of any such directions as aforesaid, the person in charge of the road vehicle shall be guilty of an offence against these regulations:

Stoppage of road vehicles.

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Governor.

(2) An authorised officer may, in relation to any road vehicle, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this regulation with respect to the road vehicle, or where an offence against this regulation has occurred for enabling proceedings in respect of the offence to be effectually taken.

(3) For the purposes of this regulation "authorised officer" means any commissioned officer of His Majesty's forces or any person authorised by such officer or any administrative officer or officer of the police.

Power to stop and search vehicles or vessels in motion.

101. (1) The person driving, or in control of, any road vehicle in motion or any vessel in motion on water to which the public have access or on any inland navigation shall stop the vehicle or vessel on being required so to do by any public officer, member of the police force in uniform, or by any member of His Majesty's forces being in uniform and on duty.

(2) If:—

(a) as respects any road vehicle being on a public highway on in a place to which the public have access, or

(b) as respects any vessel being on water to which the public have access or on any inland navigation, or

(c) upon the overtaking of a road vehicle or vessel on any occasion on which the person driving, or in control of, the vehicle or vessel has been lawfully required to stop it but has failed to do so,

any public officer, member of the police force in uniform, or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle or vessel evidence of the commission of any war offence he may search the vehicle or vessel and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of any such offence.

(3) The powers conferred by this regulation shall be in addition to, and not in derogation of, any of the powers conferred by regulation 210.

(4) In this regulation the expression road vehicle means any vehicle designed or adapted for use on roads.

#### PART VI.

### APPROPRIATION, CONTROL, FORFEITURE, DISPOSITION OF PROPERTY AND THE USE THEREOF.

#### A.

#### REQUISITION OF TRANSPORT.

Competent authorities.

102. The Chief Secretary, the General Manager, Nigerian Railway, all officers of the Public Works Department of or above the rank of Executive Engineer, all members of the police force of or above the rank of Assistant Superintendent and all

military officers of or above the rank of Captain are hereby appointed competent authorities for the purposes of this part of Part VI; the term also includes such other persons as may be appointed as such by the Governor.

103. (1) Where any person has in his possession, custody or under his control any animal, or any equipment used in connection with any animal, or any vehicle, or any fuel, petrol or other article used in connection with any vehicle, a competent authority may require such person to supply any such animal and any such equipment together with food and fodder for any such animal and any vehicle, fuel, petrol or other article as aforesaid and also to provide lubricant and any other requirements for any vehicle requisitioned, and in default of any person complying with any such requisition the animal, equipment, food and fodder and the vehicle or other article requisitioned may be seized, taken possession of and appropriated by the competent authority. Power to requisition.

(2) The provisions of the preceding paragraph shall apply to cases where the competent authority requires the animal, equipment, vehicle or other article specified for a definite or an indefinite period of time.

(3) (a) The competent authority shall be liable for damage to the said animal, equipment, vehicle or other article due to the culpable negligence of any individual employed by the competent authority:

Provided that where such an individual is only temporarily employed by the competent authority and previous to such employment the individual was in the employment of the owner of the said animal, equipment, vehicle or other article and in the ordinary course of events after such temporary employment as aforesaid would return to the service of the said person, the competent authority shall not be liable for any damage as aforesaid.

(b) The competent authority shall not be liable to make good any loss or damage where there is in existence a policy of insurance, by whatever name called, under which a claim may be made and enforced in respect of the said loss or damage.

104. Where any animal, equipment, vehicle or other article is requisitioned a voucher shall be given to the person from whom it is requisitioned setting forth a description of the animal, equipment, vehicle or other article requisitioned with sufficient accuracy for the purpose of identifying the animal, equipment, vehicle or other article or ascertaining the value thereof. Requisition voucher.

105. Where for any reasons it is impracticable by reason of urgency or otherwise for the competent authority to deliver a voucher the competent authority may in such case seize such animal, equipment, vehicle or other article and subsequently obtain the particulars thereof from the person from whom it was requisitioned. Requisitioning without vouchers in certain cases.

Dangerous articles may be ordered to be removed.

106. (1) The competent authority may order any person to remove any article or store of petrol, kerosene, oil or lubricant in his possession custody or under his control, to any specified place within Nigeria:

Provided that no compensation shall be payable for the cost of removing the same except by order of the Governor.

(2) If the person so required to remove any such article or store as aforesaid does not remove the same the competent authority may take all necessary steps to have the same seized, taken possession of and removed to such place as aforesaid and the cost of such seizure, taking possession of and removal shall be recovered from the person who failed to remove the same.

Acquisition.

107. (1) Where the competent authority has, in accordance with the provisions of the preceding regulations, requisitioned any animal, or any equipment used in connection with any animal, or any vehicle or any fuel, petrol, or other article used in connection with any vehicle, the competent authority may acquire it by serving on the person having the possession, custody or control thereof a notice stating that the competent authority has acquired it in pursuance of this regulation.

(2) Where a notice of acquisition is served under paragraph (1), then, at the beginning of the day on which the notice is served,—

(a) the animal, equipment, vehicle, fuel, petrol, or other article so acquired shall vest in the competent authority free from any mortgage, pledge, lien or other similar obligation, and

(b) the period of requisition thereof shall end.

#### REQUISITION OF ACCOMMODATION.

Power to requisition accommodation in transport.

108. (1) The competent authority may requisition accommodation in any vessel, aircraft or vehicle undertaking or about to undertake a journey from one point to another point, for such number of persons together with their necessary luggage, as the competent authority may require.

(2) Where in the vessel, aircraft or vehicle in which accommodation is being requisitioned, such accommodation can only be provided by the removal therefrom of one or more persons and their luggage, who have already been accommodated or given accommodation therein, the person in charge of such vessel, aircraft or vehicle shall apply for a certificate, which shall be signed by the Chief Secretary, stating that the accommodation is required in connection with the safety, well being or defence of Nigeria or other country allied with His Majesty or of a possession of that country. Upon receipt of such a certificate the person in charge as aforesaid shall afford the required accommodation and shall,

(a) in the case of persons already accommodated within the vessel, aircraft or vehicle require them to remove themselves or remove them (using such force as may be necessary) together with such luggage as they may have, therefrom or

(b) in the case of persons given accommodation but not yet actually accommodated prevent them (using such force as may be necessary) from entering the vessel, aircraft or vehicle, and, if any other luggage has been placed therein, remove it.

(3) The requisitioning of accommodation under sub-regulations (1) and (2) may be in respect of a journey or journeys either within or without Nigeria or partly within or without Nigeria.

(4) It shall be lawful for the person in charge of the vessel, aircraft or vehicle to act on telegraphic instructions that the certificate required by sub-regulation (2) has been signed. The certificate shall be sent or given to the person in charge at the first available opportunity.

(5) Where in accordance with the provisions of this regulation a person has had to be removed from a vessel, aircraft or vehicle in which he has already been accommodated, or has not been allowed to enter the vessel, aircraft or vehicle in which he has been promised accommodation, no claim for damages or other cause of action shall be entertained by any court against the owner of or the person in charge of the said vessel, aircraft or vehicle.

#### COMPENSATION.

109. Where the competent authority has requisitioned or acquired any animal, equipment, vehicle or other article or has requisitioned any accommodation in transport he shall endeavour to arrange with the person from whom such requisition or acquisition has been made as to the amount of remuneration or compensation which will be paid for such requisition or acquisition as the case may be, but a failure to arrive at or to attempt to arrive at such an agreement shall not restrict the competent authority's power to requisition or acquire.

Competent authority should endeavour to arrange compensation.

110. Where the competent authority has requisitioned or acquired any animal, equipment, vehicle or other article or has requisitioned any accommodation in transport and agreement is unable to be reached as to the remuneration or compensation to be paid therefor, such remuneration or compensation shall be determined and paid in accordance with those provisions of Part X of these regulations relating to such requisition or acquisition and to the settlement of disputes.

Compensation where no arrangement can be made.

#### \*B.

#### REQUISITION OF SHIPS AND AIRCRAFT.

111. The Chief Secretary, the Deputy Chief Secretary and the Director of Marine are hereby appointed competent authorities for this part of Part VI of these regulations. (*As amended by Regulations 57 of 1942 and 51 of 1943*).

Competent authorities.

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\* For powers of Director of Supplies see Regulations 56 of 1942.

Requisition.

112. (1) Subject to the general control and direction of the Governor, a competent authority, if it appears to him to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may requisition:—

(a) any vessel or aircraft or anything on board any vessel or aircraft; and

(b) any ship or aircraft registered in Nigeria or anything on board such ship or aircraft wherever the ship or aircraft may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition:

Provided that this regulation shall not authorise the requisitioning of anything on board a United Kingdom or Dominion ship or aircraft.

(2) A competent authority, if it appears to him to be necessary for the effectual exercise of his powers under paragraph (1) of this regulation so to do, may, by order made as respects the whole of Nigeria or any part thereof:—

(a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any place in Nigeria to which the order relates, any such ship, vessel or aircraft as may be described in the order, shall remove any such ship, vessel or aircraft or cause or permit the removal thereof from any such place until the removal of such ship, vessel or aircraft from such place is permitted by such authority or person as may be specified in the order;

(b) require the owner, agent or person in Nigeria in charge or control of any such ship, vessel or aircraft to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such ship, vessel or aircraft as aforesaid was, or will be, in Nigeria and if so, the number or quantity of such ships, vessels or aircraft which was, or will be, in Nigeria on that date, according as the order may direct.

(3) An order under this regulation may authorise any person, or any class of persons, to perform such functions in connection with the requisitioning, and may contain such directions, as appear to the competent authority to be necessary or expedient.

Use and  
dealings with  
ships, etc.,  
and acqui-  
sition thereof.

113. (1) Where a competent authority requisitions under this part any ship, vessel or aircraft or anything on board thereof, the competent authority may use or deal with, or authorise the use of or dealing with any such ship, vessel or aircraft or anything on board thereof for such purpose and in such manner as may be expedient in the interests of the public safety, defence or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, and may hold, sell

or otherwise dispose of any such ship, vessel or aircraft or anything on board thereof as if he were the owner thereof and as if such ship, vessel or aircraft or anything on board thereof were free from any mortgage, pledge, lien or other similar obligation.

(2) A competent authority may acquire any such ship, vessel or aircraft or anything on board thereof by serving on the owner, master or agent thereof a notice stating that the competent authority has acquired it in pursuance of this regulation and where a notice is served under this paragraph on the owner, master or agent of any such ship, vessel or aircraft or anything on board thereof then at the beginning of the day on which the notice is served,

- (a) the ship, vessel or aircraft or anything on board thereof shall vest in the competent authority free from any mortgage, pledge, lien or other similar obligation, and
- (b) the period of the requisition shall end.

114. Where the competent authority has requisitioned or acquired any ship, vessel or aircraft or anything on board thereof under this part and agreement is unable to be reached as to the remuneration or compensation to be paid therefor, such remuneration or compensation shall be determined and paid in accordance with those provisions of Part X of these regulations relating to such requisition or acquisition and to the settlement of disputes. Compensation.

\*C

#### REQUISITION OF ARTICLES OR THINGS OTHER THAN TRANSPORT SHIPS OR AIRCRAFT

115. The Chief Secretary and the Deputy Chief Secretary are hereby appointed to be competent authorities for this part of Part VI; the term also includes such persons as may be authorised by either of them to act on his behalf. (*Substituted by Regulations 51 of 1943*). Competent authorities.

116. (1) The competent authority may requisition any article or thing in Nigeria. Requisition.

(2) For the purposes of this regulation any article or thing which may be on its way to Nigeria from a place outside Nigeria shall be subject to the power of requisition given by these regulations as if such article or thing were within Nigeria and the requisition shall take effect on the arrival in Nigeria of such article or thing.

117. The requisition may be effected:—

- (a) by notice directed to any person in whose possession custody or control the article or thing in question may be; or
- (b) by notice in the Gazette specifying the article or thing requisitioned.

Notice of requisition.

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\* For powers of Director of Supplies see Regulations 56 of 1942.

Particulars of requisition. 118. The competent authority when requisitioning any article or thing may make his requisition relate:—

- (a) to specified articles or things;
- (b) to articles or things of certain classes;
- (c) to articles or things containing specified matter or material;
- (d) to articles or things of a certain nature to be used for specified purposes;
- (e) to articles or things being within the whole of Nigeria or any special part thereof. (*As amended by Regulations 57 of 1942 and 51 of 1943*).

Effect of notice.

119. (1) When a notice by the competent authority is addressed to any person or is published in the Gazette requisitioning any article or thing, no person, in whose care, custody or control any such article or thing may be, may dispose of the same in any manner whatsoever otherwise than by delivery to the competent authority or such other person as may be specified by the competent authority or his agent.

(2) Where the notice specifies that the article or thing requisitioned should be delivered to the competent authority or to an agent of the competent authority the competent authority or the agent, as the case may be, shall upon delivery, give a receipt for the article or thing received by him, the receipt specifying the article or thing with sufficient accuracy to enable payment to be made therefor.

(3) The provisions of paragraph (2) of this regulation shall not in any way be construed to prevent the payment for any article or thing at the time when it is requisitioned.

Use and dealings with articles, etc., and acquisition thereof.

120. (1) Where under this part the competent authority requisitions any article or thing, the competent authority may use or deal with or authorise the use of or dealing with any such article or thing for such purpose and in such manner as may be expedient in the interests of the public safety, defence or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, and may hold, sell or otherwise dispose of any such article or thing as if he were the owner thereof and as if such article or thing were free from any mortgage, pledge, lien or other similar obligation.

(2) A competent authority may acquire any such article or thing by serving on the owner thereof a notice stating that the competent authority has acquired it in pursuance of this regulation and where a notice is served under this paragraph on the owner of any such article or thing then at the beginning of the day on which the notice is served,

(a) the article or thing shall vest in the competent authority free from any mortgage, pledge, lien or similar obligation, and

(b) the period of the requisition shall end.

121. Where agreement as to the amount to be paid for any article or thing cannot be arrived at between the competent authority and the person from whom such article or thing was requisitioned or acquired, the remuneration or compensation shall be determined and paid in accordance with those provisions of Part X of these regulations relating to such requisition or acquisition and to the settlement of disputes. Compensation.

122. Where an article or thing to which a requisition order appears to relate is taken in error under a requisition and such article or thing is subsequently returned to the person from whom taken, the owner of that article or thing shall be entitled to be recompensed for any loss or damage he may have suffered due to the fact that such article or thing had been taken out of his care, custody or control. Thing taken in error.

123. Where a question arises as to whether or not a particular article or thing is included or intended to be included within the terms of a requisition addressed to an individual or within the terms of a requisition made by notice in the Gazette, the decision of the competent authority or his agent as to whether or not such article or thing is included within the terms of the requisition shall be final. Doubts as to thing requisitioned

124. Where a person in possession of or having under his care, custody or control, any article or thing requisitioned either by means of a notice directed to such person or by a notice in the Gazette and such person does not supply such article or thing to the competent authority or his agent such person shall, in addition to any penalty to which he may be liable for breach of these regulations, forfeit a sum equal to three times the price of the article or thing current at the time of such requisition in the place where the article or thing was requisitioned. Failure to supply an offence.

#### \*D

#### GENERAL CONTROL OF INDUSTRY.

125. The Chief Secretary and the Deputy Chief Secretary are hereby appointed to be competent authorities for this part of Part VI; the term also includes such persons as may be authorised by either of them to act on his behalf. (*Substituted by Regulations 51 of 1943*). Competent authorities.

126. (1) The competent authority, so far as appears to him to be necessary in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide:— General control.

- (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

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\* For powers of Director of Supplies see Regulations 56 of 1942.

- (b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;
- (c) for requiring persons carrying on, or employed in connection with, any trade or business specified in the order to produce to such authority or person as may be so specified any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such authority or person as may be specified in the order such estimates or returns as the competent authority may require;
- (d) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorised in that behalf by the competent authority, with a view to securing compliance with the order;

and an order under this regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either throughout Nigeria or in any particular area therein.

(2) Where the right to make charges in connection with the carrying on of any undertaking with respect to which an order may be made under this regulation is limited by law, any order so made in relation to that undertaking may authorise the undertakers to make in that connection charges in excess of, or in addition to, those which they would otherwise be authorised to make.

(3) A competent authority, if it appears to that authority to be necessary so to do in the interest of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may carry on the whole or any part of any existing undertaking, or authorise a person to carry on the whole or any part of the undertaking, in accordance with any instructions of the competent authority; and while by virtue of this paragraph a competent authority or a person so authorised is carrying on the whole or any part of an undertaking,—

- (a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and

- (b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority, be bound, by any obligation or limitation imposed on them by or by virtue of any Ordinance or other instrument determining their functions.
- (4) In this regulation—

- (a) the expression “essential work” means work appearing to the competent authority to be essential for defence or the efficient prosecution of the war or to be essential to the life of the community; and
- (b) the expression “undertaking” means any public utility undertaking or any industrial or commercial enterprise, and the expression “undertakers”, in relation to any such enterprise, means the person by whom it is carried on;

and any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

### E.

#### TAKING POSSESSION OF AND DOING WORK ON LAND AND BUILDINGS.

127. (1) The following competent authorities are hereby appointed under this part of Part VI:—

Competent authorities.

- (a) The Commissioner of the Colony in the case of the Colony;
- (b) Residents of Provinces in the Protectorate in the case of such Provinces; and
- (c) The Commissioner of Lands for the whole of Nigeria.

(2) For the purposes of this regulation the expression competent authority includes in so far as such person is so authorised any person authorised as hereinafter provided either by the Commissioner of the Colony or a Resident or the Commissioner of Lands to carry out their respective powers and duties.

128. (1) A competent authority may authorise any person or persons to carry out any of his powers and duties under this part.

Competent authority may authorise others to act under these regulations.

(2) Such authorisation may be either in respect of certain powers in certain areas or of a specific power or generally or subject to such restrictions as the competent authority may consider necessary and may be either orally or in writing.

129. (1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connection with the taking of possession of that land.

Taking possession of land.

(2) While any land is in the possession of a competent authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this regulation:—

- (a) may do, or authorise persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connection with the execution of this regulation) as may be so specified.

Use of land  
for purposes  
of H.M.  
forces.

130. Without prejudice to any other of these regulations, the competent authority may by order authorise, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for Air Force purposes or for any of the purposes of His Majesty's Navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the authority making the order to be necessary or expedient for the purposes thereof, provide:—

- (a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and
- (b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

Possession  
to be  
without  
prejudice  
to rights.

131. The taking possession of any land in Nigeria under and by virtue of regulation 129 shall be without prejudice to any rights under which such land may be held prior to the taking of possession and such rights shall be held in suspension either:—

- (a) for the period during which such possession continues;
- or

(b) until the date upon which the said rights would have expired had the land not been taken possession of under these regulations, whichever is the earlier and any period during which such land has been taken possession of by the competent authority shall run against the period during which the person from whom such possession was taken was entitled to any rights in or over the said land.

132. Where possession of land has been taken by a competent authority he may vest such possession in any person by means of such instruments of conveyance as he shall think fit and without having to obtain the sanction of any person or authority, notwithstanding the provisions of any Ordinance relating to such lands.

Possession may be vested in another.

133. Any document executed in pursuance of the provisions of this part shall not be liable to the payment of stamp duties.

Documents not liable to stamp duty.

134. Documents which are instruments within the meaning of the Land Registration Ordinance, 1924, other than such instruments under which the competent authority authorises the use of any land taken possession of under these regulations, shall be filed in the appropriate registry established under the said Ordinance.

Filing of documents. No. 36 of 1924.

*(Substituted by Regulations 9 of 1942).*

135. (1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this regulation may, for any purpose connected with the interests of the public safety, the defence of the realm, the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, do any work on any land or place anything in, on, over or below any land.

Power to do work on land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of the public safety, the defence of the realm or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community may, by order, provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of His Majesty acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed, in, on, over or below any land in pursuance of this regulation.

(4) For the purpose of this regulation, the doing of any work, shall, in relation to any land, be deemed to include—

- (a) the demolition, pulling down, destruction or rendering useless of anything placed in, on, over or below that land;
- (b) the maintenance of any work or thing in, on, over or below the land; and

- (c) the removal from the land of anything so placed, demolished or pulled down in pursuance of this regulation.

Entry upon,  
and  
inspection  
of, land.

136. Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by a competent authority to act under this regulation:—

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these regulations;
- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and
- (c) may, for any purpose connected with the defence of the realm, the prosecution of war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

Compensation.

137. The right to, and measure of, compensation payable in respect of the taking possession of or the doing of work on land shall be determined and paid in accordance with those provisions of Part X of these regulations relating thereto and to the settlement of disputes.

\*F.

#### FOOD CONTROL.

Appoint-  
ment of  
Food  
Controller,  
competent  
authority.

138. (1) The Governor may appoint a Food Controller who shall be the competent authority for this part of Part VI and the term also includes any person authorised by him to act on his behalf as the competent authority.

(2) For the purposes of this part of Part VI—

“food” includes every article used for food by man other than drugs or water, any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes olive or other cooking oils, flavouring matters, condiments and intoxicating liquor;

“intoxicating liquor” means any liquid which, if used as a beverage, may have an intoxicating effect and includes wines, beer and spirits but does not include native liquor;

“native liquor” means fermented liquor usually made by natives in or about Nigeria;

“spirits” means distilled liquors and all mixtures and compounds made with such liquors other than drugs.

(*Inserted by Regulations 4 of 1942*).

\* For powers of Director of Supplies see Regulations 56 of 1942.

139. Any person may be required by the competent authority or any person acting on his behalf to furnish the competent authority with full details of all stocks in the care, custody or under the control of such person whether the same be at any specified place or generally in Nigeria and also a list of all articles of food on order whether within or without Nigeria. Returns of stocks, etc.

140. The competent authority so far as it appears to that authority to be necessary in the interest of defence or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, may, by order provide:— General control.

(a) for the regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of food of any description and, in particular for controlling the prices at which such articles may be sold;

(b) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including in particular, the entering and inspection of premises to which the order relates by persons authorised in that behalf by the competent authority, with a view to securing compliance with the order;

and an order under this regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order and may be made so as to apply to any particular person or class of persons, and so as to have effect either throughout Nigeria or in any particular area therein.

*(Substituted by Regulations 4 of 1942).*

141. Where the competent authority shall have specified the amount of any article of food that may be sold to any one person during any one period of time or at any one time, the sale or exchange of any such article to a third person with the knowledge or belief that such article is for the benefit of a person who has already obtained such an article and cannot under these regulations obtain another or a greater quantity of such article or who is not entitled to obtain such an article shall be deemed to be a sale to such person and the person selling such an article and the purchaser shall both be guilty of an offence. *(As amended by Regulations 4 of 1942).* Offence to obtain more than proper amount of food if rationed.

142. If any person shall fail to comply with any order, request or direction issued by the competent authority he shall be guilty of an offence. Offence.

PART VII.  
PROPAGANDA AND ACTS AGAINST PUBLIC SAFETY.

Interference  
with His  
Majesty's  
forces.

143. No person shall:—

- (a) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or
- (b) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

Misleading  
acts and  
misrepresenta-  
tion.

144. (1) No person shall:—

- (a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty's or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services;
- (b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in the possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose;
- (c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any direction, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety;
- (d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorised by or on behalf of the Governor, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal;

- (c) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connection with the defence of the realm or the securing of the public safety:

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

(2) In this regulation the expression "defence signal" means any signal authorised by or on behalf of the Governor to be used for any purpose connected with defence or the securing of public safety.

145. (1) No person shall:—

- (a) endeavour to seduce from their duty persons in His Majesty's service or engaged under any public authority in the performance of functions in connection with defence or the securing of the public safety, or to cause among such persons disaffection likely to lead to breaches of their duty; or
- (b) endeavour to incite persons who have become or may become liable for compulsory service either civil or combatant to evade any duties or liabilities which they are or may become liable to perform or discharge under or by virtue of that liability, or to perform or discharge any such duties or liabilities otherwise than to the best of their ability; or
- (c) endeavour to incite persons to abstain from enrolling voluntarily in His Majesty's forces or in any civil defence organisation, or endeavour to prejudice the training discipline or administration of those forces or of any such organisation; or
- (d) with intent to contravene, or to aid, abet, counsel or procure a contravention of paragraph (a), (b) or (c) of this sub-regulation, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

Seducing persons from duty and causing disaffection.

(2) In this regulation the expression "civil defence organisation" means any organisation in which persons serve, or are engaged, under any public authority in the performance of functions in connection with defence or the securing of public safety; and the expression "enrolment" includes any procedure by which a person may become a member of His Majesty's forces or of a civil defence organisation.

(3) A prosecution for an offence under this regulation shall not be instituted except by or with the consent of, the Attorney-General.

(4) Any person convicted of an offence against this regulation shall be liable to imprisonment for a term of fourteen years or to a fine of five hundred pounds or to both such imprisonment and such fine.

Propaganda.

146. (1) No person shall:—

- (a) endeavour, whether orally or otherwise, to influence public opinion (whether in Nigeria or elsewhere) in a manner likely to be prejudicial to defence or the efficient prosecution of the war; or
- (b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this sub-regulation shall not be instituted except with the consent of the Attorney-General.

(2) The Governor may make provision by order for preventing or restricting the publication in Nigeria of matters as to which he is satisfied that the publication, or as the case may be, the unrestricted publication, thereof would or might be prejudicial to public safety, defence or the efficient prosecution of the war or the maintenance of supplies or services essential to the life of the community, and an order under this sub-regulation may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order (including provisions for securing documents, pictorial representations, photographs or cinematograph films, shall, before publication, be submitted or exhibited to such authority or persons as may be specified in the order).

(3) Where any person is convicted of an offence against this regulation by reason of his having published a newspaper, the Governor may by order direct that during such period as may be specified in the order, that person shall not publish any newspaper in Nigeria.

(4) In this regulation:—

- (a) the expression "public opinion" includes the opinion of any section of the public;
- (b) the expression "cinematograph film" includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of such a film;
- (c) the expression "publication" means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connection with the exhibition of the film as aforesaid; and
- (d) the expression "newspaper" includes any journal, magazine or other periodical.

147. (1) Any person who makes or publishes any statement or report or recites any statement or report made by some other person, whether in any case such statement or report be made orally or in writing, such statement or report relating to any matter connected with the war and being of such a nature as to create alarm or despondency in the mind of any person hearing or hearing of the same, shall be guilty of an offence and on conviction, liable to a fine of fifty pounds or to imprisonment for one month.

Mischievous reports.

(2) In considering whether or not an offence has been committed the court shall take into account, in the case of a statement made or shown to any specified person the credulity and other known characteristics of the person to whom the statement was made or shown, and in other cases the court shall take into consideration the credulity and other characteristics of the person or persons or classes of persons who heard the statement or report or who are likely to hear of the statement or report.

148. (1) The Commissioner of the Colony in the case of the Colony and the Residents of Provinces in the Protectorate, including the Cameroons under British Mandate, may by order prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Commissioner of the Colony or the Resident, as the case may be, is satisfied that the wearing or display thereof as aforesaid would be likely to cause a disturbance of public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

Unofficial uniforms.

(2) For the purposes of this regulation, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

149. (1) The Commissioner of the Colony in the case of the Colony and the Residents of Provinces in the Protectorate, including the Cameroons under British Mandate, if satisfied, with respect to any area in the Colony or a Province as the case may be, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

Processions and meetings.

(2) The Commissioner of the Colony or Resident, as the case may be, may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.

(3) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order or directions made or given under this regulation.

Sabotage.

150. (1) No person shall do any act with intent to impair the efficiency or impede the working of any vessel, aircraft, vehicle, machinery, apparatus, or other thing used or intended to be used for the purposes of any of His Majesty's forces or for the purposes of any undertaking engaged in the performance of essential services: this sub-regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as it applies in relation to the doing of any action by a person.

(2) Any person convicted of an offence against this regulation shall be liable to imprisonment for a term of fourteen years or to a fine of five hundred pounds or to both such imprisonment and such fine

Negligence or dereliction of duty.

150A. Any person who through negligence or dereliction of duty thereby causes loss or damage to or impairs the efficiency or impedes the working of any railway or other undertaking engaged in the performance of essential services shall be guilty of an offence.  
(*Inserted by Regulations 4 of 1942*).

Damage to railway property.

150B. No person shall

(a) damage or injure any carriage, engine, wagon, truck, station, warehouse, bridge, tunnel, culvert, building, machine, rail, points, or any other matter or thing belonging to any railway; or

(b) remove any sand or stone or earth or any other matter or thing from banks, bridges, culverts, retaining walls or permanent way of any railway; or

(c) fell any timber in a manner likely to endanger the safety of passing trains, or of any person in or upon such trains, or to cause damage to the permanent way; or

(d) divert any stream or drain, or by any means cause water to flow on to any railway or cause damage to any railway in any way by water; or

(e) except under the express instructions of the person in charge of any railway or some other person authorised by him,

(i) put, place, cast, or throw upon or across any railway any wood, stone, matter or thing; or

(ii) take up, remove or displace any rail, sleeper, pin, tie, matter or thing belonging to a railway; or

(iii) turn, move or divert any points or other machinery belonging to any railway; or

(iv) make, show, hide or remove any signal or light upon or near any railway; or

(v) cause to be done any act in any of the cases aforesaid, so that any engine, tender, carriage or truck is upset, obstructed, overthrown, injured, or destroyed or the safety of any persons travelling or being upon any railway is endangered or any accident whether to persons or rolling stock is thereby rendered likely; or

(f) cast, throw or cause to fall or strike against, into or upon any engine, tender, carriage, or truck used upon any railway any wood, stone or other matter or thing so that the safety of any person being in or upon such engine, tender, carriage or truck is endangered.

(2) Any person convicted of an offence against this regulation shall be liable to imprisonment for a term of ten years or to a fine of three hundred pounds or to both such imprisonment and such fine.

*(Inserted by Regulations 32 of 1942).*

151. (1) If, with intent to help the enemy, any person does, or attempts or conspires with any other person to do, any act which is designed or likely to give assistance to the naval, military or air operations of the enemy, to impede such operations of His Majesty's forces, or to endanger life, he shall be guilty of a felony and shall, on conviction, suffer death. Death penalty for treachery.

(2) Any person charged with an offence against the provisions of sub-regulation (1) shall be prosecuted upon information and if convicted, shall have the same rights of appeal and shall be dealt with in like manner as a person convicted on an information for murder.

(3) No prosecution in respect of any offence against the provisions of sub-regulation (1) shall be instituted except by or with the consent of the Attorney-General.

*(Substituted by Regulations 28 of 1943).*

152. (1) The Governor may by order make provision for prohibiting the erection or display of direction posts, place names, maps or other signs likely to afford assistance to the enemy in the event of hostile attack, and for the removal, obliteration or concealment of any such signs. Signs containing geographical indications.

(2) Any order under this regulation may be made so as to apply either generally or to a particular area and either to signs generally or to any class of signs.

153. (1) If the Governor is satisfied that any article or articles of any class or description are likely to assist the enemy to obtain information of military value or otherwise to facilitate the preparation or carrying out of hostile operations, he may by order make such provision as appears to be expedient— Articles likely to afford information or other assistance to the enemy.

(a) for prohibiting or restricting the acquisition, sale, distribution, possession or disposal of such articles;

(b) for requiring such articles to be placed in the custody of such authorities or persons as may be specified in the order;

(c) for authorising or requiring the destruction of such articles;

and any such order may make provision for such incidental and supplementary matters as appear to the Governor to be necessary or expedient.

Prisoners of war, etc.

154. (1) No person shall:—
- (a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or
  - (b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.
- (2) The Governor may by order provide:—
- (a) for regulating access to, and the conduct of persons in, places in Nigeria where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;
  - (b) for prescribing conditions to be observed in connection with the employment of, or the provision of board or lodging for, prisoners of war in Nigeria while elsewhere than in places for the detention of prisoners of war.
- (3) This regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made under Part III of these regulations or otherwise as if it applies in relation to a prisoner of war.
- (4) No proceedings shall be taken, by virtue of this regulation against a person in respect of any act done by him when he is himself a prisoner of war.
- (5) Any person convicted of an offence under this regulation shall be liable to imprisonment for a term of fourteen years.

#### PART VIII.

### INDUSTRIAL DISPUTES

Definitions.

155. In this Part—

‘Commissioner.’

Regulations 108 of 1942.

‘employer.’

“Commissioner” means the person appointed to be Commissioner of Labour under the provisions of the Nigeria Defence (Commissioner of Labour) Regulations, 1942;

“employer” means any person who has entered into a contract to employ any servant, and includes the agent, foreman, manager or factor of such person and includes the Government and any officer of Government who has entered into a contract of service on behalf of the Government;

‘lock-out.’

“lock-out” means the closing of a place of employment, or the suspension of work or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him to accept terms or conditions of or affecting employment;

“ strike ” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a trade dispute, done as a means of compelling their employer or any person or body of persons employed or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment or the employment or non-employment of any person; ‘ strike.’

“ trade dispute ” means any dispute or difference in a trade or industry between employers and workmen, or between workmen and workmen connected with the employment or non-employment, or the terms of the employment or with the conditions of labour of any person; ‘ trade dispute.’

“ trade or industry ” means any trade, industry, or undertaking which, ‘ trade or industry.’

(a) is declared by order of the Commissioner to be a trade or industry for the purposes of this Part;

(b) is performing essential services; or

(c) is related to any trade or industry declared under paragraph (a) or to any essential service,

and includes any such trade, industry, undertaking or essential service performed by a public or local authority;

“ workman ” includes any person who has entered into or works under a contract with an employer, whether the contract be by way of manual or skilled labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour. ‘ workman.’

156. (1) An employer shall not declare or take part in a lock-out and a workman shall not take part in a strike in connection with any trade dispute unless such trade dispute has been formally reported in writing to the Commissioner, and the Commissioner has not within fourteen days of the receipt of such report declared in his absolute discretion, that such trade dispute shall be determined in accordance with the provisions of this Part. Prohibition of lock-outs and strikes without report to Commissioner and procedure upon such report.

(2) If the Commissioner declare that a trade dispute be determined in accordance with the provisions of this Part he shall so inform all interested parties in writing and shall take such steps as may seem expedient to him for the purpose of encouraging and assisting the parties to the trade dispute to reach a settlement by

mutual agreement and if such settlement be not reached within one month of the date on which the trade dispute was reported to him, he shall so report in writing to the Governor.

(3) The Governor within ten days of the receipt of such report may, if he considers it expedient, fix a further time for such settlement to be reached and may take such steps as may seem expedient to him to encourage and assist the parties to the trade dispute to reach such settlement and, if such settlement be not reached within the time so fixed or if no such further time has been fixed, may direct that such trade dispute be referred to arbitration in accordance with the provisions of sub-section (2) of section 3 of the Trades Disputes (Arbitration and Inquiry) Ordinance, 1941, as if the parties had consented thereto.

No. 32 of  
1941.

(4) The Commissioner shall in his absolute discretion decide whether any trade or industry is one to which the provisions of this Part apply and such decision shall be conclusive save that where a lock-out or strike has occurred and the Commissioner is satisfied that the parties to such lock-out or strike have so acted in the reasonable belief that such trade or industry is not one to which the provisions of this Part apply, and the Commissioner decides that the provisions of this Part do apply to such trade or industry, he shall cause a certificate under his hand to be served upon the parties to such lock-out or strike stating that such trade or industry is one to which the provisions of this Part apply and the parties to such lock-out or strike shall thereupon comply with the provisions of this Part as and from the date of service of such certificate.

Arbitration

No. 32 of  
1941.

157. (1) Where a trade dispute is referred by the Governor to arbitration under the provisions of regulation 156 all the provisions of the Trades Disputes (Arbitration and Inquiry) Ordinance, 1941, relating to arbitration shall apply thereto as if, where the consent of the parties is necessary under that Ordinance, such consent had been given.

(2) (a) Any agreement, decision or award made under the provisions of this Part shall be binding on the employers and workmen to whom the agreement, decision or award relates, and, as from the date of such agreement, decision or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the agreement, decision or award relates first arose, it shall be an implied term of the contract between the employers and the workmen to whom the agreement, decision or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such agreement, decision or award until varied by a subsequent agreement, decision or award.

(b) Where a trade dispute has been reported and determined in accordance with the provisions of this Part and a subsequent trade dispute between the same employer and workmen is reported, the Governor, if satisfied that any such subsequent trade dispute so reported is substantially the same as the trade dispute previously reported and determined in accordance with the provisions of this

Part and that no conditions have arisen since the determination of such prior trade dispute which substantially affect either such employer or such workmen, may direct that such trade dispute shall not proceed and that the contract between such employer and such workmen shall remain in accordance with any such prior agreement, decision or award and any employer declaring or taking part in a lock-out and any workman taking part in a strike in connection with the trade dispute in respect of which the Governor has given a direction under the provisions of this paragraph shall be guilty of an offence under this Part.

158. In addition to and not in derogation of the provisions of this Part where any workmen take part in a strike in contravention of this Part, the Commissioner, if satisfied that it is expedient so to do, may direct by order under his hand that no such workmen shall enter or remain on any premises of the employer save that the Commissioner shall not so direct unless he is satisfied that adequate arrangements have been made and communicated to such workmen for the resumption of work by such workmen or by any one of them and any steps taken in consequence of any direction so given shall not constitute a lock-out.

Power to Commissioner to order premises to be vacated.

159. (1) A decision or certificate given by the Commissioner under the provisions of sub-regulation (4) of regulation 156 or the decision of the Commissioner as to whether or not a trade dispute has been formally reported to him or as to the time at which a trade dispute has been so reported or of the time at which he reported a trade dispute to the Governor in accordance with the provisions of sub-regulation (3) of regulation 156 or as to any direction given under regulation 158 shall be conclusive for all purposes and a certificate under his hand containing such information shall be receivable in evidence and be conclusive proof in all courts of the facts therein set out and also of the fact that any decision was properly given in accordance with the provisions of this Part.

Signification of decisions and directions.

(2) A direction by the Governor under paragraph (b) of sub-regulation (2) of regulation 157 given under the hand of the Chief Secretary shall be receivable in evidence and shall be conclusive proof in all courts of such direction and that such direction was properly given in accordance with the provisions of the said paragraph.

160. (1) Every employer who declares or takes part in a lock-out and every workman who takes part in a strike contrary to the provisions of this Part shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

Penalties.

(2) The provisions of this Part relating to an employer shall, where such employer is a company, be deemed to include every director, manager, secretary or other officer of the company unless any such director, manager, secretary or other officer of the company shall satisfy the court that the lock-out was declared or taken part in without either his knowledge or consent. (*The whole Part VIII as substituted by Regulations 107 of 1942*).

PART IX.  
CIVIL DEFENCE MEASURES.

A.—AIR RAID, GENERAL AND FIRE PRECAUTIONS SERVICES.

Competent authorities.

161. The Commissioner of the Colony in the case of the Colony and Residents of Provinces in the Protectorate, are hereby appointed competent authorities for the purposes of Part IX.

Establishment of services.

162. (1) A competent authority may, by order, establish such air raid, general and fire precaution services as he may think fit.

(2) Without prejudice to the generality of the preceding sub-regulation such orders may provide for—

- (a) the appointment of the personnel of any air raid warden service or auxiliary fire service;
- (b) the recruiting and training of such personnel;
- (c) the clearance of debris from highways streets and public places and for dealing with damaged and unsafe buildings and the rescue of persons trapped therein;
- (d) first aid posts;
- (e) arrangements for the control and co-ordination of such services.

Authorisation to services and others to act.

163. A competent authority may authorise any person or persons, whether a member of any air raid, general or fire precaution service or not, to carry out any of his powers and duties under this part; and such authorisation may be either in respect of certain areas or of a specific power or generally or subject to such restrictions as the competent authority may consider necessary and may be given either orally or in writing:

Proviso.

Provided that where such authorisation is given orally it shall be confirmed in writing as soon as conveniently possible.

B.—FIRE.

Measures for dealing with outbreaks of fire.

164. In the event of any outbreak of fire the person having the charge and control of the operations for the extinction of the fire and any person authorised by a competent authority to act under this regulation may take or authorise the taking of such steps, and give such directions as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include—

- (a) entering upon land and the destruction, removal of anything in, on or over any land, and
- (b) the requisition or seizure forthwith of any animal or vehicle for the transport of persons or of material:

Proviso.

Provided that a voucher as prescribed by regulation 104 shall be given as soon as is practicable to the person who, before such requisition or seizure, had possession custody or control of the animal or vehicle; and

Provided further that no vehicle the use of which is authorised by a competent authority in any emergency shall be so requisitioned or seized. Proviso.

165. (1) With a view to preventing the spread or facilitating the extinction of fire caused by incendiary bombs or other hostile attack, the competent authority may by order direct such persons or classes of persons to take such steps as he may consider practicable and expedient. Precautionary measures regarding fire.

(2) Any person authorised by the competent authority may at any time enter and inspect any premises to which any order applies for the purpose of seeing whether the order has been complied with or not; and if the person so authorised finds that the order has not been complied with, he may, without prejudice to any proceedings which may be taken for an offence against the order, take such steps and use such force as may appear to him to be reasonably necessary for the purpose of securing compliance with the order.

#### C.—LIGHTING AND TRAFFIC RESTRICTIONS.

166. This part of Part IX applies to vehicles and to lights on ships, boats, canoes and all description of craft when within the harbours or territorial waters of Nigeria as well as to lights on vehicles and on land and for the purposes of these regulations a ship, boat, canoe or other craft shall be deemed to be included within the meaning of the word premises. Application and meaning of "premises"

167. (1) A competent authority may by general or specific order, which may be given either orally or in writing, direct that all or any lights or lights of any class or description, shall be extinguished or obscured in such manner and between such hours and within such areas as may be specified in the order. Extinguishment or obscuring of lights.

(2) Any such order may provide for the total or partial cessation of lighting within any such area on any occasion of emergency or public danger or by way of experiment or practice for any such occasion.

168. (1) Any such order as aforesaid may provide that any vehicle or conveyance whatsoever or any specified class or description thereof— Lights on vehicles and painting thereof.

(a) shall be painted in such manner or have attached thereto such equipment or device as may be specified in the order, and

(b) when travelling within any specified area during the period between sunset and sunrise, shall carry such lamps, in such position, and shaded in such manner, as may be specified in the order.

(2) A competent authority or any member of the police force may stop and seize any vehicle or conveyance which fails to comply with the provisions of any such order; and the person in charge or having control of, or using any such vehicle or conveyance in contravention of the provisions of any such order shall be guilty of an offence.

Power to enter on premises and prevent exhibition of lights.

169. If any person having control of any light to which the aforesaid order applies fails to comply with the order he shall be guilty of an offence and the competent authority, any member of the police force or any duly authorised air raid warden may enter in or upon the premises in which the light may be and do any act which may be necessary to prevent the display of such or any other light therein or have the light effectively obscured or extinguished as the case may be.

Uncovering of shaded lights an offence.

170. If any person without lawful authority or excuse by the raising of blinds, opening of doors or windows, the removal of shades or in any other way uncovers wholly or in part any light which has been obscured or shaded in compliance with any directions given in pursuance of such an order he shall be guilty of an offence.

Total extinguishment of all lights.

171. A competent authority may on any occasion on which such action is in his opinion necessary order the complete extinguishment of all lights, whether such lights be street lights, house lights, motor car lights, or other lights of any description and for this purpose may cut off or cause to be cut off the supply of electricity from any area or areas and any person who shows any light whatsoever during the time when all lights must be extinguished shall be guilty of an offence and the competent authority, any member of the police force, or any duly authorised air raid warden may enter in or upon any premises and extinguish, and if necessary for the purpose destroy, any light which is being used in contravention of the provisions of this regulation.

Signals to extinguish or obscure lights.

172. (1) A competent authority may give notice by publication in the Gazette or otherwise that upon certain signals being given:—

- (a) all lights shall be extinguished; or
- (b) all lights shall be obscured

as the case may be and thereupon in the former case the provisions of regulation 171 and in the latter case the directions of any order made under regulation 167 shall respectively apply as if such signal were an order or direction of the competent authority as the case may be.

(2) When such a signal shall have been given as aforesaid all lights shall be extinguished and kept extinguished, or obscured and kept obscured, as the case may be, until such time as another signal (of which notice shall also have been given as aforesaid) shall be given indicating either:—

- (a) that lights which have been extinguished need no longer be kept extinguished but may be relit and kept obscured; or
- (b) that it is no longer necessary to keep such lights extinguished or obscured, as the case may be.

(3) If any person fails to obey any signal given in accordance with the provisions of this regulation he shall be guilty of an offence.

173. A competent authority may by general or specific order, which may be given either orally or in writing, direct that all or any vehicles or any class or description thereof shall whether in the day time or at night be drawn up at the side of the road and in such manner as may be ordered on any occasion of emergency or public danger or during any experiment or practice for any such occasion or danger.

Motor vehicles to comply with orders of competent authority.

#### D.—PUBLIC SAFETY.

174. (1) It shall be the duty of the occupier of any premises, on being required so to do by a competent authority, to allow the said premises or any part thereof to be used by the public as a shelter against hostile attack, and to take all such steps as may be so required for the purpose of making the said premises available as such shelter at such times as they may be required for the purpose.

Power to use premises as public shelters.

(2) A competent authority may enter and inspect the said premises with a view to ascertaining whether they are suitable for use for such purpose as aforesaid, or whether any requirements made under this regulation with respect to the said premises have been complied with.

Power to inspect premises.

175. Where any building abutting on or near any street or other public place has suffered structural damage in consequence of any hostile action, the proper officer of a local authority, on receiving notice from a competent authority that a proper hoarding ought to be erected by the occupier of the buildings, may forthwith erect in front of the buildings a hoarding not less than twelve feet in height.

Power to erect hoardings.

176. (1) A competent authority may by order prohibit or restrict, or empower a senior officer of police to prohibit or restrict,

Provisions for reducing casualties in places of public resort.

(i) assemblies of persons,

(ii) the use of premises or any class of premises as places of public resort,

(iii) the building, erection, construction or conversion of premises or any class of premises for such use,

in so far as such prohibition or restriction appears to a competent authority or senior officer of police, as the case may be, to be necessary in order to minimise the risk of loss of life or personal injuries being caused in consequence of war operations; any member of the police force may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this sub-regulation.

(2) In this regulation the expression "senior officer of police" means any officer of the police force of or above the rank of Senior Assistant Superintendent, and the expression "premises" includes land with or without buildings thereon.

*(Substituted by Regulations 14 of 1942).*

Power to prohibit sound signals and other noises.

177. A competent authority may by order prohibit or restrict, within such area, to such extent and between such hours as may be specified in the order, the use or the making of any sound signals, whistles or other noises which appear to him to be prejudicial to the interests of public safety.

*(Substituted by Regulations 14 of 1942).*

Prohibition of signalling, etc.

178. No person shall without the permission of a competent authority display or make any signal, visual or otherwise, of any nature liable to be mistaken for any signal authorised to be used in case of an attack by the enemy, or communicate any false information likely to cause any such authorised signal to be displayed or made.

Prohibition of fireworks and similar devices.

179. No person shall without the permission of a competent authority display any light or keep burning any fire in such manner as to serve as a signal, guide or landmark, or ignite or otherwise make use of fireworks or other similar device.

Evacuation of areas.

180. (1) The Governor may appoint or authorise the appointment of persons to act under this regulation subject to any general or special instruction of the Governor.

(2) A person acting in pursuance of an appointment under sub-regulation (1) may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack or protecting persons and property from the dangers involved in such attack, make, as respects any area in Nigeria, either or both of the following orders, that is to say—

(a) an order directing that after such time as may be specified in the order, no person other than a person of such class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;

(b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as is practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.

(3) An order made under sub-regulation (2) of this regulation for the removal of persons or property from any area—

(a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;

(b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;

(c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;

(d) may make different provision in relation to different parts of the area, and may contain such other incidental and supplementary provisions as appear to the person acting in pursuance of an appointment under sub-regulation (1) making the order, to be necessary or expedient.

(4) Where an order is made under this regulation requiring the removal of any animals or things from any area by a specified time, the person acting in pursuance of an appointment under sub-regulation (1) making the order may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if he is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this regulation then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any such person acting in pursuance of an appointment under sub-regulation (1).

(5) If any order made under this regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this regulation.

181. (1) If the Governor is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks, or who have become homeless in consequence of such attacks, he may appoint or authorise the appointment of persons to act under this regulation subject to any general or special instructions of the Governor; and any person acting in pursuance of an appointment under this sub-regulation may require the occupier of any premises to provide, subject to the following provisions of this regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

Accommodation for persons who leave places exposed to attack or are otherwise rendered homeless.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under sub-regulation (1) of this regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purpose of this regulation.

(3) A person acting in pursuance of an appointment under sub-regulation (1) of this regulation may revoke any requirement made under that sub-regulation with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Governor, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this regulation with accommodation in any particular area, may by order—

- (a) revoke, as from a specified date, all requirements made under sub-regulation (1) of this regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area; and
- (b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this regulation, except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction, or order made or given under this regulation, he shall be liable to a fine of fifty pounds.

(6) In this regulation the expression "accommodation" means shelter, with reasonable access to such water supply and sanitary conveniences as are available to the occupier of the premises.

Certain information may be required of householders and employers.

182. (1) A competent authority may by order direct that:—

- (a) any or every householder shall furnish a list of persons residing in his house together with such information regarding each person as may be required;
- (b) the manager of any business or any employer or agent of any employer shall furnish a list of all persons or of any class of persons in his employ and of their wives, children and dependants together with such information regarding each person as may be required,

and may direct that such information shall be supplied to him by such date as he may think fit.

(2) Any person who fails to comply in any respect with any order or direction therein made under sub-regulation (1) shall be liable to a fine of £100.

Damage to premises and contamination by gas.

183. (1) Where, as respects any premises, it appears to any police officer or duly authorised air raid warden that by reason of the fact—

- (a) that substantial damage has occurred in those premises; or
- (b) that works of demolition or construction are being, or are about to be executed in the premises; or
- (c) that, in consequence of hostile action, the premises are contaminated by any lethal gas or other noxious substance,

it is expedient in the interests of public safety, defence or the maintenance of public order so to do, the said officer or warden may take, or authorise the taking of such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by this regulation include powers to stop up, and to prohibit or restrict the use of, any highway, and to prohibit or restrict the occupation of premises, so far as may be necessary for the said purpose.

(2) Any police officer or duly authorised air raid warden may, if satisfied with respect to any chattel that, in consequence of hostile action, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do—

(a) cause to be taken in relation to the chattel all such steps as he thinks necessary to render it free from the contamination; or

(b) if he is satisfied that it is not reasonably practicable so to render the chattel free from contamination, cause the chattel to be destroyed.

184. (1) As respects any hospital, the Director of Medical Services and any person authorised by him to act under this regulation may give such directions with respect to the management and use of the hospital as the Director thinks necessary for securing that proper hospital treatment is readily available for persons in Nigeria who are suffering from any injury, disease or incapacity in consequence of war operations, or who leave their homes in consequence of, or in apprehension of, attacks by the enemy; and the Director of Medical Services may by order relax any obligation or limitation which by, or by virtue of, any Ordinance or other instrument determining the functions, is imposed on the persons having the management of the hospital.

Hospitals  
and  
ambulances.

(2) With a view to ascertaining whether any directions given under this regulation in relation to a hospital are complied with any person authorised in that behalf by the Director of Medical Services may at any time enter and inspect any premises used for the purposes of the hospital.

(3) Any person concerned in, or employed in connection with, the management of a hospital shall, if requested by or on behalf of the Director of Medical Services so to do, furnish such information relating to the hospital as the Director considers it necessary for the purposes of this regulation to obtain.

(4) Sub-regulations (1) to (3) of this regulation shall apply in relation to any ambulance service, not being a service maintained for the purposes of any police force or fire brigade, as they apply in relation to a hospital.

(5) The Director of Medical Services, if it appears to him necessary so to do for securing that proper hospital treatment is readily available for persons in Nigeria who are suffering from

any injury, disease or incapacity in consequence of, or in apprehension of, attacks by the enemy, may manage any hospital or authorise a person to manage it in accordance with any instructions of the said Director; and while, by virtue of this sub-regulation, the Director of Medical Services or a person so authorised is managing any hospital—

- (a) he shall be deemed to be acting as agent of the persons who would otherwise have the management of the hospital, except that those persons shall not have any right to control the management thereof; and
- (b) those persons shall not be bound by any obligation or limitation imposed on them by or by virtue of any Ordinance or other instrument determining their functions.

(6) In this regulation the expression "hospital" includes any sanatorium convalescent home, public assistance institution, mental hospital or mental deficiency institution, and any clinic, dispensary, hospital centre or out-patients' department.

Curfew

185. A competent authority may, as respects any area in Nigeria, by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by the competent authority or such person as may be specified in the order.

Explosives,  
ammunition  
and arms.

186. (1) The Commissioner of Police may by an order made as respects any or all areas in the territory provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area by any class of person of any explosive, any ammunition or any arms or component parts of any arms; and such an order may be made either with respect to all explosives, ammunition, arms or component parts of arms, or with respect to any class of explosives, ammunition, arms or component parts of arms.

(2) Every person who, in any such area as may be specified by an order of the Commissioner of Police, not being an area in relation to which an order made under sub-regulation (1) of this regulation is in force, has in his possession or under his control any explosive, any ammunition or any arms or component parts of arms, shall comply with such directions for securing the safe custody thereof as may be given by an officer of police in the district in which the explosive, ammunition, arms, or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, arms or component parts to such place as may be specified in the directions.

If any directions given under this sub-regulation by an officer of police are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

187. (1) Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned and that, immediately before being lost or abandoned, it was used or intended to be used for the purpose of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person so finding the article—

Derelict articles.

(a) shall forthwith report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's forces on duty in the neighbourhood or to any police officer; and

(b) save as aforesaid, shall not remove or tamper with the article:

Provided that the Commissioner of Police may by order direct that the obligations and restrictions imposed by this regulation shall not apply in relation to any such description of articles as may be specified in the order.

Proviso.

#### E.—SANITARY AND OTHER MEASURES.

187A. For the purposes of this part—

Definition

“war operations” means action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy.

187B. (1) Notwithstanding the provisions of the Coroners' Ordinance, the Births, Deaths and Burials Ordinance or any other Ordinance to the contrary a competent authority may, by order, make provision for the identification and disposal of the dead body of any person who has died in consequence of war operations.

Deaths occurring in consequence of war operations.  
Chapter 15.  
Chapter 47.

(2) For the purposes of this regulation, ‘body’ includes part of a body.

187c. Where in consequence of war operations the supply of water by any undertaking established under the provisions of the Waterworks Ordinance is diminished, cut off or destroyed then a competent authority may, by order, make such provision as appears to him to be expedient:—

Special provisions regarding wells and refuse.  
Chapter 63.

(a) to ensure the supply to the public of water from private or any other wells, and

(b) with regard to the burial or other disposal of night soil and refuse.

187D. (1) A competent authority may, by order, make such provision as appears to that authority to be expedient for the purpose of the protection of chattels left upon premises damaged by war operations, for empowering any person authorised to act under the order to remove chattels from premises appearing to him to have been so damaged and to store any chattels so removed; and any such order may be made either as respect chattels generally or as respects chattels of any class or description.

Salvage of chattels from premises damaged by war operations.

(2) Provision may be made by any such order for empowering any person authorised to act thereunder, in such circumstances and subject to such conditions as may be specified therein—

- (a) to cleanse, disinfect, or destroy any household chattels removed by him in accordance with the order which appear to him to be in such a condition as to be a source of danger to public health;
- (b) to give directions to the person for the time being entitled to any household chattels stored in accordance with the order, requiring him to remove them from store.

(3) Any chattels removed from any premises in accordance with any such order shall, subject to any provisions of the order with respect to the destruction of household chattels, be held on behalf of the person for the time being entitled thereto until they are delivered to him.

(4) If any person fails to comply with any directions duly given to him in accordance with an order made under this regulation requiring him to remove any chattels stored in accordance with the order he shall, unless he proves that having regard to all the circumstances, including his financial position, it was not reasonably practicable for him to comply with the directions, be liable on summary conviction to a fine not exceeding five pounds, but shall not be liable to any other penalty in respect of an offence against this regulation.

(5) In this regulation "household chattels", in relation to any order, includes any chattels removed in accordance with the order from any premises appearing to have been damaged as aforesaid, being premises which, immediately before the occurrence of the damage, were used or adapted for use as a dwelling house.

*(Inserted by Regulations 34 of 1942).*

Competent authority may apply orders made by other competent authorities.

188. A competent authority may by notice apply, with such modifications and variations as may be specified therein, to the area under his control, any order made by another competent authority, with respect to another area, under Part IX.

## PART X.

### COMPENSATION.

Definitions.

189. (1) In this Part, unless the context otherwise requires—
- "agricultural land" means any land used as arable or pasture land, land used for a plantation or a wood or for the growth of saleable underwood, or land used for the purpose of poultry farming, market gardens, nursery grounds or orchards;
  - "aircraft" means any flying machine, glider or airship or any balloon (whether fixed or free);
  - "the emergency" means the emergency that was the occasion of the enactment of the Emergency Powers (Defence) Act, 1939;

"emergency powers" means any power conferred by:—

(a) regulations made under the Emergency Powers (Defence) Act, 1939, as from time to time<sup>o</sup> amended, as extended to Nigeria by the Emergency Powers (Colonial Defence) Order in Council, 1939, as from time to time amended; 2 & 3 Geo. 6, c. 62.

(b) section 7 of the Air Navigation Act, 1920, as from time to time amended, as extended to Nigeria by an Order in Council dated 13th April, 1937, as from time to time amended; 10 & 11 Geo. 5, c. 80.

"exercise" includes purported exercise;

"fair wear and tear" in relation to any property possession of which is taken on behalf of the Government or which is requisitioned on behalf of the Government, means such fair wear and tear as might have been expected to occur but for the fact that possession of the property was so taken or that the property was so requisitioned, as the case may be;

"goods" means chattels other than vessels, vehicles and aircraft;

"owner" means—

(a) in relation to land, the person who is receiving the rent of the land, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if the land were let, or

(b) in relation to any property other than land, the person entitled to sell the property, it being assumed not to be subject to any mortgage, pledge, lien or other similar obligation;

"requisition" means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

"war operations" means action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy.

(2) For the purposes of this Part, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction, or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in the exercise of emergency powers.

190. (1) Where, in the exercise of emergency powers during the period beginning with the 3rd day of September, 1939, and ending with such day as His Majesty may by Order in Council declare to be the day on which the emergency came to an end,—

Compensation for action taken in the exercise of emergency powers.

- (a) possession of any land has been taken on behalf of the Governor, or
- (b) any property other than land has been requisitioned or acquired on behalf of the Governor, or
- (c) any work has been done on any land on behalf of the Governor, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations,

then, subject to the following provisions of this Part, compensation assessed in accordance with those provisions shall be paid out of the general revenue in respect of the taking possession of the land, the requisition or acquisition of the property, or the doing of the work, as the case may be.

(2) For the purposes of this regulation, a requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be deemed to be a requisition of property.

Compensation in respect of taking possession of land.

191. (1) The compensation payable under this Part in respect of the taking possession of any land shall be the aggregate of the following sums, that is to say,—

- (a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, during the period for which possession of the land is retained in the exercise of emergency powers, under a lease granted immediately before the beginning of that period, whereby the tenant undertook to pay all usual tenant's rates and to bear the cost of repair and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
- (b) a sum equal to the cost of making good any damage to the land which may have occurred during the period for which possession thereof is so retained (except in so far as the damage has been made good during that period by a person acting on behalf of the Governor), no account being taken of fair wear and tear or of damage caused by war operations, and
- (c) in a case where the land is agricultural land a sum equal to the amount (if any) which might reasonably have been expected to be payable in addition to rent by an incoming tenant, in respect of things previously done for the purpose of the cultivation of the land, and in respect of seeds, tillages, growing crops and other similar matters, under a lease of the land granted immediately before possession thereof was taken in the exercise of the emergency powers, and
- (d) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the

Governor, for the purpose of compliance with any directions given on behalf of the Governor in connection with the taking possession of the land :

Provided that—

- (i) in computing for the purposes of paragraph (a) of this sub-regulation the rent which might reasonably be expected to be payable in respect of any land, and in computing for the purposes of paragraph (c) of this sub-regulation any amount which might reasonably have been expected to be payable in addition to rent by an incoming tenant, no account shall be taken of any appreciation of values due to the emergency; and
- (ii) there shall not, by virtue of paragraph (b) of this sub-regulation, be payable in respect of damage to any land a sum greater than the value of the land at the time when possession thereof was taken in the exercise of emergency powers, no account being taken of any appreciation in the value thereof due to the emergency.

(2) Any compensation under paragraph (a) of the preceding sub-regulation shall be considered as accruing due from day to day during the period for which the possession of the land is taken in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who for the time being would be entitled to occupy the land but for the fact that possession thereof is retained in the exercise of such powers; but this sub-regulation shall not operate so as to require the making of payments at intervals of less than three months.

(3) Any compensation under paragraph (b) of sub-regulation (1) of this regulation shall accrue due at the end of the period for which possession of the land is retained in the exercise of emergency powers, and shall be paid to the person who is then the owner of the land.

(4) Any compensation under paragraph (c) of sub-regulation (1) of this regulation shall accrue due at the time when possession of the land is taken in the exercise of emergency powers, and shall be paid to the person who, immediately before that time, was the occupier of the land.

(5) Any compensation under paragraph (d) of sub-regulation (1) of this regulation shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

192. (1) Compensation under this Part in respect of the doing of any work on any land shall be payable only if the annual value of the land is diminished by reason of the doing of the work.

(2) The compensation payable under this Part in respect of the doing of any work on any land shall, in the first instance, be a sum calculated by reference to the diminution of the annual value

Compensation in respect of the doing of work on land.

of the land ascribable to the doing of the work, and shall be paid in instalments, quarterly in arrear, to the person who for the time being is entitled to occupy the land.

Any compensation under this sub-regulation shall be considered as accruing due from day to day, and shall be apportionable in respect of time accordingly.

(3) If, at any time after compensation under the preceding sub-regulation has become payable by reason of the doing of any work on any land, a person acting on behalf of the Governor—

(a) causes the land to be restored, so far as practicable, to the condition in which it would be but for the doing of the work, or

(b) serves on the person for the time being entitled to occupy the land a written notice of intention to discharge the liability for the compensation by making, not earlier than a date specified in the notice, payment of a lump sum in accordance with the following provisions of this regulation,

the period in respect of which compensation is payable under the preceding sub-regulation by reason of the doing of the work shall end with the date immediately preceding the date on which the restoration is completed or, as the case may be, the date specified in the notice.

(4) Where, by virtue of the operation of the last preceding sub-regulation in relation to any work done on any land, the period in respect of which compensation under sub-regulation (1) of this regulation is payable by reason of the doing of the work comes to an end, then if, at the expiration of that period, the value of any estate or interest which a person then has in the land is less than it would be but for the doing of the work, there shall be paid to him, by way of compensation under these regulations, a sum equal to the amount of the said depreciation in the value of the estate or interest; and that compensation shall be taken to accrue due at the expiration of the said period.

(5) As soon as may be after effecting any restoration or serving any notice in pursuance of sub-regulation (3) of this regulation, the person by whom the restoration was effected or the notice was served shall cause the fact of the restoration or the contents of the notice, as the case may be, to be published in such manner as he thinks best adapted for informing persons affected.

(6) In determining for the purposes of this regulation whether the annual value of any land is diminished by reason of the doing of any work thereon, and in assessing any compensation under this regulation in respect of the doing of any work on any land, it shall be assumed that the land cannot be restored to the condition in which it would be but for the doing of the work.

(7) For the purposes of this regulation, no account shall be taken of any diminution or depreciation in value ascribable only to loss of pleasure or amenity.

(8) No compensation under this regulation shall, in relation to any land, be payable in respect of any period for which possession of that land is taken on behalf of the Governor in the exercise of emergency powers.

(9) In this section—

- (a) the expression "annual value" means, in relation to any land, the rent at which the land might reasonably be expected to let from year to year, if the tenant undertook to pay all usual tenant's rates and to bear the costs of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent; and
- (b) the expression "diminution of the annual value" means, in relation to the doing of any work on any land, the amount by which the annual value of the land is less than it would be if the work had not been done.

193. (1) The compensation payable under this Part in respect of the requisition of any vessel, vehicle or aircraft shall be the aggregate of the following sums, that is to say,—

Compensation in respect of requisition or acquisition of vessels, vehicles and aircraft.

- (a) a sum equal to the amount which might reasonably be expected to be payable by a person for the use of the vessel, vehicle or aircraft during the period of the requisition, under a charter or contract of hiring whereby he undertook to bear the cost of insuring, maintaining and running the vessel, vehicle or aircraft, and
- (b) if an agreement is made on behalf of the Governor for the running of the vessel, vehicle or aircraft during the said period by the person who, but for the requisition, would be entitled to possession of the vessel, vehicle or aircraft, or who is the owner thereof, a sum equal to the amount of any expenses reasonably incurred by that person in connection with the maintenance and running of the vessel, vehicle or aircraft during that period, not being expenses taken into account for the purposes of paragraph (a) of this sub-regulation, and
- (c) a sum equal to the cost of making good any damage to the vessel, vehicle or aircraft not resulting in a total loss thereof, which may have occurred during the said period (except in so far as the damage has been made good during that period by a person acting on behalf of the Governor), no account being taken of fair wear and tear, and
- (d) in a case where, during the period of the requisition, a total loss of the vessel, vehicle or aircraft occurs, a sum equal to the value of the vessel, vehicle or aircraft immediately before the occurrence of the damage which caused the loss, and

- (c) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor, for the purpose of compliance with any directions given on behalf of the Governor in connection with the requisition:

Provided that—

- (i) in computing for the purposes of paragraph (a) of this sub-regulation the amount which might reasonably be expected to be payable for the use of any vessel, vehicle or aircraft, no account shall be taken of any appreciation in the value thereof due to the emergency; and
- (ii) no compensation shall by virtue of this sub-regulation be payable in respect of any loss of, or damage to, any vehicle or aircraft arising in consequence of war operations, unless it is shown that, at the time when the loss or damage occurred, the risk of the vehicle or aircraft being lost or damaged in consequence of war operations was materially increased by reason of the requisition thereof in the exercise of emergency powers; and
- (iii) no compensation shall by virtue of paragraph (c) of this sub-regulation be payable in respect of any damage, if compensation in respect of expenses incurred for the purpose of making good that damage has accrued due by virtue of paragraph (b) of this sub-regulation.

(2) Any compensation under paragraph (a) of the preceding sub-regulation shall be considered as accruing due from day to day during the period for which the vessel, vehicle or aircraft is requisitioned in the exercise of emergency powers, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the owner of the vessel, vehicle or aircraft; but this sub-regulation shall not operate so as to require the making of payments at intervals of less than one month.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of sub-regulation (1) of this regulation, a person other than the owner of the vessel, vehicle or aircraft is, by virtue of a subsisting charter or contract of hiring, the person who would be entitled to possession of, or to use, the vessel, vehicle or aircraft but for the requisition, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) or paragraph (c) of sub-regulation (1) of this regulation shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred; but this sub-regulation shall not operate so as to require the making of payments at intervals of less than one month.

(5) Any compensation under paragraph (c) or paragraph (d) of sub-regulation (1) of this regulation shall accrue due at the end of the period of the requisition, and shall, subject to the following provisions of these regulations, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

(6) For the purposes of sub-regulation (1) of this regulation, the expression "total loss" shall have the same meaning as it has for the purposes of the law relating to insurance, and accordingly shall be construed as including constructive total loss; and upon the payment to any person of any compensation which has become payable by virtue of paragraph (d) of that sub-regulation in respect of any loss, the Governor shall have the same right to take over an interest in whatever remains of the vessel, vehicle or aircraft, and the same rights and remedies in and in respect of the vessel, vehicle or aircraft, as he would have if the payment had been made by the Governor as the insurer under a contract insuring that person against the loss.

(7) The compensation payable under this Part in respect of the acquisition of any vessel, vehicle or aircraft shall be a sum equal to the value of the vessel, vehicle or aircraft immediately before the acquisition, no account being taken of any appreciation due to the emergency, and shall, subject to the following provisions of these regulations, be paid to the person who is then the owner of the vessel, vehicle or aircraft.

For the purpose of assessing any compensation under this sub-regulation in respect of the acquisition of any vessel, vehicle or aircraft, no account shall be taken of any compensation under paragraph (a) or paragraph (c) of sub-regulation (1) of this regulation which may have become payable in respect of the requisition of that vessel, vehicle or aircraft.

(8) Where, at any time during the period for which a vessel, vehicle or aircraft is requisitioned on behalf of the Governor in the exercise of emergency powers,—

(a) a written notice stating that the vessel, vehicle or aircraft is to be treated as acquired on behalf of the Governor is served on the owner thereof by a person acting on behalf of the Governor, or

(b) the vessel, vehicle or aircraft is sold on behalf of the Governor,

then, for the purposes of this regulation, the vessel, vehicle or aircraft shall be deemed to have been acquired on behalf of the Governor in the exercise of emergency powers immediately before the day on which the said notice was served or, as the case may be, the day on which the vessel, vehicle or aircraft was so sold, and the period of requisition shall be deemed to have ended at the time when the acquisition of the vessel, vehicle or aircraft as aforesaid is deemed by virtue of this sub-regulation to have been effected.

(9) Where there is effected such a sale of any vessel, vehicle or aircraft as is referred to in paragraph (b) of the last preceding sub-regulation, the person by whom the sale was effected shall, as

soon as may be thereafter, serve a written notice of the sale on the person who for the time being would be the owner of the vessel, vehicle or aircraft but for the sale thereof as aforesaid.

Compensation in respect of taking space or accommodation in ships and aircraft.

194. (1) The compensation payable under this Part in respect of any requirement that any space or accommodation in a ship or an aircraft be placed at the disposal of any authority shall be the aggregate of the following sums, that is to say,—

- (a) a sum equal to the amount which might reasonably be expected to be payable for the use of that space or accommodation during the period by virtue of that requirement, no account being taken of any appreciation of values due to the emergency, and
- (b) a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor, for the purpose of compliance with any directions given on behalf of the Governor in connection with the said requirement.

(2) Any compensation under paragraph (a) of the preceding sub-regulation shall be considered as accruing due from day to day during the period for which the space or accommodation remains at the disposal of the authority at whose disposal it was required to be placed, and be apportionable in respect of time accordingly, and shall be paid to the person who, at the time when the compensation accrues due, is the owner of the ship or aircraft; but this sub-regulation shall not operate so as to require the making of any payment before the end of the said period.

(3) Where, on the day on which any compensation accrues due by virtue of paragraph (a) of sub-regulation (1) of this regulation, a person other than the owner of the ship or aircraft is by virtue of a subsisting charter or contract of hiring, entitled to possession of, or to use, the ship or aircraft, or is by virtue of a subsisting contract, the person who would be entitled to use the space or accommodation but for the requirement in respect of which the compensation is payable, the person to whom the compensation is paid shall be deemed to receive it as a trustee for the first mentioned person.

(4) Any compensation under paragraph (b) of sub-regulation (1) of this regulation shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Compensation in respect of requisition or acquisition of goods other than vessels, vehicles and aircraft.

195. (1) Subject to the provisions of the next following sub-regulation, the compensation payable under this Part in respect of the requisition or acquisition of any goods shall be a sum equal to the price which the person who, immediately before the requisition or acquisition, was the owner of the goods might reasonably have been expected to obtain upon a sale of the goods then effected by him, regard being had to the condition of the goods at the time and no account being taken of any appreciation in the value of the goods due to the emergency.

(2) Any compensation under the preceding sub-regulation shall not—

- (a) in a case where the owner of the goods immediately before the requisition or acquisition, was a person who had produced the goods with a view to the sale thereof, exceed the aggregate of—
  - (i) the cost reasonably incurred by that person in producing the goods, and
  - (ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition, or
- (b) in a case where the owner of the goods, immediately before the requisition or acquisition, was some person other than the producer of the goods and the goods had been bought by that person with a view to the sale thereof, exceed the aggregate of—
  - (i) the price which it was reasonable for him to pay for the goods when they were so brought by him, and
  - (ii) the profit which he might reasonably have been expected to make on a sale of the goods effected by him immediately before the requisition or acquisition;

and, in assessing such compensation in any other case, no account shall be taken of any profit which might be expected to be made on a sale of the goods:

Provided that if, at the time when any goods are requisitioned or acquired on behalf of the Governor in the exercise of emergency powers, the price or maximum price at which such goods may be sold is fixed by law, this sub-regulation shall not be taken to authorise the assessment, by way of compensation under the preceding sub-regulation in respect of the requisition or acquisition, of a sum exceeding that price or maximum price, as the case may be.

In the preceding provisions of this sub-regulation the reference to a person who had produced the goods with a view to the sale thereof, and the reference to the producer of the goods, shall be construed as including a reference to his personal representative or any person carrying on business in succession to him by virtue of any assignment or transmission by operation of law.

(3) The compensation payable under this Part in respect of the requisition or acquisition of any goods shall include a sum equal to the amount of any expenses reasonably incurred, otherwise than on behalf of the Governor, for the purpose of compliance with any directions given on behalf of the Governor in connection with the requisition or acquisition.

(4) Any compensation under sub-regulation (1) of this regulation shall accrue due at the time of the requisition or acquisition of the goods, and shall, subject to the following provisions of these regulations, be paid to the person who is then the owner of the goods.

(5) Any compensation under sub-regulation (3) of this regulation shall accrue due at the time when the expenses in respect of which the compensation is payable are incurred and shall be paid to the person by whom or on whose behalf those expenses were incurred.

Determination of claims by tribunals in default of agreement.

196. Any dispute as to whether any compensation is payable under this Part, or as to the amount of any compensation so payable, shall, in default of agreement, be referred to, and determined by, a tribunal constituted under the following provisions of this Part, and the decision of that tribunal shall be final.

Constitution of Tribunal.

197. (1) For the purpose of determining disputes as to the payment of compensation under this Part there shall be a tribunal, hereinafter referred to as the Tribunal, consisting of the Chief Justice, the judges of the Supreme Court, the judges of the High Court, the assistant judges of the High Court and such number of other persons as the Governor may appoint.

(2) The Tribunal may sit in several divisions, so, however, that no division shall consist of less than three members of the Tribunal, and the Chairman of each such division shall be the Chief Justice, a judge or an assistant judge, as the case may be.

(3) There shall be paid out of general revenue—

(a) to any unofficial member of the Tribunal constituted under this Part such remuneration (if any) as the Governor may determine in his case, and

(b) the amounts necessary to defray such expenses of the Tribunal as the Governor may approve.

Power of Chief Justice to make rules.

198. The Chief Justice may make rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto. Such rules may contain provisions authorising the Tribunal to take into consideration any matter which the Tribunal considers relevant to the subject of the inquiry before it, notwithstanding that the matter is not admissible in evidence under the law relating to evidence.

Procedure before Tribunal.

199. At any inquiry held under the provisions of this Part the Tribunal shall hear any Government Department or party interested by themselves or their agents, and shall hear witnesses, but shall not, except in such cases as may be prescribed under regulation 198, hear a Law Officer or legal practitioner on behalf of such Department or party.

Incidental powers of the Tribunal.

200. The Tribunal shall have the following powers, that is to say :—

(a) to order persons to attend and give evidence, and to produce and give discovery and inspection of documents, in like manner as in proceedings in the Supreme Court;

(b) to award and assess, or direct the assessment of, such sums by way of costs as the Tribunal in its discretion thinks just, and in particular to award costs to an

unsuccessful claimant where such an award appears to the Tribunal to be justified on the merits of the case;

- (c) to call in the aid of one or more assessors especially qualified, and hear any claim wholly or partly with their assistance;
- (d) to appoint an expert or experts to report on any matter material to the hearing of any claim;
- (e) to determine, subject to the approval of the Financial Secretary, the remuneration, if any, of such assessors and experts.

201. Any compensation under this Part shall carry interest, as from the date on which it accrues due until payment, at such rate not exceeding five per cent per annum as the Tribunal shall consider just.

Interest on compensation.

202. No claim for any compensation under this Part shall be entertained unless written notice of the claim has been served on the Financial Secretary within the period of six months, or such longer period as the Governor may, either generally or in relation to any particular claim or class of claims, allow, beginning in either case with the date on which the compensation accrues due or the date of the passing of this Part, whichever is the later.

Limitation of time for claiming compensation.

203. (1) No person shall, by virtue of this Part, be entitled to compensation in respect of the acquisition on behalf of the Governor of any currency, gold or securities.

Exclusion of compensation under this Part in certain cases.

(2) No compensation shall, by virtue of this Part, be payable to any person in respect of any loss of, or damage to, property, if and so far as that person has become entitled, apart from the provisions of this Part, to recover any sum by way of damages or indemnity in respect of that loss or damage or is, at the time of the occurrence of the loss or damage, required under any contract with the Government to be insured in respect thereof.

204. In a case where any property in respect of the requisition or acquisition of which compensation is required by any of the preceding provisions of this Part to be paid to the person who is the owner of the property immediately before the requisition or acquisition, is then in the possession of some other person by virtue of a hire-purchase agreement, that person may, by written notice served on the Financial Secretary within the period limited by this Part in relation to the making of any claim by the owner for payment of the compensation, make a claim to have apportioned to him such part of the compensation as may be specified in his claim; and, in default of agreement between the parties, the last mentioned claim shall be referred to the Tribunal and thereupon the Tribunal may apportion the compensation between the owner and the other person in such matter as appears to it to be just.

Provisions as to property subject to hire-purchase agreements.

Provisions  
as to  
property  
subject to  
mortgages.

205. Where any sum by way of compensation is paid in accordance with any provisions of this Part requiring compensation to be paid to the owner of any property, then, if at the time when the compensation accrues due, the property is subject to any mortgage, pledge, lien or other similar obligation, the sum so paid shall be deemed to be comprised in that mortgage, pledge, lien or other obligation.

Compensation payable  
apart from  
this Part.

206. The provisions of this Part shall be without prejudice to any agreement for the making of any payment (whether by way of compensation or otherwise) in respect of the doing of anything on behalf of the Governor in the exercise of emergency powers; but, where compensation in respect of the doing of anything as aforesaid, would, apart from this regulation, be payable both under this Part and under some other enactment or rule of law, then, subject to any such agreement as aforesaid, the compensation shall be payable in accordance with this Part and not otherwise.

## PART XI.

### GENERAL AND SUPPLEMENTARY.

#### A.

#### INQUIRIES AND BILLETING.

Holding of  
inquiries.

207. (1) The competent authority, if he considers it desirable for the exercise of any of his powers under Parts V and VI of these regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine.

(2) For the purposes of any inquiry held in pursuance of this regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence.

208. (1) The Commissioner of the Colony in the case of the Colony and Residents of Provinces in the Protectorate are hereby appointed competent authorities for the purpose of this regulation. Billeting.

(2) (a) A competent authority may by order require any occupier of premises to furnish him with full particulars of all available accommodation in those premises.

(b) For the purpose of verifying any particulars supplied by consequence of any order made under paragraph (a) or for obtaining the requisite information in case such an order be not complied with, a competent authority may enter and inspect any premises at any reasonable time.

(3) A competent authority may cause to be served upon the occupier of any premises a written notice hereinafter referred to as a billeting notice, requiring the occupier of those premises to furnish therein at such times and for such period as he may be requested so to do, accommodation by way of lodging or lodging and food, for such number of persons as a competent authority may determine having regard to the accommodation available in the particular premises concerned, and notifying the price to be paid therefor. For the purpose of this sub-regulation the word "food" shall not include alcoholic liquor.

(4) If any occupier of any premises feels aggrieved by the requirements of any billeting notice he may within fourteen days from the beginning of the day on which the notice is served on him complain to a committee the members of whom shall be appointed by the Governor. Such committee shall have jurisdiction over any area specified in the appointment and may consist of such number of persons as the Governor may think fit. Members of any committee so appointed shall appoint a chairman from among themselves and the decisions of the committee shall be those of the majority and shall be final.

(5) If upon any complaint being made to a committee appointed under sub-regulation (4) such committee is satisfied that the furnishing of accommodation in accordance with the billeting notice would otherwise impose an undue burden upon the occupier, the committee may annul the billeting notice or direct that it shall have effect subject to such modifications as the committee think fit.

(6) Subject to the provisions of sub-regulation (4) a competent authority, or any person authorised by him in writing in that behalf, may at any time call upon any occupier of premises upon whom a billeting notice has been served to furnish accommodation in accordance with the terms of the said billeting notice for such period as may be necessary and such occupier shall furnish such accommodation forthwith:

Provided that the competent authority or the authorised person shall in all cases endeavour to give as long a period of notice as possible of his requirements.

(7) (a) The prices to be paid to the occupier who is called upon to furnish accommodation shall be those determined by the billeting notice.

(b) Such prices shall be recovered by the competent authority either from the person billeted or from the person, or authority at whose instance the billeting occurred, and shall be paid to the occupier by the competent authority.

(8) The penalty to which any person failing to comply with the requirements of this regulation shall be liable shall be a fine of fifty pounds.

## B.

### WAR OFFENCES.

Application  
of part.

208A. This part of Part XI shall apply to these regulations and to such other regulations to which it may be specifically applied by those regulations and on such specific application the expression "war offence" shall include offences under those regulations.  
(*Inserted by Regulations 72 of 1942*).

Power to  
arrest with-  
out warrant.

209. Any member of the police force, any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Governor to act under this regulation may arrest without warrant any person whom he has reasonable ground for suspecting is about to commit or has committed a war offence.

Search  
warrants for  
war offences.

210. (1) If a magistrate or justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that any war offence or any act prejudicial to the public safety or the defence of the realm, has been or is being committed, and that evidence of the commission of the offence or act is to be found at any premises specified in the information, or in any vehicle, vessel or aircraft so specified, he may grant a search warrant authorising any member of the police force in uniform or any member of His Majesty's forces, together with any other persons named in the warrant and any other members of the police force in uniform or members of His Majesty's forces, to enter the premises specified in the information, or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant, and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable grounds to believe to have recently left, or to be about to enter, those premises or that vehicle, vessel or aircraft, as the case may be, and may seize any article found in the premises or in the vehicle, vessel or aircraft which he has reasonable ground for believing to be evidence of the commission of any such offence or act as aforesaid.

(3) If any superior police officer as defined in section 2 of the Police Ordinance, 1930 or any person authorised by the Governor to act under this paragraph has reasonable ground for suspecting

that any war offence or any act prejudicial to the public safety or the defence of the realm, has been or is being committed, and that evidence of the commission of the offence or act is to be found at any premises or in any vehicle, vessel or aircraft, and is satisfied that it is expedient that the premises, vehicle, vessel or aircraft should be searched for the purpose of obtaining that evidence, but that by reason of urgency or other good cause it is impracticable to apply for a warrant under the foregoing provisions of this regulation, the said officer or person may, by a written order under his hand, confer the like power of search or seizure in relation to the premises, vehicle, vessel or aircraft as might be conferred under paragraph (1) of this regulation by the warrant of a magistrate or of a justice of the peace.

(4) If upon the search of any premises, vehicle, vessel or aircraft in pursuance of powers conferred under this regulation anything is found which appears to the person by whom the search was made to be evidence of the commission by any person of a war offence or an act prejudicial to the public safety or the defence of the realm he may, if he considers it necessary so to do in order to prevent the commission of any further such act, detain that person pending inquiries.

(5) No person shall be detained under the powers of detention conferred by this regulation for a period exceeding 48 hours in all:

Provided that if the necessary inquiries cannot be completed within such period, any such person may be detained for an additional period not exceeding seven days: and the said superior police officer shall report the circumstances to the Commissioner of Police.

(6) Any person detained under the powers conferred by this regulation shall be deemed to be in lawful custody and may be detained in any prison or in any police station or any other place authorised by the Governor.

211. Where power to search any person is given by or under these regulations, no female shall in pursuance thereof be searched except by a female. Female must search a female.

212. The Governor may make rules authorising the taking, in relation to any person in custody whom an officer of police has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, finger-printing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules. Identification of persons in custody.

### C.

#### MISCELLANEOUS.

213. This part of Part XI shall apply to these regulations and to such other regulations to which it may be specifically applied by those regulations. Application of part.

Power to  
obtain  
information.

214. (1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested by a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine.

(2) For the purpose of—

- (a) verifying any information or making further inquiries or examination of any article furnished or produced by any person by request under sub-regulation (1), or
- (b) obtaining, inspecting or examining any information or article in the case of the failure of the person to comply with a request under sub-regulation (1),

a competent authority may enter any premises belonging to or in the occupation of such person or on which he has reason to believe any article or thing in respect of which a request has been made is kept or stored and may carry out such inspections or examinations as he may consider necessary for such verification, inquiry or the obtaining of information.

• False  
statements.

215. If any person :—

- (a) in answer to any request made in pursuance of any of these regulations, or any order made under any of these regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or
- (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these regulations to make,

he shall be guilty of an offence.

Obstruction.

216. No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any power, or performing any duties conferred or imposed on him by or under any of these regulations, or otherwise discharging any lawful functions in connection with defence or the securing of the public safety.

Restrictions  
on disclosing  
information.

217. (1) No person who obtains any information by virtue of these regulations shall, otherwise than in connection with the execution of these regulations or of any order, rule or by-law made under these regulations, disclose that information except with permission granted by the Governor.

(2) A person who obtains any information as to anything to be done or omitted under these regulations or under any order, rule or by-law made under these regulations or to whom any information as to anything so to be done or omitted is given by any

person being a competent authority or to whom the powers of a competent authority have been delegated or by any authorised person or by a person acting under the authority of these regulations or of any order, rule or by-law made under these regulations, shall not disclose such information to any person other than a person to whom such information ought to be given under these regulations or under any order, rule or by-law made under these regulations. (*Inserted by Regulations 115 of 1942*).

218. (1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these regulations shall, on demand made in that behalf by any administrative officer, any member of the police force or any member of His Majesty's forces of or above the rank of Sergeant produce the permit, licence or permission, as the case may be, to the person making the demand. Licences,  
permits.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence.

(3) Any licence, permit or permission granted for the purposes of any of these regulations may be revoked or varied at any time by the authority or person empowered to grant it.

219. There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these regulations, or any order made under any of these regulations, such fee, not exceeding five pounds, as the Governor may by order determine. Fees for  
licences.

220. (1) Any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these regulations, shall be deemed to be guilty of an offence against that regulation. Attempts to  
commit  
offences and  
assisting  
offenders.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these regulations shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial, or punishment of that person for the said offence.

220A. (1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say:— Principal  
offenders.

(a) every person who actually does the act or makes the omission which constitutes the offence;

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

- (c) every person who aids another person in committing the offence;
- (d) any person who counsels or procures any other person to commit the offence.

In the fourth case he may be charged either with himself committing the offence or with counselling or procuring its commission.

(2) A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

(3) Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission, the act or omission would have constituted an offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he had himself done the act or made the omission; and he may be charged with himself doing the act or making the omission.

Offences committed in prosecution of common purpose.

220n. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

Mode of execution immaterial.

220c. When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of carrying out the counsel. In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

(220A to 220C inserted by Regulations 90 of 1943.)

Offences by corporations.

221. Where a person convicted of an offence against any of these regulations is a body corporate any person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Penalties.

222. (1) If any person contravenes or fails to comply with any of these regulations, or any order or rule made under any of these regulations, or any direction given or requirement imposed under any of these regulations or under any order or rule made under any of these regulations he shall be guilty of an offence against that regulation; and, subject to any special provisions contained in these regulations as to punishment, a person guilty of an offence against any of these regulations shall—

- (a) on summary conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine, or
- (b) on conviction before a judge, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.

(2) Where a person has been convicted before a judge of an offence against any of these regulations and such person is other than an individual, no provision in these regulations limiting the fine which may be imposed, shall apply, and such person shall be liable to a fine of such amount as the judge may consider just.

*(Substituted by Regulations 90 of 1943.)*

223. (1) Proceedings in respect of any offence alleged to have been committed by a person against any of these regulations may be taken before a court other than a native court where that person is for the time being.

Legal proceedings.

(2) Such proceedings may be instituted by a competent authority, any person duly authorised by him or any officer of police or administrative officer.

(3) The Governor may by order confer upon all or any native courts, power to enforce all or any of the provisions of these regulations subject to such conditions and restrictions as may be set out in such order. Proceedings may be instituted by any person nominated in writing in that behalf, in the case of the Protectorate, by the Resident of the Province in which the particular native court is situated and, in the case of the Colony, by the Commissioner of the Colony.

*(As amended by Regulations 3 of 1942 and 21 of 1943.)*

224. Where in any regulation made in exercise of the powers given by the provisions of the Emergency Powers Defence Acts, 1939 and 1940, forms, returns or other documents are required to be completed by any person it shall be lawful for the competent authority or other person authorised by the particular regulation at whose instance such requirement is made, to combine any or all of such forms, returns or other documents into one form, return or document, if, for clarity, convenience or other purpose such combination seems proper to the competent authority or other authorised person.

Power to combine forms, etc.  
2 & 3 Geo.  
6, c. 62.  
3 & 4 Geo.  
6, c. 20.

225. (1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following

Disposal of articles in possession of executive authorities.

provisions of this regulation in respect of the article, until the final determination of those proceedings; and any article retained by virtue of this regulation is hereafter in this regulation referred to as "a retained article".

(2) Where proceedings are taken with respect to a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court by or before which the alleged offender is tried may make an order—

(a) authorising the destruction or disposal of the article; or

(b) authorising the further retention of the article until such date as may be specified in the order,

and any such order authorising the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of Nigeria.

(3) Without prejudice to the operation of sub-regulation (2) of this regulation, any magistrate's court upon complaint made in respect of a retained article by an executive authority may, after giving to the person (if any) claiming, or appearing to the court to be, the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorised by sub-regulation (2) of this regulation.

(4) A court shall not make an order under this regulation unless the court is satisfied that it is necessary so to do in the interests of public safety, defence, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community. (*As amended by Regulations 13 of 1942.*)

(5) Where an order is made under this regulation authorising the further retention of an article, sub-regulation (1) of this regulation shall, in relation to that article, have effect as if the period first mentioned in that sub-regulation were a period ending on the date until which the article is authorised by the order to be retained; and the making by a court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court by sub-regulation (2) or sub-regulation (3) of this regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under sub-regulation (2) of this regulation, the court hearing any appeal in respect of those proceedings may vary or annul the order.

(7) Where an order is made under sub-regulation (3) of this regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the Supreme Court or to the High Court, and for the purposes of this paragraph and of the Ordinances relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this regulation authorising the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) Subject to the preceding provision of this regulation the Supreme Court or the High Court or any magistrate's court shall, on application, have power to make such order as it may deem fit in respect of any article which has come into the possession of an executive authority and which such authority has reasonable grounds for believing to be evidence of the commission of a war offence.

(10) For the purposes of this regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this regulation, any authority, police officer or other person whatsoever having functions in connection with the execution of these regulations shall be deemed to be an executive authority.

(12) Nothing in this regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this regulation.

226. A provision made in, or a direction or determination made or given in pursuance of, any of these regulations or any order under these regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Ordinance; and any such body corporate to whom any functions are entrusted under or by virtue of these regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these regulations, is imposed by any Ordinance or other instrument determining the functions of that body.

Entrusting  
of functions  
to statutory  
bodies.

227. Where any work is done in the exercise of powers conferred by any of these regulations, then, if and so far as the work was work which, apart from the provisions of these regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connection with the doing of the said work shall be a debt due from that person to the Crown, and shall be recoverable summarily as a civil debt.

Recovery of  
expenses.

228. When any order is made under the provisions of these regulations the authority issuing the order shall cause notice of the existence of the order to be given as soon as may be in such

Publicity  
for orders.

manner as he thinks necessary for bringing it to the notice of such persons who in his opinion ought to have notice of the order and without prejudice to these provisions or the provisions of any other law for the time being in force it shall be a sufficient notification of any rule, order, direction or instruction of a competent authority under these regulations to all persons concerned, if such rule, order, direction or instruction shall be published in the Gazette or in any newspaper circulating in the area in which it is to be obeyed or if the same be made known in such manner as is customary in the area in which the same is to be obeyed or in the case of an individual if such is brought to his notice either by sending the same by letter as hereinafter provided or by his being informed personally of the same.

Service of notice.

229. Without prejudice to any special provision contained in these regulations a notice to be served on any person for the purposes of any of these regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Affixing of notices.

230. Any authority empowered to act under these regulations may, for any purpose connected with the securing of public safety, defence, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle, aircraft or vessel, and may, for the purpose of exercising any power conferred by this regulation, enter any premises, vehicle, aircraft or vessel at any time; and where such authority affixes a notice, or causes a notice to be displayed in pursuance of this regulation, no person other than such authority shall remove, alter, deface or obliterate the notice.

Revocation and variation of orders and instructions.

231. Any power conferred by any of these regulations to make any orders or rules or to give any directions or instructions shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the orders or rules or directions or instructions.

Powers of the Governor.

232. The powers conferred by these regulations shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any other authority or person.

Powers of delegation.

233. The Governor or a competent authority may delegate, either verbally or in writing, his powers under any of these regulations to any person or body of persons; where such delegation is given verbally it shall be confirmed in writing as soon as circumstances permit.

Competent authorities may appoint agents and servants.

234. A competent authority may appoint all such agents, servants, employees and other persons as may be necessary for the efficient carrying out of the competent authority's duties under these regulations.

235. All competent authorities may in respect of the provisions of the parts of these regulations applicable to them make such orders, give such instruction and directions as may in their opinion be necessary for supplementing the provisions of these regulations. Competent authorities may supplement these regulations.

236. Nothing in these regulations shall affect the liability of any person to trial or punishment for any offence otherwise than in accordance with these regulations: Liability for offences.

Provided that no person shall be punished twice for the same act or omission.

## PART XII.

### SAVING AND REVOCATION.

237. (1) Any officer or person, appointed to act or employed, under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue and be deemed to have been appointed or employed under, by virtue of, or in accordance with the provisions of these regulations. Saving.

(2) Any order, rule, regulation, form, notice, licence, permit, direction or request made, prescribed, issued or given under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue in force as if it had been made, prescribed, issued or given under, by virtue of, or in accordance with the provisions of these regulations, and may be cancelled, revoked, varied or amended accordingly.

(3) Any document referring to any of the regulations revoked by these regulations shall be construed as referring to these regulations or to the corresponding part or parts of these regulations.

238. The regulations set out in the Schedule to these regulations are hereby revoked to the extent specified in the third column of that Schedule. Revocation.

SCHEDULE  
Regulations Revoked.  
(Regulation 238)

No. and year of Regulation	Short title	Extent of revocation
32 of 1939	The Nigeria Defence Regulations, 1939	The whole.
33 of 1939	The Nigeria Defence (Amendment No. 1) Regulations, 1939.	The whole.
43 of 1939	—	The whole.
47 of 1939	The Nigeria Defence (Amendment) Regulations, 1939 . .	The whole.
49 of 1939	The Nigeria Defence (Public Custodian) Regulations, 1939.	The whole.
50 of 1939	The Nigeria Defence (Food Control) (Prices of Imported Food) Regulations, 1939.	Regulation 7.
52 of 1939	The Nigeria Defence (Amendment) (No 2) Regulations, 1939.	The whole.
11 of 1940	The Nigeria Defence (Amendment) Regulations, 1940	The whole.
15 of 1940	The Nigeria Defence (Amendment No. 2) Regulations, 1940.	The whole.
23 of 1940	The Nigeria Defence (Amendment No. 3) Regulations, 1940.	The whole.
25 of 1940	The Nigeria Defence (Amendment No. 4) Regulations, 1940.	The whole.
29 of 1940	The Nigeria Defence (Amendment No. 5) Regulations, 1940.	The whole.
34 of 1940	The Nigeria Defence (Amendment No. 6) Regulations, 1940.	The whole.
44 of 1940	The Nigeria Defence (Amendment No. 7) Regulations, 1940.	The whole.
59 of 1940	The Nigeria Defence (Amendment No. 8) Regulations, 1940.	The whole.
2 of 1941	The Nigeria Defence (Amendment) Regulations, 1941	The whole.
4 of 1941	The Nigeria Defence (Amendment No. 2) Regulations, 1941.	The whole.
14 of 1941	The Nigeria Defence (Amendment No. 3) Regulations, 1941.	The whole.
41 of 1941	The Nigeria Defence (Requisition—Amendment) Regulations, 1941.	The whole.
45 of 1941	The Nigeria Defence (Control of Persons) (Amendment) Regulations, 1941.	The whole.
48 of 1941	The Nigeria Defence (Censorship—Amendment) Regulations, 1941.	The whole.
57 of 1941	The Nigeria Defence (Land, Fire and Billeting—Amendment) Regulations, 1941.	The whole.
71 of 1941	The Nigeria Defence (Verification of Information—Amendment) Regulations, 1941.	The whole.

MADE at Lagos this 20th day of September, 1941.

By His Excellency's Command,

C. C. WOOLLEY,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 20th September, 1941.

## **PART II**

### **MISCELLANEOUS REGULATIONS**

*(Corrected to the 30th April, 1944)*

## REGULATIONS

MADE UNDER

## THE EMERGENCY POWERS (DEFENCE) ACTS, 1939

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Act, 1939, the following regulations are hereby made:—

1. These regulations may be cited as the Defence (Control of Imports) Regulations, 1939, and shall be read with and form part of the Defence Regulations, 1939, hereinafter referred to as the Principal Regulations and they shall come into operation on the 1st day of January, 1940. Short title.

2. The Governor may appoint a Controller of Imports, hereinafter referred to as the Controller, who shall be the competent authority for the purposes of these Regulations. Appointment of Controller

For the purpose of these Regulations an "import" means anything brought into Nigeria whether by sea, land or air.

3. The Controller may by order published in the Gazette prohibit absolutely or restrict by means of such conditions and limitations as may be defined by him in such Order and/or in any licence granted by him under these Regulations the importation into Nigeria of all or any specified goods or class or description of goods generally or from any specified country or place or from any specified person or class of persons. Power to prohibit or restrict imports

4. Unless otherwise provided in any Order or in any licence issued under these Regulations—

- (a) goods imported in transit or for transhipment to a place outside Nigeria shall not be deemed to be goods subject to the import prohibitions and restrictions contained in such Order or licence;
- (b) merchandise intended for a place outside Nigeria and stores imported on board of any ship for the use of the officers, crew and passengers thereof and duly reported as such shall not be deemed to be subject to any import prohibition provided such merchandise or stores are not removed from the importing ship;
- (c) the following goods shall not be deemed to be prohibited to be imported, that is to say:—
  - (i) all goods belonging to His Majesty's naval, military and air forces;
  - (ii) all goods belonging to a Government Department, Native Administration or Town Council, but not including goods imported by any person in fulfilment of a Government, Native Administration or Town Council order;
  - (iii) all goods belonging to the Nigerian Railway;

- (iv) *bona fide* commercial travellers' samples the property of commercial travellers who are or are to be in Nigeria at or within a reasonable time after the time of importation;
- (v) private effects the property, and contained in the *bona fide* baggage, of passengers, and which the Comptroller or other proper Officer of Customs in charge of any port may in his discretion accept as such;
- (vi) all goods shown to have been dispatched to Nigeria on or before the first day of January, 1940;
- (vii) parcel post importations which are *bona fide* gifts to the addressee; and
- (viii) Nigerian returned goods.

5. Any Order made under these Regulations may prohibit the importation of any goods except in pursuance of a licence granted in his absolute discretion by the Controller or a person acting under the direction and authority of the Controller.

The Controller may refuse to grant a licence without assigning a cause for such refusal, or may grant a licence subject to such conditions and limitations as may be expressed therein.

6. Licences shall be of two kinds known respectively as general licences and specific licences.

7. Subject to the provisions of the Customs Ordinances and of any Order as aforesaid, a general licence shall be in such form and shall contain such particulars as the Controller shall consider appropriate, and shall have effect from the date of publication in the Gazette and shall be valid for such period as shall be specified in the licence or until it is revoked by notice published in the Gazette by the Controller.

8. A specific licence may be granted to any person being the person by whom the goods concerned are to be entered under the Customs Ordinances, and not being a person prohibited from holding a licence, who submits to the Controller an application in writing for a licence to import goods as specified in such application.

9. Every application for a specific licence shall contain the particulars required by the Controller as indicated in the form approved by him for the purpose, together with a declaration, signed by the applicant, that all the particulars contained in the application are true, and an undertaking to produce proof, if required, to the satisfaction of the Controller, of the truth of any such particulars, and such other or alternative particulars as the Controller may demand.

10. Every specific licence shall be in such form and contain such particulars as the Controller shall from time to time direct.

11. Subject to the provisions of the Customs Ordinances, every specific licence shall be valid for the period specified therein, or such further period as the Controller shall allow.

12. (1) On the importation of any goods in pursuance of a specific licence, the appropriate licence shall be endorsed by an Officer of Customs to be appointed by the Comptroller for the purpose with particulars of the quantity and description of the goods imported, and such other particulars as the Officer aforesaid shall consider appropriate, and every such endorsement shall be initialled or signed by the person making the same; and when the total quantity of goods, the importation of which is thereby authorised has been imported, or when the period of validity of the licence has expired, the licence shall be surrendered to the Controller and cancelled.

(2) Any person who fails to surrender a licence as provided in sub-regulation (1) of this regulation shall incur a penalty of ten pounds.

13. Nothing contained in these Regulations or in any Order made under them shall be deemed to authorise the issue of a licence for any goods the importation of which is prohibited either absolutely or conditionally by any other provision of law, and all such prohibitions and restrictions shall continue in effect in addition to any prohibitions or restrictions hereunder imposed, unless and until such prohibitions or restrictions are revoked under this or any other provision of law.

14. A licence to import any goods shall not be deemed to authorise the importation of such goods except proof (a) that no person has an interest in the sale of the goods contrary to law and (b) of the place of origin and of the place of supply of such goods are furnished by the importer of the goods to the satisfaction of the Controller within such time and in such form as he may require.

15. (1) Any person who shall fail to furnish proof (a) that no person has an interest in the sale of any goods contrary to law or (b) of the place of origin or supply of any goods as provided in regulation 14 shall be deemed to have imported the goods concerned without a licence, unless he shall explain to the satisfaction of the Controller his failure to furnish the same.

(2) In any proceedings for a contravention of this section, an averment in the information that the Controller is not satisfied as to any matter shall be sufficient evidence that he has not been so satisfied, unless the contrary is proved.

16. Where the importation of any goods or class of goods from any country or place or from any person or class of persons is prohibited by an Order made under these Regulations either absolutely or conditionally on the grant of a licence issued under these Regulations no person shall, while such Order is in force, import or attempt to import such goods from any such country or

Importation  
of prohibited  
goods an  
offence.

place or from any such person or class of persons or except in accordance with the conditions of any licence issued for the importation of such goods.

Penalty.

17. (1) Any person who contravenes the provisions of any of these Regulations shall be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding five hundred pounds or with a term of imprisonment not exceeding twelve months or with both such fine and such imprisonment and, in addition, with the forfeiture of the goods in respect of which the offence was committed.

Chapter 130.

(2) Notwithstanding anything in sub-regulation (1) contained the controller may, in his discretion, in any case where goods are imported in contravention of these regulations, exercise the powers conferred upon the Comptroller of Customs by sections 50 (a), 50 (b), 188 to 194 inclusive and 213 (b) and Part XV in particular and the provisions of the Customs Ordinance generally in respect of the importation of goods under these regulations as if such goods were goods or dutiable goods to which the Customs Ordinance applies and as if he were the Comptroller of Customs:

Provided that nothing in this sub-regulation contained shall render any person liable to be punished twice in respect of the same offence. (*As substituted by Regulations 44 of 1942*).

False information.

18. Any person who for the purpose of obtaining any licence under these Regulations or for the purpose of complying with the provisions of regulation 14 hereof—

- (a) makes or presents any declaration or statement which is false in any material particular; or
- (b) produces a guarantee, certificate, invoice or undertaking which is false in any material particular or has not been given by the person by whom it purports to have been given or which has been in any way altered or tampered with

shall be guilty of an offence against these Regulations unless he proves that he had taken all reasonable steps to ascertain the truth of the statements made or contained in any documents so presented or produced or to satisfy himself of the genuineness of the guarantee, certificate, invoice or undertaking.

Offences committed by company or firm.

19. Where any offence under these Regulations is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless the act or omission constituting the offence took place without his knowledge, consent or connivance.

20. The provisions of these Regulations and every prohibition or restriction imposed thereunder shall be deemed to be supplementary to the provisions of the Customs Ordinances and the provisions of the said Ordinances shall apply accordingly: Provided however that in case of any conflict or inconsistency, the provisions of these Regulations shall prevail over the provisions of the Customs Ordinance.

These Regulations to be Supplementary to the Customs Ordinance. Chapter 130

By Command of the Governor's Deputy

C. C. WOOLLEY.

*Chief Secretary to the Government*

Chief Secretary's Office.

Lagos, Nigeria.

29th December, 1939.

NIGERIA.

No. 61 of 1940.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS.

1939 AND 1940.

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Defence (Import, Control and Sale of Explosives) Regulations, 1940, and shall apply throughout Nigeria in addition to, and notwithstanding the provisions of, any enactments in force therein.

2. In these regulations:—

“explosives” means trade powder, nitro-glycerine, dynamite, gun-cotton, blasting powder, detonators, fulminate of mercury or other metals, and every other explosive substance being any compound of, or having any ingredients in common with, any of the above, percussion caps, rockets, fuses and ammunition;

“minerals” means and includes the following as classed hereunder (a), (b), (c) and (d):—

(a) metalliferous minerals, including antimony, arsenic, bismuth, copper, cobalt, chromium, cadmium, iron, lead, manganese, mercury.

molybdenum, nickel, tin, tungsten, uranium, zinc and all others of a similar nature to any of them, and all ores containing them and combinations of any of them with each other or with any other substance, excepting only those that occur in the form of precious minerals;

(b) carbonaceous minerals, including graphite, coal in all its varieties and all substances of a similar nature to any of them;

(c) earthy minerals, including asbestos, barytes, bauxite, china clay, fuller's earth, gypsum, marble, mica, nitrates, phosphates, pipeclay, potash, salt, slate, soda, sulphur, talc and all other substances of a similar nature to any of them;

(d) precious minerals mean and include:—

(i) precious stones, namely: amber, amethyst, beryle, cat's eye, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise and all other substances of a similar nature to any of them; and

(ii) precious metals, namely: gold, silver, platinum, iridium, osmium or ores containing them:

Provided that argentiferous lead ores containing not more than four ounces of silver per ton shall be excluded from this definition.

“ mining ” means any operations for winning or obtaining minerals;

“ prescribed ” means prescribed by and under these regulations;

“ prospecting ” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral bearing qualities of the land.

(As amended by Regulations 23 of 1941).

3. (1) The following competent authorities are hereby appointed under these regulations:—

(a) the Commissioner of Police for all purposes except the purchase of explosives to be used exclusively for mining and prospecting in Nigeria;

(b) the Chief Inspector of Mines for the purchase of explosives to be used exclusively for mining and prospecting in Nigeria.

(2) Competent authorities may appoint such persons or holders of such offices to be prescribed officers for such areas as they may think fit.

(3) Every prescribed officer shall comply with the instructions of the particular competent authority.

*(Substituted by Regulations 23 of 1941).*

4. (1) No person shall import into Nigeria any explosives except under an import licence granted in that behalf by the Comptroller of Customs.

(2) An import licence may contain such terms and conditions as may be attached thereto by the Comptroller of Customs.

(3) The issue and cancellation of any import licence shall be in the sole discretion of the Comptroller of Customs.

5. (1) Every person who deals in, distributes, or sells either by wholesale or retail, any explosives, shall, within one month, furnish in writing to the prescribed officer full particulars of:—

(a) all explosives held or stocked by him on the coming into force of these regulations;

(b) the persons to whom explosives, other than trade powder, were sold or delivered from and after the 1st day of January, 1938;

(c) the quantity and nature of the explosives referred to in (a) and (b) hereof; and

(d) the persons to whom trade powder in quantities exceeding 10 lb. (1 keg) was sold or delivered from and after the 1st day of January, 1938, and the respective quantities thereof.

(2) Every other person who:—

(a) from and after the 1st day of January, 1938, had in his possession or under his control, and/or

(b) is in possession of or has under his control—

(i) 10 lb. (1 keg) or more of trade powder, or

(ii) any quantity of any other explosives,

shall, within one month, report in person, or furnish in writing, to the prescribed officer full particulars concerning such trade powder or other explosives.

(3) Every person required so to do by the prescribed officer shall deliver up to such officer the whole or any part of any explosives in the possession or control of any such person.

6. (1) No person shall deal in, distribute, deliver or sell any explosive, other than trade powder and percussion caps, unless he is licensed so to do by the competent authority.

(2) No person, other than a dealer, distributor, wholesaler or retailer, shall have in his possession or under his control, or shall buy or take delivery of any explosive, other than trade powder and percussion caps, unless he has a permit in that behalf from the competent authority.

(3) The competent authority may in his absolute discretion issue such licences and permits on such conditions, and to such persons or classes of persons, as he may think fit, with respect to any explosives, other than trade powder and percussion caps, and may cancel any such licence or permit.

7. (1) No person shall sell or deliver trade powder or percussion caps, unless he is licensed so to do by the prescribed officer.

(2) No licensed vendor or distributor of trade powder or percussion caps shall sell or deliver any trade powder in any quantity exceeding 1 lb., or any percussion caps exceeding 50 in number to any person, unless such person produces and delivers to such vendor or distributor a permit issued to such person by the prescribed officer:

Provided that the competent authority may by notice in the Gazette require that at any time and in any area specified in such notice a permit shall first be obtained, produced and delivered for the purchase of any lesser quantity of trade powder or smaller number of percussion caps.

(3) No person shall buy or take delivery of any trade powder in any quantity exceeding 1 lb., or more than 50 percussion caps, unless a permit has been issued to him by the prescribed officer.

(4) No person other than a dealer, distributor, wholesaler, or retailer, shall at any one time have in his possession or under his control more than 1 lb. of trade powder, or 50 percussion caps, or more than any lesser quantity or number as may be notified in the Gazette by the competent authority either generally or in respect of any specified area.

(5) (a) A licence or permit shall be in such form as the competent authority may direct.

(b) A prescribed officer may refuse to issue or may cancel a licence or permit.

(c) In any of such cases any party aggrieved may thereupon appeal to the competent authority, whose decision shall be final.

8. (1) Every person who deals in, distributes, or sells either by wholesale or retail any explosives shall keep books containing full particulars of all sales of, or of any other dealings in, explosives:

Provided that no entries of the sale of trade powder need be made in such books when the quantity sold does not exceed 10 oz., or is not more than can be contained in a "Capstan Medium" cigarette tin ordinarily capable of containing 50 cigarettes or other measure of an equivalent content.

(2) Such books may be inspected at any time by the competent authority or by any prescribed officer or by any person acting under the written instructions of either the competent authority or a prescribed officer.

9. All premises in which explosives are kept or stored may be inspected at any time by the competent authority or by any prescribed officer or by any person acting under the written instructions of either the competent authority, or a prescribed officer.

## 10. Any person who:—

- (a) alters, forges or defaces any licence or permit;
- (b) deals in, sells or delivers—
  - (i) any quantity of explosives in excess of the quantity authorised on any permit issued by the competent authority or by a prescribed officer, or
  - (ii) any explosive other than that in respect of which a licence or permit has been issued;
- (c) makes a false return as to the nature or the amount of explosives in his possession or under his control;
- (d) fails to keep full and accurate books recording all such particulars of sales or any other dealings in explosives as are required by these regulations;
- (e) has in his possession or under his control, accepts delivery of or buys explosives without a licence or permit prescribed by these regulations; or
- (f) in any other manner contravenes any of the provisions of these regulations.

shall be guilty of an offence against these regulations.

11. The provisions of Part VIII of the Nigeria Defence Regulations, 1939, shall apply for the purpose of the enforcement of these regulations, and otherwise in relation thereto, as if any reference in the said Part VIII to those regulations included a reference to these regulations:

Provided that a person who is convicted of an offence against these regulations shall be liable on summary conviction to a fine of five hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and the magistrate shall, in addition to any fine or sentence which may be imposed, order that any explosives in respect of which an offence has been committed, shall be forfeited to the Crown; and such explosives may be disposed of in such manner as the Governor may direct: and provided also that for the purpose of the trial of a person for an offence against these regulations, the offence shall be triable either at the place where the offence was committed or at any place in which the offender may be.

12. These regulations shall not apply to any explosives intended for use by the naval, military, air or police forces of the Crown or of the Government of Nigeria or for the State Defence of any part of the British Empire or to any persons in the service of the Government of Nigeria specifically exempted in writing by the competent authority.

MADE at Lagos this 16th day of October, 1940.

By His Excellency's Command,

C. C. WOOLLEY.

*Chief Secretary to the Government.*

Chief Secretary's Office,

Lagos, 16th October, 1940.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS,  
1939 AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Amendment of Laws No. 1—Oaths and Affirmations) Regulations, 1941.

2. Notwithstanding the provisions of any law in force in Nigeria, any oath administered, or any statutory declaration or affidavit taken, whether within or without Nigeria, by any officer authorised by an order of the Lord Chancellor, under section 1 of the Evidence and Powers of Attorney Act, 1940, shall be receivable for all purposes in Nigeria and in all courts therein to the same extent as if such oath, declaration or affidavit had been administered by or taken before any person duly appointed or authorised for those purposes within Nigeria.

MADE at Lagos this 5th day of March, 1941.

By His Excellency's Command,

T. HOSKYNS-ABRAHALL,

*Acting Chief Secretary to the Government.*

Chief Secretary's Office,

Lagos, 5th March, 1941.

3 & 4 Geo.  
VI, c. 28.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940.

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Publications (Control of Newsprint) Regulations, 1941. Short title
2. Interpretation:—  
 "publication" includes newspapers within the meaning of the Newspapers Ordinance, periodicals, journals and all publications of any kind whatsoever but does not include any publication issued by or on behalf of Government or documents to the extent specified in regulation 12;  
 "new publication" means any publication other than one that is being published at the time when these regulations come into operation. Interpretation. Chapter 149.
3. Notwithstanding the provisions of the Newspapers Ordinance and save as hereinafter provided no person shall from and after the coming into force of these regulations, print, publish and edit any publication which is not in existence as a publication on the coming into force of these regulations. Control of newspapers
4. The Governor may authorise the publication of new publications such authority being subject to such restrictions as to the periods during which the publication may be issued, the frequency of issue, the size of the publication and such other restrictions as the Governor may think fit. Conditions which may be attached to new publications.
5. (1) Where, prior to the coming into force of these regulations, the issue of a publication has been suspended due to any cause whatsoever and the publication is not being issued on the coming into force of these regulations owing to such suspension such publication shall not again be issued without the prior approval of the Governor and there may be attached to such approval any of the restrictions which may be attached to an authorisation issued under regulation 4. Publications which have suspended issue.
- (2) Where, after the coming into force of these regulations, the issue of a publication has been suspended due to any cause whatsoever for a period of three months such publication shall not again be issued without the prior approval of the Chief Secretary and there may be attached to such approval any of the restrictions which may be attached to an authorisation issued under regulation 4.
6. The allocation of newsprint for publication shall be controlled by the Chief Secretary who shall authorise the use of specified quantities of newsprint for the several publications being issued or allowed to be issued in Nigeria under these regulations. Control of newsprint.
7. Where a specified quantity of newsprint has been authorised to be used for the issue of any specified publication such newsprint shall be used for such purpose only and any person who sells, lends, gives away or in any manner otherwise disposes of or uses any such newsprint shall be guilty of an offence against these regulations and in addition to any penalty which may be imposed on conviction for a breach thereof the Chief Secretary in his discretion, may, reduce the quantity of newsprint allocated for that specified publication or may refuse to allow any newsprint Use of newsprint.

to be allocated for that publication in the future or for such length of time as he may consider reasonable.

Returns of  
newsprint.

8. Within the first ten days of the months of July and January respectively in each year every person having, or having within the previous six months had, in his custody or possession any newsprint shall inform the Chief Secretary of the amount of any newsprint remaining in his custody or possession at the close of business on the immediately preceding 30th day of June or 31st day of December as the case may be.

Disposal of  
newsprint of  
publications  
which cease  
to publish.

9. Where any publication ceases to be published for any reason whatsoever after the coming into force of these regulations and there has been allocated by the Chief Secretary to the printer, proprietor or editor of such publication permission to use or obtain a specified quantity of newsprint, the newsprint which has not been used for the said publication shall not be used for any other purpose whatsoever without the prior approval in writing of the Chief Secretary and unless such permission is granted the newsprint as aforesaid shall be and remain, subject to the payment therefor at a reasonable rate, at the disposal of the Chief Secretary.

Disposi  
of newsprint  
where pub  
lications are  
issued less  
frequently.

10. Where a publication is being published less frequently than at the time when newsprint was allocated for the issue of such publication the provisions of regulation 9 shall apply to the newsprint which would have been used in respect of that publication had the period between issues remained unchanged.

Illegal  
publications.

11. Nothing in these regulations shall be deemed to authorise the issue of any publication which it would not otherwise have been lawful to issue.

Newsprint  
for job  
printing.

12. Where newsprint has been allocated to a printer for the purposes of being used for printing documents other than newspapers, periodicals, journals or similar publications whatsoever such newsprint may be allocated by the Chief Secretary on terms and conditions, which may vary in respect of different printers, as to the uses to which such newsprint may be put, as to the returns to be rendered by the printers and such other conditions as the Chief Secretary may in any case require and any person who sells, lends, gives away or otherwise disposes of such newsprint otherwise than in accordance with any conditions which may be attached to the allocation thereof is guilty of an offence against these regulations.

Penalties.

13. Every person committing a breach of these regulations or any conditions or requirements made thereunder shall on summary conviction thereof be liable to a fine of fifty pounds or to imprisonment for two months.

MADE by the Governor at Lagos this 26th day of May, 1941.

By His Excellency's Command.

C. C. WOOLLEY,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 26th May, 1941.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940.

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Prohibition of Movement of Produce and Merchandise) Regulations, 1941, and shall be in addition to and not in derogation of the provisions of any other law in force relating to the export of produce and merchandise. Short title.
2. In these regulations—
  - “ controlled goods ” means any goods or class of goods set out in the second column of the First Schedule adjacent to the particular scheduled area; Definitions.
  - “ restricted place ” means any place declared by notice to be given by the Resident of a scheduled area to be a restricted place; First Schedule
  - “ scheduled area ” means any Province or area set out in the first column of the First Schedule. First Schedule
3. The persons for the time being performing the duties of Chief Commissioners of the Northern, Eastern or Western Provinces shall be competent authorities for the purposes of these regulations. Competent Authorities.
4. No person shall move or cause to be moved out of a restricted place any controlled goods unless he first obtain a permit, to be known as a movement permit, in the form set out in the Second Schedule, and subject to the conditions, if any endorsed on such movement permit. Prohibition of movement of controlled goods without permit. Second Schedule.
5. Movement permits may be issued by—
  - (a) the Resident of a scheduled area, or
  - (b) a District Head or other employee of a native authority, such person being authorised by the Resident to issue movement permits, and acting under the general directions of that native authority, Who may issue permits.

on application being made therefor. The issue of a movement permit may be refused without assigning a cause for such refusal.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940.

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

- |  |   |
|--|---|
| 1. These regulations may be cited as the Nigeria Defence (Prohibition of Movement of Produce and Merchandise) Regulations, 1941, and shall be in addition to and not in derogation of the provisions of any other law in force relating to the export of produce and merchandise.  | Short title.  |
| 2. In these regulations—   | Definitions.  |
| "controlled goods" means any goods or class of goods set out in the second column of the First Schedule adjacent to the particular scheduled area;   | First Schedule  |
| "restricted place" means any place declared by notice to be given by the Resident of a scheduled area to be a restricted place;  |   |
| "scheduled area" means any Province or area set out in the first column of the First Schedule.   | First Schedule  |
| 3. The persons for the time being performing the duties of Chief Commissioners of the Northern, Eastern or Western Provinces shall be competent authorities for the purposes of these regulations.   | Competent Authorities.  |
| 4. No person shall move or cause to be moved out of a restricted place any controlled goods unless he first obtain a permit, to be known as a movement permit, in the form set out in the Second Schedule, and subject to the conditions, if any endorsed on such movement permit. | Prohibition of movement of controlled goods without permit.<br>Second Schedule. |
| 5. Movement permits may be issued by—  | Who may issue permits.  |
| (a) the Resident of a scheduled area, or   |   |
| (b) a District Head or other employee of a native authority, such person being authorised by the Resident to issue movement permits, and acting under the general directions of that native authority,   |   |
| on application being made therefor. The issue of a movement permit may be refused without assigning a cause for such refusal.  |   |

## Penalties.

6. (1) If any person contravenes any of the provisions of these regulations or fails to comply with the terms of any movement permit he shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

(2) In addition to any penalty imposed under sub-regulation (1) the court may order the confiscation of any produce or goods in respect of which the offence has been committed and the containers and any vehicle, vessel or animal in or on which such produce or goods were carried.

(3) If any additional order be made by a court under sub-regulation (2) such produce, goods, containers, vehicles, vessels or animals shall be forfeit to His Majesty, and the court ordering such confiscation may in its discretion, order a sale of the things so forfeited and may direct that a sum, not exceeding one-half the amount of the proceeds of such sale, be paid by way of reward to any person who has given information which has led to the conviction of the offender. (*As amended by Regulations 67 of 1940*).

Jurisdiction  
of native  
courts.  
No. 44 of  
1933.

7. Jurisdiction is hereby conferred upon all native courts established under the provisions of the Native Courts Ordinance, 1933, within any scheduled area to enforce within the local limits of their jurisdiction the provisions of these regulations:

Provided that no such court shall, with respect to the penalty referred to in sub-regulation (1) of regulation 6 of these regulations or in sub-regulation (1) of regulation 222 of the Nigeria General Defence Regulations, 1941, as applied by regulation 10 herein, impose a greater penalty than the maximum penalty which it is authorised to impose by virtue of the warrant establishing such court.

No. 75 of  
1941.

Powers of  
search and  
arrest.

8. (1) An authorised officer upon reasonable suspicion that an offence has been or is being committed—

(a) may stop and examine any animal, vehicle or vessel and may search such animal, vehicle or vessel and any container, or any produce or goods thereon or therein, and

(b) may search any person who is found in charge of any animal, vehicle, vessel or produce or goods or in any vehicle or vessel whom he has reasonable grounds to believe to have left or to be about to enter any vehicle or vessel:

Provided that no female person shall be searched except by a female.

(2) Where as a result of any examination or search under sub-regulation (1) anything is found which appears to the authorised officer to be evidence of the commission of an offence he may seize the animal, vehicle, vessel, produce or goods, as the

case may be, and arrest any person and shall cause the person or persons so arrested to be brought before the nearest court and charged with the commission of the offence.

(3) For the purposes of this regulation the expression "authorised officer" means any person authorised to act under sub-regulations (1) and (2) by a competent authority.

9. A competent authority may by order published in the Gazette amend the First Schedule—

Power to  
amend  
First  
Schedule.

(a) by adding thereto any scheduled area under his control or deleting therefrom any such scheduled area;

(b) by adding or deleting any goods or class of goods to or from the list of controlled goods set out in the second column in respect of any scheduled area under his control.

10. The provisions of part C of Part XI of the Nigeria General Defence Regulations, 1941, with the exception of regulation 225 thereof shall apply to these regulations, but so that the provisions of sub-regulation (1) of regulation 222 of those regulations shall not apply to offences under these regulations.

Application  
of Regula-  
tions No. 75  
of 1941.

#### FIRST SCHEDULE

Regulation 2.

Scheduled Area	Controlled Goods
Kano Province ...	Goods which have been imported into Nigeria Kola Nuts Scrap Iron.
Katsina Province ...	Goods which have been imported into Nigeria Kola Nuts Scrap Iron.
Sokoto Province ...	Goods which have been imported into Nigeria Kola Nuts Scrap Iron.
Bornu Province ...	Goods which have been imported into Nigeria Kola Nuts Scrap Iron.
Ilorin Province ...	Goods which have been imported into Nigeria Kola Nuts Scrap Iron.

#### SECOND SCHEDULE

Regulation 3

THE NIGERIA DEFENCE (PROHIBITION OF MOVEMENT OF PRODUCE AND MERCHANDISE) REGULATIONS, 1941

(No. 89 of 1941)

*Movement Permit.*

Subject to the conditions endorsed hereon .....  
..... of .....  
..... is hereby permitted to move the goods set  
out hereunder from .....  
to .....

Description of Goods

Quantity

Place of issue.....

Date.....

Resident

Province

or

Authorised Native Authority Employee

Native Authority

District

Province

(Endorsement)

Conditions.

MADE by the Governor at Lagos this 7th day of November, 1941.

By His Excellency's Command,

C. C. WOOLLEY,

*Chief Secretary to the Government.*Chief Secretary's Office,  
Lagos, 7th November, 1941.

NIGERIA

No. 15 of 1942

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Minerals (Closed Areas) Regulations, 1942, and shall come into force on the 1st day of March, 1942.

2. Notwithstanding anything in the Minerals Ordinance contained a Chief Commissioner may, if he considers it expedient for the efficient prosecution of the war or for maintaining supplies essential to the life of the community, by order, with the approval of the Governor declare that any area which has been closed to prospecting by a declaration under section 6 of the Minerals Ordinance shall be re-opened either wholly or in part to prospecting and mining.

3. A Chief Commissioner may by the same or any subsequent order attach such conditions as he may deem fit to the issue or grant of any prospecting licence, right or mining lease and may, without derogation to the generality of the foregoing impose conditions either generally by order or specifically by endorsement on any licence, right or lease issued under these regulations:—

Short title  
and date of  
commence-  
ment.

Re-opening  
of areas  
closed to  
prospecting  
under sec-  
tion 6 of  
Chapter 93.

- (a) as to the persons or class of persons to whom any such prospecting licence, right or mining lease may be issued or granted in respect of such re-opened area;
- (b) the area which may be held under any such prospecting licence, right or mining lease and the total area which may be held by any one person;
- (c) as to the duration of any such prospecting licence, right or mining lease;
- (d) as to the recruitment and employment of labour for or in any such re-opened area either generally or in respect of any particular person to whom a prospecting licence, right or mining lease is issued or granted under these regulations.

4. Any prospecting licence, right or mining lease issued or granted under these regulations shall be so issued or granted in the absolute discretion of the Chief Commissioner who has by order re-opened the area to which such prospecting licence, right or mining lease relates and such Chief Commissioner may in his absolute discretion refuse the issue of any such prospecting licence, right or mining lease without assigning cause for such refusal.

5. A Chief Commissioner may at any time during the continuance of a prospecting licence, right or mining lease issued or granted under these regulations upon breach of any of the conditions upon which such licence, right or lease was issued or granted by him cancel such licence, right or lease and when in the opinion of such Chief Commissioner the amount of minerals won or likely to be won under any prospecting licence, right or mining lease issued or granted by him under these regulations is not proportionate to the labour, work or outlay involved in the winning thereof, may, upon giving three months' notice in writing of his intention so to do, cancel such licence, right or lease.

6. A Chief Commissioner who makes an order under these regulations re-opening any closed area may in such order appoint the persons, if any, under whose hand any prospecting licence, right or mining lease may, with his prior approval, be issued or granted.

7. Save and except where the provisions of the Minerals Ordinance are in conflict with the provisions of these regulations, the provisions of that Ordinance shall apply to all things done or to be done by virtue of a prospecting licence, right or mining lease issued or granted under these regulations as if such licence, right or lease had been issued or granted under the provisions of the Minerals Ordinance. Chapter 93.

MADE at Lagos this 20th day of February, 1942.

By His Excellency's Command,

T. HOSKYNS-ABRAHALL,

*Acting Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 20th February, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

Short title, commencement and application.

1. (1) These regulations may be cited as the Nigeria General Defence (Lagos Registration) Regulations, 1942, and shall come into force on the 18th day of April, 1942.

(2) These regulations subject to the provisions of regulation 7 shall apply to all male persons between the ages of 16 and 60 years resident in Lagos other than persons of African descent.

*(As amended by Regulations 79 of 1942.)*

Definitions.

2. In these regulations,

“Lagos” means the township of Lagos and all that area within three miles of any part of the township boundary;

“registrar” means the Commissioner of the Colony.

“Residence in Lagos.”

3. A person to whom these regulations apply and who is or hereafter may be in Lagos shall be deemed to be resident in Lagos unless he proves that the circumstances of his residence are such as to show that he is resident in Lagos for a temporary purpose only and for a period not exceeding two months.

Procedure for registration. Regulations No. 33 of 1940.

4. (1) Notwithstanding the provisions of the Nigeria Defence (Compulsory National Service) Regulations, 1940 (relating to registration) all persons to whom these regulations apply shall, within fourteen days of the coming into force of these regulations or within fourteen days of arrival in Lagos, apply to the Registrar for a form to be filled in in respect of themselves.

(2) The form shall be in the Form I in the Schedule with such modifications as may be found necessary and, when completed, shall be delivered by the persons to whom it refers to the Registrar who shall register such form in a register to be kept for that purpose.

Form I Schedule.

Departure and return from or to Lagos to be notified.

5. A person who has registered under these regulations shall prior to leaving Lagos at any time for any period inform the Registrar of his intended departure giving his destination and address, and, on his return to Lagos shall also notify the date of his return and his address.

Change of Lagos address to be notified.

6. Where any person registered under these regulations changes his address in Lagos such fact shall be notified to the Registrar who shall be supplied with the new address.

7. (1) These regulations shall not apply to members of the armed forces of the Crown other than persons performing part time services with any unit or force established under the Local Forces Ordinance, 1938, or by regulation. Exemptions. Ordinance 32 of 1938.

(2) Where a person exempted under the provisions of sub-regulation (1) ceases for any reason to be so exempt he shall within seven days of such cessation comply with the provisions of these regulations.

*(Substituted by Regulations 112 of 1942).*

8. If any person contravenes or fails to comply with the provisions of these regulations he shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for six months or both such fine and imprisonment. Penalty.

9. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations. Application of Ordinance 22 of 1939.

### SCHEDULE

Form I

*The Nigeria General Defence (Lagos Registration)*

*Regulations, 1942 (No. 33 1942)*

Reg. No. ....

*To be filled in by the Registrar*

#### LAGOS REGISTER REGULATION

*Surname (Block capitals) Christian names*

Occupation.....

Address in Lagos.....

Date of Birth.....

Nationality.....

Marricd/Single.....

War work (*i.e.*, A.R.P., canteen work, etc.).....

Languages spoken.....

Any special technical or other qualifications or experience.....

1942.

*Signature of person registering.*

*N.B.—Please fill in carefully and neatly as this form will be part of the register itself.*

MADE at Lagos this 8th day of April, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Lagos, 8th April, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

Short title.

1. These regulations may be cited as the Nigeria Defence (Identification of Aliens) Regulations, 1942.

Definition.

2. In these regulations—

“alien” means any person who is not a British subject or a British protected person.  
(Substituted by Regulations 93 of 1942).

Identification of aliens in custody.  
2 & 3 Geo. 6, c. 62.  
3 & 4 Geo. 6, c. 20.  
Ordinance No. 2 of 1930.

Regulations No. 75 of 1941.

3. Where an alien is in custody, having been arrested or detained in the exercise of any power conferred by any Ordinance or by regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940 as applied to Nigeria, any superior police officer as defined by the Police Ordinance, 1930, may take all such steps as may be reasonably necessary for photographing, measuring, and otherwise identifying the alien in the manner prescribed by any such Ordinance or provided by the Nigeria General Defence Regulations, 1941, and any orders or rules made thereunder.

MADE by the Governor at Lagos this 25th day of April, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 25th April, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. (1) These regulations may be cited as the Nigeria Defence (Indispensable Services) Regulations, 1942. Short title, application and commencement.

(2) These regulations shall apply to Lagos and shall come into force on the 7th day of May, 1942.

2. In these regulations,

“ alert ” means—

(a) an alternately rising and falling note on electric sirens over a period of approximately two minutes;

(b) a series of short blasts on steam sirens over a similar period;

(c) the sounding of gongs at Police posts.

“ indispensable service ” means any service or part of a service the continuance of which, whether before, during or after a hostile attack, is considered necessary or expedient for securing the public safety, the maintenance of public order, the efficient prosecution of the war, the defence of Nigeria, or for maintaining supplies and services indispensable to the life of the community;

“ Lagos ” means the area within a radius of twelve miles from the centre of Carter Bridge.

“ raiders passed ” means a continuous blast of approximately one minute’s duration on the electric and steam sirens.

3. Every officer or individual set out in the second column of the First Schedule hereto shall be responsible for ensuring that adequate protection from bombs or shell fire or blast therefrom is arranged and provided at any place assigned by any notice served in accordance with the provisions of regulation 4. Provision of adequate protection. First Schedule.

4. (1) Subject to the provisions of regulation 6 and for the purpose of ensuring the continuance of indispensable services any of the officers or individuals set out in the second column of the First Schedule hereto may serve upon any individual belonging to one of the services or classes set out adjacently in the first column, and for the time being employed by them, a notice in the form set out in the Second Schedule hereto and thereupon such individual shall be deemed to be a member of an indispensable service. Service of notices on individuals in indispensable services. First Schedule. Second Schedule.

(2) Any individual upon whom such notice is served shall sign the acknowledgment at the foot of the notice, detach the same and return it to the signatory of the notice, within twenty-four hours of the said service.

5. In the event of the “ alert ” being sounded or on hearing the sound of bombs or shells bursting then every individual upon whom a notice is served in accordance with the provisions of regulation 4 shall, Procedure on “ alert ” or hostile attack.

- (a) if he be at his place of employment and such place is the same as the place assigned to him under the said notice, remain at that place, availing himself if necessary of the protection afforded there and shall resume his employment when the " raiders passed " signal is sounded; or
- (b) if he be at his place of employment and such place is different from the place assigned to him under the said notice, proceed immediately to the place assigned, availing himself if necessary of the protection afforded there, and shall return to his place of employment as soon as possible after the " raiders passed " signal is sounded; or
- (c) if he be at any place other than his place of employment or the place assigned to him under the said notice, he shall conform to such instructions as may be contained in the said notice. (*Substituted by Regulations 61 of 1942*).

Powers of  
the Commis-  
sioner of the  
Colony.

6. The Commissioner of the Colony may,

- (a) direct that all or any protection required by the provisions of regulation 3 be arranged and provided in accordance with his specifications and in such places as he may direct;
- (b) inspect all or any notices served in accordance with the provisions of regulation 4, may cancel or vary the same or may require the service of such additional notices as he may think fit;
- (c) call upon any officer or individual set out in the second column of the First Schedule hereto to submit to him, within such time as he may notify, a scheme for the proper working and carrying out of the particular indispensable service set out adjacent to such officer or individual in the said Schedule during an " alert " or in the event of any hostile attack and may vary, amend, or revoke such scheme as he shall think fit. Any such scheme, when approved by the Commissioner of the Colony, shall forthwith be adopted and put into force in respect of the indispensable service concerned.

First  
Schedule.

Penalty.

7. If any officer or any individual contravenes or fails to comply with the provisions of these regulations or with any order made or instructions, directions, or requirements given thereunder he shall be guilty of an offence and shall be liable, on conviction, to a fine of £500 or to imprisonment for two years, or to both such fine and imprisonment:

Proviso.

Provided that in any case of failure to attend or report by any individual at the place assigned in the notice served upon him it shall be a sufficient defence if such person produces a certificate signed by a qualified medical practitioner that such individual is suffering from a malady wholly incapacitating him from such attendance or duty to report.

8. (1) Any officer or any individual who attempts to commit, or does act preparatory to the commission of, an offence under these regulations shall be deemed to be guilty of that offence.

Attempts to commit offences and assist in offences

(2) No person whatsoever, knowing or having reasonable cause to believe that any officer or any individual is guilty of an offence under these regulations shall give that officer or individual any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that officer or individual for the said offence.

### FIRST SCHEDULE

Service, persons, or classes of persons	Particulars
1. Electricity supply service; Water Supply service; Transport service.	The Electricity Act, 1910; The Water Act, 1910; The Transport Act, 1910.
2. Telegraph, Telephone and Wireless services; Radio Distribution service.	The Telegraph Act, 1910; The Telephone Act, 1910; The Wireless Act, 1910; The Radio Distribution Act, 1910.
3. Personnel engaged in the maintenance and repair of all vessels required for sea or inland water defence.	The Naval Act, 1910; The Inland Waterways Act, 1910.
4. Hospital and dispensary services, including the Leper and Lunatic Asylums; Medical laboratory service; Health control services.	The Hospital Act, 1910; The Dispensary Act, 1910; The Leper and Lunatic Asylums Act, 1910; The Medical Laboratory Act, 1910; The Health Control Act, 1910.
5. Sewage collection and disposal services; Slaughterhouse service; Cemetery and collection of dead services; Road and drainage services; Motor vehicle and machinery maintenance services; Public cleansing; Infectious diseases hospital services.	The Sewage Act, 1910; The Slaughterhouse Act, 1910; The Cemetery Act, 1910; The Collection of Dead Act, 1910; The Road and Drainage Act, 1910; The Motor Vehicle and Machinery Maintenance Act, 1910; The Public Cleansing Act, 1910; The Infectious Diseases Hospital Act, 1910.
6. The Customs service.	The Customs Act, 1910.
7. Personnel employed on testing and supplies and identification of...	The Testing and Supplies Act, 1910; The Identification Act, 1910.
8. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) the loading and unloading of steamers;</li> <li>(ii) the operation of coast...</li> <li>(iii) the control and...</li> <li>(iv) the operation of...</li> <li>(v) the maintenance of vessels of the...</li> </ul>	The Loading and Unloading Act, 1910; The Operation of Coast Act, 1910; The Control and... Act, 1910; The Operation of... Act, 1910; The Maintenance of Vessels Act, 1910.
9. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) the loading...</li> <li>(ii) the re...</li> </ul>	The Loading... Act, 1910; The Re... Act, 1910.
10. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) the...</li> </ul>	The... Act, 1910.

8. (1) Any officer or any individual who attempts to commit, or does act preparatory to the commission of, an offence under these regulations shall be deemed to be guilty of that offence.

Attempts to commit offences and assisting offenders.

(2) No person whatsoever, knowing or having reasonable cause to believe that any officer or any individual is guilty of an offence under these regulations shall give that officer or individual any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that officer or individual for the said offence.

### FIRST SCHEDULE

Service, persons, or classes of persons	Individual or officer
1. Electricity supply service; Water Supply service; Transport service.	The Director of Public Works.
2. Telegraph, Telephone and Wireless services; Radio Distribution service.	The Postmaster-General.
3. Personnel engaged in the maintenance and repair of all vessels required for sea or inland water defence.	The Director of Marine.
4. Hospital and dispensary services, including the Leper and Lunatic Asylums; Medical laboratory service; Health control services.	The Director of Medical Services.
5. Sewage collection and disposal services; Slaughterhouse service; Cemetery and collection of dead services; Road and drain repair services; Motor vehicle and machinery maintenance services; Public cleansing service; Infectious diseases hospital service.	The Secretary, Lagos Town Council.
6. The Customs service.	The Comptroller of Customs.
7. Personnel employed on testing purity of Water supplies and identification of noxious gases.	The Government Chemist.
8. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) the loading and discharging of ocean steamers;</li> <li>(ii) the operation of coastal and creek craft;</li> <li>(iii) the control and evacuation of produce;</li> <li>(iv) the operation of the Bulk Oil Plant;</li> <li>(v) the maintenance and repair of all the vessels of the company.</li> </ul>	The General Manager of the United Africa Company, Lagos Area, and the Senior Transport Manager of the United Africa Company.
9. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) the loading and discharging of all ocean-going vessels;</li> <li>(ii) the repair and maintenance of all the vessels of the company.</li> </ul>	The Nigeria Manager, Elder Dempster Lines, Ltd.
10. Personnel engaged in: <ul style="list-style-type: none"> <li>(i) loading and discharging of ocean-going vessels;</li> <li>(ii) operation of coastal and creek craft;</li> <li>(iii) control and evacuation of produce;</li> <li>(iv) maintenance and repair of all vessels.</li> </ul>	The Agent, Holland West Africa Line.

## FIRST SCHEDULE—continued

Service, persons, or classes of persons	Individual or officer
11. Personnel engaged in: (i) loading and discharging of ocean-going vessels; (ii) operation of harbour craft; (iii) control and evacuation of produce.	The General Agent, American West African Line.
12. Personnel engaged in: repair and servicing of motor vehicles and accessories.	The Manager, U.A.C. Motors, Nigeria. The General Manager, Joe Allen and Company.
13. Personnel engaged in: (i) transport services; (ii) maintenance, repair and servicing of vehicles and accessories.	The Proprietor, Arab's Transport. The Proprietor, El Khalil Transport. The Manager, Arnel's Transport.
14. Personnel engaged in: (i) transport services; (ii) maintenance, repair and servicing of vehicles and accessories; (iii) retreading and repair of motor tyres.	The Manager, J. N. Zarpas & Co.
15. Personnel engaged in the control and evacuation of produce.	The General Manager, G. B. Ollivant Limited. The District Agent, John Holt & Co. The District Manager, Compagnie Francaise de l'Afrique. Occidentale. The General Manager, Societe Commerciale de l'Ouest Africain. The Agent General, Paterson, Zochonis & Co. Director of Agriculture.
16. Personnel engaged in the inspection and grading of produce for export.	Director of Agriculture.

(As amended by Regulations 61 of 1942).

## SECOND SCHEDULE

*The Nigeria Defence (Indispensable Services) Regulations, 1942*

## NOTICE

To.....

I hereby give you Notice that you are required:

(a) if on duty or at your place of employment, to report yourself

to.....

at.....

whenever the alert signal sounds or you hear the sound of bombs or shells whether by day or by night, and to hold yourself in readiness

there to perform such of the duties of your service or employment as may be found necessary; and

(b) if not on duty or at your place of employment to.....

and hold yourself in readiness to perform such of the duties of your service or employment as may be found necessary; and

(c) to work for such period or periods in addition to your normal hours of employment as may be necessitated by hostile action or imagined hostile action.

Signature.....  
Lagos.....1942.

#### ACKNOWLEDGMENT

I hereby acknowledge the receipt of a Notice served upon me on the.....day of.....1942, under the provisions of the Nigeria Defence (Indispensable Services) Regulations, 1942.

Signature.....

(Substituted by Regulations 61 of 1942).

MADE by the Governor at Lagos this 5th day of May, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

Chief Secretary to the Government.

Chief Secretary's Office,  
Lagos, 5th May, 1942.

NIGERIA

No. 49 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. (1) These regulations may be cited as the Nigeria Defence (Motor Transport Control) Regulations, 1942, and shall have effect notwithstanding the provisions of section 4 of the Motor Traffic Ordinance, 1927.

Short title  
and date of  
commence-  
ment.

(2) These regulations shall apply to such areas as may be declared to be Transport Zones under the provisions of regulation 4 of these regulations.

## Definitions.

## 2. In these regulations,

“ commercial vehicle ” means hackney carriage, stage carriage and motor vehicles primarily designed for the carriage of goods, excluding any such vehicle used exclusively for carrying the personal effects of the owner and not for hire or reward.

“ Controller ” means the officer appointed to be Controller of Motor Transport.

“ control post ” means a point on a road which has been established as such by a Transport Control Officer.

“ Deputy Controller ” means the Deputy Controller of Motor Transport appointed by the controller under regulation 3 of these regulations. (*Inserted by Regulations 1 of 1943, r. 2*).

“ lorry park ” means an area declared by a Transport Control Officer to be an official parking place for motor vehicles.

“ motor ship ” means any vessel, designed primarily for use in inland waters, which is propelled by means of an internal combustion engine, out-board motor, or other motor-driven power.

“ motor vehicle ” has the same meaning as it has in section 2 of the Motor Traffic Ordinance, 1927.

“ Transport Control Officer ” means an officer appointed to be a Motor Transport Control Officer and includes an Assistant Motor Transport Control Officer.

“ Transport Zone ” means an area of the Colony or Protectorate, or Colony and Protectorate, declared under regulation 4 of these regulations to be a Transport Zone.

3. (1) The Chief Secretary may, by notice published in the Gazette, appoint a person by name to be the Controller of Motor Transport.

(2) The Controller may appoint :—

(a) such number of Deputy Controllers as there are Transport Zones declared as such under regulation 4 of these regulations and each Deputy Controller shall be in charge of the Transport Zone to which he is appointed; and

(b) such number of Transport Control Officers as may be necessary. (*As substituted by Regulations 1 of 1943, r. 3*).

(3) A Deputy Controller may in writing appoint Assistant Transport Control Officers, who shall exercise such of the powers of the Deputy Controller within such areas of the Transport Zone concerned as may be set out in the letter of appointment. (*As amended by Regulations 1 of 1943, r. 8*).

No. 10 of  
1927.

Appoint-  
ment of  
Controller,  
Transport  
Control  
Officers, and  
other officers  
and agents.

(4) A Deputy Controller may appoint all such agents, servants, employees and other persons as may be necessary for the efficient carrying out of the provisions of these regulations. (*As amended by Regulations 1 of 1943, r. 8*).

4. The Controller may, by notice published in the Gazette, declare such area, or areas, of the Colony or Protectorate, or Colony and Protectorate, to be Transport Zones. Establishment of Transport Zones.

5. Within twenty-one days of the coming into effect of these regulations every owner of a motor vehicle or motor ship shall register such vehicle or ship, in Form A of the Schedule, at the office of the Assistant Transport Control Officer of the area in which he resides, whereupon the aforesaid officer may issue a permit to operate if he thinks fit. Registration of vehicles and issue of permit to operate.  
Form A Schedule.

5A. No person may transfer a motor vehicle or motor ship from the area in which it is registered unless he has first obtained the written permission of the Assistant Transport Control Officer of the area in which the vehicle or ship is registered. (*As substituted by Regulations 1 of 1943, r. 4*). Restriction or transfer of registered vehicle or ship to another area.

6. No person shall drive or operate, or being the owner thereof, permit any other person to drive or operate, Permit to operate.

(a) a motor vehicle, or

(b) a motor ship

unless he has been granted a permit to operate in Form B of the Schedule. Form B Schedule.

Provided that a person shall not be liable to a penalty for contravening the provisions of this regulation if he proves that he has taken reasonable steps to comply therewith. Proviso.

7. A permit to operate may authorise the use of a vehicle within such area, or areas as are specified in the Schedule to the permit. Extent of permit to operate.

8. (1) A permit to operate may be revoked at any time by a Deputy Controller without giving any reason thereof: (*As amended by Regulations 1 of 1943, r. 8*). Power to revoke a permit to operate.  
Proviso.

Provided that no such revocation shall take effect at a date earlier than one week after the day upon which notification of such revocation was conveyed to the holder thereof.

(2) Every person who uses or has a motor vehicle for which a permit to operate is required, or who being the owner of such a vehicle permits any other person to use or to have such vehicle, outside the area or areas specified in the Schedule to the permit to operate such vehicle, shall be guilty of an offence against these regulations. (*Added by Regulations 120 of 1942, r. 2*).

9. Notwithstanding the provisions of these regulations permits to operate issued under regulation 3 of the Nigeria Defence (Motor Transport Control) Regulations, 1940, shall be valid for the period for which they were issued unless specially revoked Permits to operate issued under Regulations No. 27 of 1940.

by a Transport Control Officer. Within seven days of such revocation the owner of a motor vehicle may make application for a permit to operate as provided for in regulation 5 of these regulations.

Route permits.

10. No person shall drive, or permit any other person to drive any vehicle for which a permit to operate has been granted to him, outside the area, or areas, specified in the Schedule to his permit to operate unless he has obtained a route permit in Form C of the Schedule.

Form C Schedule.

Application for and issue of route permits. Form D

11. Application for a route permit shall be made to the Assistant Transport Control Officer of the area in which the applicant resides, in Form D of the Schedule, who being satisfied that the purposes for which the vehicle is to be used is in the public interest may issue such permit.

Route permit authorisations.

12. (1) Route permits may authorise the use of motor vehicles:—

- (a) on all roads; or
- (b) on certain specified roads; or
- (c) on roads in specified area; or
- (d) on roads between different points whether or not within a specified area; or
- (e) on roads between different points or areas for the carriage of—
  - (i) specified kinds or quantities of or kinds and quantities of freight; or
  - (ii) specified numbers or classes or numbers and classes of passengers; or
  - (iii) both such freight and such passengers; or
- (f) only during specified hours; or
- (g) on condition that the vehicle is driven to and from specified places on specified dates and at specified times; or
- (h) for a particular purpose only; or
- (i) subject to any number of the above authorisations.

(2) Any person who uses a motor vehicle for which a route permit is required:—

- (a) without the route permit; or
- (b) in any manner contrary to the terms of the route permit; or
- (c) in any number not covered by the route permit, shall be guilty of an offence against these regulations.  
(As substituted by Regulations 120 of 1943, r. 3).

Route permit must be affixed to vehicle.

13. (1) A route permit shall be firmly affixed to the inside top left hand corner of the windscreen of the vehicle for which it is issued, with the route indicator facing to the front of the vehicle, and in such a position that it is clearly visible from the roadway and available for inspection at all times.

(2) That part of the windscreen of the vehicle to which the route permit is affixed shall be kept clear of all dirt, dust or other matter which may obscure or deface the permit.

(3) At the end of the period for which the route permit is valid the owner of the vehicle shall produce the vehicle to the Assistant Transport Control Officer by whom the permit was issued, or in the case of the transfer of the vehicle from one area to another to the Assistant Transport Control Officer of the area to which the transfer is made, either of whom shall remove the said permit or cause it to be removed from the said vehicle.

Surrender of route permit.

14. No person, whether he be in possession of a route permit or not, shall drive, or being the owner of a motor vehicle, permit any other person to drive such motor vehicle on any journey which involves or will involve the entrance into another zone unless he has obtained an inter-transport zone permit, in Form E of Schedule.

Inter-zone permits.

Form E Schedule.

15. Inter-transport zone permits may authorise the use of the vehicle in the manner set out in regulation 12 of these regulations and may be issued for such period or periods as the Deputy Controller thinks fit. (*As amended by Regulations 1 of 1943, r. 8*)

Extent of inter-zone permits.

16. Application for inter-transport zone permits shall be made to the Deputy Controller in charge of the Transport Zone in which the applicant resides, in Form D of the Schedule. Such permits will only be issued if he considers that the object of the journey is in the public interest, or the need of the applicant is such that the journey, or journeys, should be made.

Application for, and issue of, inter-zone permits.

(*As amended by Regulations 1 of 1943, Schedule*).

17. Inter-transport zone permits shall be affixed to the windscreen of the vehicle for which they are issued, and shall be surrendered, as provided for route permits in regulation 13 of these regulations.

Inter-zone permits to be affixed to vehicle and to be surrendered.

18. Route permits or inter-transport zone permits may be revoked:

Revocation of route or inter-transport zone permits.

(a) at any time and without reason being given therefor by a Deputy Controller with the consent of the Controller.

(b) forthwith by a Deputy Controller in the event of the holder thereof being found guilty of an offence against these regulations. (*As amended by Regulations 1 of 1943, r. 8*).

Provided that no revocation under the provisions of paragraph (a) herein shall take effect at a date earlier than one week after the day upon which notification of such revocation was conveyed to the holder thereof.

Proviso.

19. The driver of the motor vehicle shall carry the permit to operate the vehicle with him on the vehicle and shall produce it when required to do so to any Transport Control Officer, administrative officer, police officer, or member of a native authority police force in uniform.

Permits to be carried and produced.

Removal, defacement or loss of a route permit or inter-zone permit

20. (1) If a route permit or inter-transport zone permit, be removed or defaced the owner of the vehicle shall be liable to a fine of five pounds (£5).

(2) If a route permit, or inter-transport zone permit, be lost then the owner may apply for and obtain a duplicate in the manner in which he obtained the original but shall be charged therefor a fee of one pound (£1).

Transfer of, and employment of vehicles.

21. The Controller shall have power to transfer any vehicle, or vehicles, from one Transport Zone to another, and a Transport Control Officer may order the owner of any motor vehicle, within the Transport Zone under his control to undertake such transport work as he may consider to be in the public interest or for the efficient prosecution of the war or for the maintenance of supplies and services essential to the life of the community; and if the owner of any motor vehicle refuses or fails to undertake such transport work as might be required of him the Controller may requisition the motor vehicle in question and himself have the motor vehicle employed on such work: (*As amended by Regulations 1 of 1943, r. 5*).

Proviso.

Provided that where vehicles are so transferred or employed the remuneration of the owner, or owners, thereof shall be not less than the accepted rate for the form of transport in which he may be engaged.

Power of Controller to fix rate of carriage.

21A. Notwithstanding the provisions of regulation 21 relating to accepted rates of remuneration, the Controller may, by order, in any case in which he is satisfied that it is necessary so to do, fix the maximum rate which may be charged for the carriage of any articles whatsoever by any commercial vehicle, and also the maximum fare which may be charged for the conveyance of passengers in any such vehicle, either generally or specially in respect of any journey or journeys and on any route or routes. (*Inserted by Regulations 70 of 1942*).

Control posts.

22. Transport Control Officers shall have power to establish control posts at such point, or points, on the roads within the transport zones under their control as may be considered necessary, and shall have power to erect gates, or other structures, at such points for the control of motor transport on such roads.

Lorry parks.

23. A Transport Control Officer may declare any place or area within his Transport Zone to be a lorry park, and may direct that any commercial vehicle, or vehicles, shall be parked in such lorry parks.

Refund of licence fees on revocation of permit.

24. (1) Where a permit has been revoked under regulations 8 and 18 the licence shall be returned to the licensing authority who originally issued the licence and there shall be refunded to the owner in respect of each unexpired completed week for which the licence was valid on the day on which it was revoked, an amount which shall bear to the sum originally paid for the licence the same proportion as the number of completed weeks for which the licence was valid on the day on which it was revoked bears to the number

of completed weeks for which the licence was valid at the time when it was originally taken out: (*As amended by Regulations 1 of 1943, r. 8*).

Provided that where the licence revoked is one in respect of a period succeeding a period for which a licence was in force and there has been no change of registered ownership the licence revoked shall be deemed to have been taken out on the day immediately succeeding the day on which the licence for the previous period expired: (*As amended by Regulations 1 of 1943, r. 8*).

Provided also that where the permit is revoked under the provisions of paragraph (b) of regulation 18 the licensing authority shall not grant a refund if such grant would be contrary to the terms of any order of the Court having cognisance of the case.

(2) Any amount to be refunded under this regulation shall be calculated to the nearest penny.

25. These regulations shall not apply to a motor vehicle owned by Government, the armed forces of the Crown, the Nigerian Railway, any Town Council, Local Authority or Native Authority, or to any motor vehicle used for the transport of a recognised air service, or for police transport.

Exemption of specified motor vehicles.

26. The provisions of part C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations as if the Controller and Deputy Controllers were competent authorities. (*As amended by Regulations 1 of 1943, r. 7*).

Regulations No. 75 of 1941.

27. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations.

Application of Ordinance No. 27 of 1939

28. The regulations set out in the Second Schedule to these regulations are hereby revoked.

Revocation.

#### FIRST SCHEDULE

*Nigeria Defence (Motor Transport Control) Regulations, 1942*

(FORM A)

(Reg. 5)

#### REGISTRATION OF A MOTOR VEHICLE OR MOTOR SHIP

Name.....	Address.....	Vehicle Reg. No.....
Occupation.....	.....	Permit to Operate No.....
Type.....	Weight of Vehicle.....	
Make.....	Carrying Capacity.....	
H.P.....	Average M.P.G.....	

DETAILS OF ROUTE OR INTER-ZONE PERMITS ISSUED

Application No.	Date.	Permit No.	Authorised Routes.	Date of Expiry.	Remarks.
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PERMIT TO OPERATE

*Nigeria Defence (Motor Transport Control) Regulations, 1942*

Mr.....  
of.....  
to operate vehicle/craft as  
under:

(FORM B)

(REG. 6)

No.....

PERMIT TO OPERATE A MOTOR  
VEHICLE OR MOTOR SHIP

Reg. No.....  
Valid until.....  
Schedule:—

Mr.....

of.....  
is hereby authorised to operate the following  
vehicle or craft on the route or routes or  
within the area set out in the schedule hereto.

Registered No.....Valid Until.....

Schedule:—

*Transport Control Officer*

ROUTE PERMIT

FORM C

Route indicator affixed in this space

The front of the permit form features a large rectangular area filled with horizontal hatching. In the center of this area is a smaller, white rectangular box containing the text "Route indicator affixed in this space".

Regulations No. 49 of 1942  
(Form C)

Route Permit No. ....  
Vehicle Reg. No. ....

Valid until .....  
for the following Routes .....

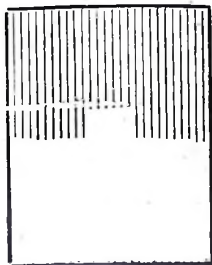
.....  
.....  
.....  
.....  
.....  
.....  
.....

Transport Control Officer,  
Central Zone

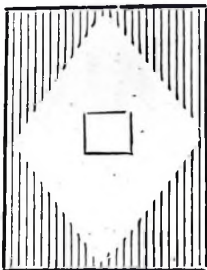
..... 194 .....



Route Indicator



Eastern Zone



North-Eastern Zone



North-Western Zone

Front of Permits for above Zones

Nigeria Defence (Motor Transport Control) Regulations, 1942

FORM D

(FORM D)

(REGULATIONS 11 AND 16)

APPLICATION FOR A ROUTE PERMIT OR INTER-TRANSPORT ZONE PERMIT

Name of Applicant.....

Vehicle Reg. No.....

I hereby apply for permission to operate the above motor vehicle on the following routes:—

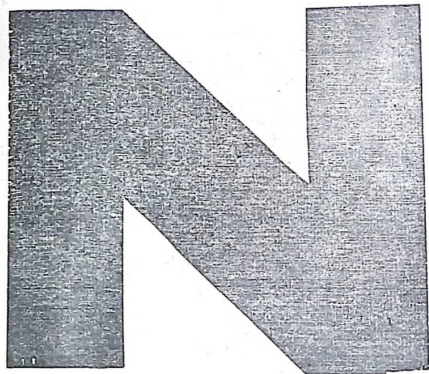
during the period.....194...to.....194... and for the following purposes (state in full).

I estimate that the total mileage to be covered by this vehicle during the above stated period will be.....miles, for which I shall require a total of .....gallons of petrol.

Signed.....

.....194...

INTER-TRANSPORT ZONE PERMIT FORM E



Regulations No. 49 of 1942  
(Form E) (Reg. 14)

Inter-Zone Permit No .....

Vehicle Reg. No .....

Valid until ..... 194 .....

for the following routes or areas .....

Transport Control Officer

Zone

194 .....

Back

Front

SECOND SCHEDULE  
REGULATIONS REVOKED  
(Regulation 28)

No. and year of Regulation	Short title
No. 27 of 1940	Nigeria Defence (Motor Transport Control) Regulations, 1940.
No. 42 of 1940	Nigeria Defence (Motor Transport Control) (Amendment) Regulations, 1940.
No. 76 of 1940	Nigeria Defence (Motor Transport Control) (Assistant Control Officers—Amendment) Regulations, 1940.
No. 15 of 1941	Nigeria Defence (Motor Transport Control) (Police Vehicle—Amendment) Regulations, 1941.

MADE at Lagos this 8th day of May, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 8th May, 1942.

NIGERIA

No. 52 of 1942

REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence Short title.  
(Provincial Registration) Regulations, 1942, and shall come into force on the 1st day of June, 1942.

2. Notwithstanding the provisions of the Nigeria Defence Power to  
(Compulsory National Service) Regulations, 1940, and any orders require  
or notices given thereunder relating to registration, every person persons to  
coming within the classes or descriptions or exercising the trades register.  
or occupations set out in the first column of the First Schedule Regulations  
hereto who are within the Province and the age-group shewn in No. 33 of  
the second and third columns of the said Schedule shall, within 1940.  
fourteen days of the date set out in the fourth column thereof, or of First  
such subsequent date upon which any such person attains the Schedule.  
minimum age in the said age-group, register himself as hereinafter  
in these regulations provided.

Procedure for registration. Second Schedule. 3. (1) Every person required to register himself by these regulations shall apply to one of the places mentioned in regulation 4 for a form, as in the Second Schedule hereto, which form he shall complete in respect of himself.

(2) On completion the form shall be delivered, sent or posted (post free) by the person to whom it refers to the registrar whose address is on the back of the form.

Application for forms.

4. The places to which application may be made for a form are,

- (a) Provincial Headquarters, or  
(b) Divisional Headquarters.

Penalty.

5. Any person who fails to comply with the provisions of these regulations shall be guilty of an offence and shall be liable, on conviction, to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Application of Ordinance No. 27 of 1939.

6. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations.

(regulation 2).

#### FIRST SCHEDULE

Class, description, trade or occupation	Province	Age-group	Date
All male blacksmiths, carpenters, clerks, concreters, masons, bricklayers, painters, shoemakers, or tinsmiths of African descent other than those in Government service.	Oyo	18-45 years	

(regulation 3).

#### SECOND SCHEDULE

*The Nigeria Defence (Provincial Registration) Regulations, 1942  
(No. 52 of 1942)*

#### REGISTRATION FORM

*(Read notes before completing)*

Registration No. ....

*(To be filled in by Registrar)*

.....  
*Surname (Block capitals) Christian names*

Date of birth.....

Permanent Address.....

Married/Single.....

Home or Native place.....

Profession or trade.....

Present Employer.....

Past Employers.....

Do you suffer from any disability which would prevent you serving in your trade or profession—

- (a) With armed forces of the Crown?.....  
 (b) In a civilian capacity?.....

.....  
*Signature of Person Registering.*

#### NOTES

1. No covering letter should be forwarded with this form.
2. Please fill in carefully and neatly so as to save unnecessary work; this form will form part of the register itself.
3. For "permanent address" give an address which will always find you in Nigeria.

MADE by the Governor at Lagos this 16th day of May, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Chief Secretary's Office,  
 Lagos, 16th May, 1942.

NIGERIA

No. 56 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence Short title.  
 (Director of Supplies) Regulations, 1942.

2. The Governor may, by notification in the Gazette, appoint Appointment  
 a person, either by name or by designating the holder of an office of Director  
 for the time being of any particular office, to be the Director of of Supplies.  
 Supplies for Nigeria, hereinafter referred to as the Director.

Vesting of powers in and exercise of powers by Director.  
2 & 3 Geo. 6 c. 62 and 3 & 4 Geo. 6 c. 20.  
Schedule.

### 3. Upon such appointment being made—

(a) there shall be deemed to be vested in the Director all the powers contained in any regulations or parts of regulations made under and by virtue of the Emergency Powers (Defence) Acts, 1939 and 1940 or in any Ordinance or part of an Ordinance, the particulars of which regulations or Ordinances or parts thereof are set out in the Schedule hereto hereinafter referred to as the Scheduled legislation, as if he were the competent authority for or person authorised by or designated in the Scheduled legislation.

(b) the persons declared by the Scheduled legislation to be competent authorities or persons appointed or authorised or to whom powers have been delegated in accordance with and in respect of the provisions of the Scheduled legislation shall have and perform and continue to have and perform the powers and duties conferred and imposed upon them save that the exercise of such powers and the performance of such duties shall be subject to the direction and control of the Director and all such persons shall act in accordance with and conform to any orders or directions whether general or special made by the Director.

Orders and directions of Director to prevail.

4. In the absence of any orders or directions which may be made to the contrary by the Director under the provisions of these regulations every order made or act done by any of the persons referred to in paragraph (b) of regulation 3 shall be deemed to be made or done by consequence of orders or directions given by the Director; but if the Director in exercise of the powers vested in him makes any order under his hand or gives any direction which is inconsistent with any order made or direction given by any person referred to in paragraph (b) of regulation 3 then the order made or the direction given by the Director shall prevail.

Power to Director to appoint a Deputy.

5. (1) The Director may, by notification in the Gazette, appoint a person either by name or by designating the holder for the time being of any particular office to be the Deputy Director of Supplies for Nigeria.

(2) The Director may, by the same or any subsequent notification authorise such Deputy Director to exercise all or any of the powers conferred upon the Director by these regulations. (*As substituted by Regulations 7 of 1943*).

Special defence.

\*6. In any prosecution for contravening or failing to comply with any of the provisions of the Scheduled legislation it shall be a good defence to prove that any relevant order made or act done was inconsistent with any order made or direction given by the Director.

Application of Ordinance No. 27 of 1939.

\*7. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations.

\* Regulations 5 and 6 re-numbered as 6 and 7 by Regulations 7 of 1943.

## SCHEDULE (Regulation 3 (a))

<i>Regulations or Ordinances</i>	<i>Parts, regulations or sections</i>
The Nigeria General Defence Regulations, 1941	Parts B, C, D and F of Part VI
The Defence (Government Purchase of Cocoa) (No. 1) Regulations, 1939	The whole
The Defence (Control of Imports) Regulations, 1939	The whole
The Defence (Import, Control and Sale of Explosives) Regulations, 1940	The whole

MADE by the Governor at Lagos this 25th day of May, 1942.

By His Excellency's Command.

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 25th May, 1942.

NIGERIA

No. 60 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Women's Compulsory Service) Regulations, 1942, and shall come into force on the 1st day of July, 1942. Short title and date of commencement.
2. In these regulations—  
 “compulsory civil service” includes service in any civil defence service established under the Nigeria General Defence Regulations, 1941; Definitions.  
 “registrar” includes a deputy registrar. Regulations 75 of 1941.
3. (1) Save as otherwise provided by these regulations every female person who— Liability for compulsory civil service.  
 (a) on the coming into force of these regulations is a British subject of European descent; and

(b) has at that date attained the age of eighteen years and has not attained the age of fifty-five or who subsequent to that date attains the age of eighteen years; and

(c) is at that date or when she attains the age of eighteen years ordinarily resident in Nigeria or, not being ordinarily resident in Nigeria at that date, subsequently becomes ordinarily resident in Nigeria,

is hereby made liable to such whole time or part time compulsory civil service within Nigeria as a Resident or the Commissioner of the Colony may direct.

(2) (a) A person in Nigeria shall be deemed to be ordinarily resident in Nigeria for the purposes of these regulations unless she proves that the circumstances of her residence are such as to show that she is residing for a temporary purpose only and for a period not exceeding two months.

(b) Notwithstanding the provisions of paragraph (a) of this sub-regulation a married woman in Nigeria shall in any case be deemed to be ordinarily resident in Nigeria if her husband's occupation or employment is in Nigeria.

#### REGISTRATION

Appointment  
of registrars.

4. Residents of Provinces and the Commissioner of the Colony are hereby appointed registrars for the purposes of these regulations for their respective areas and may appoint in writing District Officers to be deputy registrars and every deputy registrar so appointed shall have the powers and duties of a registrar under these regulations.

Persons to  
register.

5. Every person to whom these regulations apply shall register himself in accordance with the provisions of these regulations:

Proviso.  
Regulations  
33 of 1942.

Provided that persons to whom these regulations apply who have registered under the provisions of the Nigeria General Defence (Lagos Registration) Regulations, 1942, and who at the date when these regulations come into force are residing in Lagos need not again register and shall be deemed to be registered for the purposes of these regulations.

Form to be  
obtained and  
completed.

6. (1) Every person required to register under the provisions of these regulations shall within seven days from the date on which these regulations come into force, or the date of any subsequent arrival in Nigeria, apply to one of the places set out in sub-regulation (3) of this regulation for the Form A in the Schedule hereto and shall complete such form.

Form A.

(2) When such form has been duly completed it shall, within seven days of the receipt thereof, be posted by the person to whom it refers to the registrar whose name is on the back of the form.

(3) Application for Form A may be made to—

- (a) The office of the Commissioner of the Colony.
- (b) Provincial Headquarters.
- (c) Divisional Headquarters.

### COMPULSORY CIVIL SERVICE

7. (1) A Resident or the Commissioner of the Colony may serve on any person to whom these regulations apply a notice in the Form B in the Schedule hereto requiring her to remain and perform the duties she is actually or should actually be performing at the date of the coming into force of these regulations or to which she has since lawfully been transferred, specifying such duties in a detailed or general manner or require any person to whom these regulations apply to perform specific duties with the person, firm or Department of Government specified in such notice.

Civil service.  
Form B.

(2) Any such notice may require the person to whom it is directed to present herself at such time and place and to such authority or to such person as may be specified in the notice.

(3) Persons so required to present themselves shall receive the usual travelling allowances prescribed for Government officials under Government General Orders.

8. Where any person is required under the provisions of these regulations to work for any person, firm or Department of Government such person, firm or Department of Government shall pay to the person required to do such work such rate of pay as is set out in regulation 9.

Person liable for payment of remuneration.

9. The rate of pay for any person required to work under the provisions of these regulations shall be the ordinary rate of pay current for such class of work in the area in which such work is performed or such rate of pay as may be agreed upon between the person required to work and the person, firm or Department of Government for whom or for which such work is done or such rate of pay as the Governor in his discretion may fix in respect of any particular person or class of persons so required to work:

Rates of remuneration.

Provided that where there is no such current rate of pay and where such agreement is not reached the Governor may fix the rate of pay.

Proviso.

### CIVIL DEFENCE SERVICE

10. (1) A Resident or the Commissioner of the Colony may serve on any person to whom these regulations apply a notice in the Form C in the Schedule hereto, whether or not such person is performing compulsory civil service under the provisions of these regulations, requiring such person to perform such part time duties in a civil defence service established under the Nigeria General Defence Regulations, 1941, as may be specified in such notice.

Civil Defence Service.  
Form C.

Regulations 75 of 1941.

(2) Duties in any such civil defence service shall be without remuneration other than such allowances or other benefits as may from time to time be provided by Ordinance, Regulations, or otherwise in respect of such civil defence service.

No remuneration for duties in civil defence service.

## EXEMPTIONS

- Exemptions. 11. There shall be exempted from the provisions of these regulations—
- (a) any person who has a child under the age of fourteen years actually residing with her in Nigeria and in her charge;
  - (b) persons serving in any established unit of the Royal Navy, the Army or the Royal Air Force;
  - (c) persons serving in any legally established women's service;
  - (d) such persons as the Governor may in his discretion exempt.

## MEDICAL CERTIFICATE

Provision  
for medical  
examination.

12. (1) Where a person to whom these regulations apply has been served with a notice requiring her to perform compulsory civil service or duties in a civil defence service and feels that she is not physically fit to do the work or perform the duties specified in such notice, she may request that she be examined by a Government medical officer who shall certify whether or not such person is physically fit for that which she is required to do or perform and if not fit for the work or duties specified in the notice shall certify what work or duties, if any, such person is physically fit to do or perform.

(2) A person in respect of whom a Government medical officer has given a certificate shall not be required to do any work or perform any duties other than in accordance with such certificate.

## REINSTATEMENT AFTER DETERMINATION OF COMPULSORY SERVICE

Reinstatement after termination of compulsory civil service.

13. It shall be the duty of any employer by whom a person required to perform compulsory civil service (other than part time duties in a civil defence service) under the provisions of these regulations was employed when she was required to perform compulsory civil service with some other person, firm or Department of Government, to reinstate her in her employment at the termination of her compulsory civil service in an occupation and under conditions not less favourable to her than those which would have been applicable to her had she not been required to perform compulsory civil service, and any such employer if he fails so to do shall, save as hereinafter provided, be liable on summary conviction to a fine not exceeding fifty pounds and the court so convicting may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to twenty-six weeks' remuneration at the rate at which remuneration was last payable to her by the employer:

Proviso.

Provided that in any proceedings under this regulation it shall be a defence for the employer to prove that such person did not before the expiration of one month from the termination of such compulsory civil service apply to the employer for reinstatement, or that, having offered reinstatement to her, she failed, without

reasonable excuse, to present herself for employment at the time and place notified to her by the employer or that, by reason of change of circumstances (other than the engagement of some other person to replace her)—

(a) it was not reasonably practicable to replace her;

(b) her reinstatement in an occupation and under conditions not less favourable to her than those which would have been applicable to her had she not been required to perform compulsory civil service was impracticable and the employer has offered to reinstate her in the most favourable occupation and under the most favourable conditions practicable.

#### MISCELLANEOUS

14. (1) Any notice to be served on any person under the provisions of these regulations may be served personally or by registered post addressed to such person at her last known address. Service of notices.

(2) Any notice addressed to more than one person may be served by publication in the Gazette.

15. (1) Where a person to whom these regulations apply is about to leave Nigeria she shall so inform the registrar of her area by notice in writing before the date of her departure and by the same notice inform such registrar of the approximate date of her return to Nigeria. Notification of departure from Nigeria or of change of permanent address.

(2) Where a person to whom these regulations apply intends permanently to leave the area in which she is registered to go elsewhere in Nigeria she shall by notice in writing inform the registrar of that area before the date of her departure and shall, on arrival at her destination, give notice in writing of her arrival to the registrar of the new area.

(3) (a) Any married woman residing with her husband and who is performing compulsory civil service in that area, may, if her husband be transferred to another area in Nigeria apply to the Resident or the Commissioner of the Colony, as the case may be, for permission to accompany her husband to that other area and the Resident or Commissioner of the Colony may, in his discretion, grant such permission and may attach thereto any conditions he may deem fit.

(b) The Resident or the Commissioner of the Colony, as the case may be, may refuse such permission where he is satisfied,

(i) that there is suitable accommodation for the applicant in the area in which she is performing the compulsory civil service, and

(ii) that the separation of the husband and wife will not involve either husband or wife in financial loss.

(c) Where permission is granted under the provisions of this sub-regulation the applicant shall on arrival give notice in writing to the registrar of the area to which her husband is transferred

*The Nigeria Defence (Women's Compulsory Service)  
Regulations, 1942  
(No. 60 of 1942)*

FORM B  
COMPULSORY CIVIL SERVICE  
(Regulation 7)

In exercise of the powers vested in me by regulation 7 of the Nigeria Defence (Women's Compulsory Service) Regulations, 1942, I hereby direct that you.....  
of.....are hereby required to perform until further notice the compulsory civil service set out hereunder, viz.,

and that you are hereby further required to present yourself at.....  
on the.....to.....

.....  
*Resident.  
Commissioner of the Colony.*

....., 194...

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This form will be printed in two parts one being retained for record.

*The Nigeria Defence (Women's Compulsory Service)  
Regulations, 1942  
(No. 60 of 1942)*

FORM C  
CIVIL DEFENCE SERVICE  
(Regulation 10)

In exercise of the powers vested in me by regulation 10 of the Nigeria Defence (Women's Compulsory Service) Regulations, 1942, I hereby direct you to perform part time duties in the civil defence service set out hereunder.....  
.....

.....  
*Resident.  
Commissioner of the Colony.*

....., 194...

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This form will be printed in two parts one being retained for record.

MADE by the Governor at Lagos this 29th day of May, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1939, and of the powers conferred upon the Governor by sub-section (1) of section 1 of the Emergency Powers (Defence) Act, 1940, as adapted and modified in their application to Nigeria by Article 3 and by Article 1 of His Majesty's Orders in Council entitled respectively the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers him enabling, the following regulations are hereby made:—

## PART I

## SHORT TITLE AND DEFINITIONS

Short title  
and  
commence-  
ment.

1. These regulations may be cited as the Nigeria Defence (Oil Control) Regulations, 1942, shall come into operation on the 1st day of July, 1942, and shall not apply to His Majesty's forces or to any other forces associated therewith or allied thereto.

Definitions.

2. In these regulations,

“ bulk store ” means—

(1) the installation at Apapa of the Oil Storage Company of Apapa, Limited;

(2) the petrol stores at Apapa of the Texas Company (Overseas), Limited;

(3) the petrol stores at Apapa of Atlantic West Africa Company, Limited;

(4) the depot at Martins Street, Lagos, of the Socony Vacuum Oil Company; and

(5) any other installation, store or depot declared by the Oil Controller to be a bulk store;

“ case of petroleum ” means a wooden box containing two tins, each of which holds approximately, but not more than, four and one-sixth gallons of petroleum;

“ kerosene ” means petroleum used for heating, power, or illuminating purposes;

“ lubricants ” means lubricating oils and grease;

“ magazine ” means a depot where not less than one hundred cases of petroleum, or the quantitative equivalent thereof whether contained in drums or tanks, are stored;

“ motor ship ” means any vessel, designed primarily for use in inland waters, which is propelled by means of an internal combustion engine, outboard motor, or other motor-driven power;

“ motor vehicle ” has the same meaning as it has in section 2 of the Motor Traffic Ordinance, 1927;

“outboard motor” means an internal combustion engine which is attached to any vessel in order to aid the propulsion thereof;

“petroleum fuels” means petrol, gas oil, diesel oil, automotive gas oil and fuel oil. For the purposes of regulations 4, 5 and 19 only petrol includes aviation spirit;

“transport zone” means an area of the Colony or Protectorate, or Colony and Protectorate for the time being declared under regulation 4 of the Nigeria Defence (Motor Transport Control) Regulations, 1942, to be a transport zone. No. 49 of 1942.

*(Inserted by Regulations 105 of 1942, r. 2 (b)).*

Provided that for the purposes of these regulations:

(1) (a) the Epe Division, and

(b) the Ikorodu Native Authority Area of the Ikeja Division,  
shall be deemed to be included in the Ijebu Province and excluded from the Colony; and

(2) those parts of

(a) the Agege-Iju-Agbado Station Road,

(b) the Lagos-Sango-Otta Road,

(c) the Ijoko-Otta-Atan-Ajegunle Road, and

(d) the Ojokoro-Agbado Station Road,

which lie in the Abeokuta Province shall be deemed to be included in the Colony and excluded from the Abeokuta Province;

“retailer” means any person licensed to sell any petroleum fuels.

*(Note—“ Oil Control Officer ” deleted by Regulations 105 of 1942)*

## PART II

### APPOINTMENTS

3. (1) The Chief Secretary may, by notice published in the Gazette, appoint a person, to be the Oil Controller and the Oil Controller may by similar notice appoint a Deputy Oil Controller and such number of Assistant Oil Controllers as he shall think fit. Appointment of Oil Controller and other officers.

*(As amended by Regulations 105 of 1942, r. 3).*

(2) An Assistant Oil Controller may appoint Oil Control Officers and all such agents, servants, employees and other persons as may be necessary for the efficient carrying out of the provisions of these regulations.

*(As amended by Regulations 105 of 1942, r. 3).*

(3) Any appointments made under the provisions of this regulation may be made either by name or by designating the holder for the time being of any particular office.

## PART III

### IMPORTATION AND EXPORTATION

4. Every person importing any petroleum fuels, lubricants or kerosene shall store or cause the same to be stored in a bulk store or magazine and shall furnish the Oil Controller, within seven days of any such importation, with a statement showing Duties of importer.

- (a) the description,  
 (b) the quantity and  
 (c) the place of storage

of the petroleum fuel, lubricant or kerosene imported.

Restriction  
 on export.  
 Form A  
 First  
 Schedule.

5. No person shall export from Nigeria any petroleum fuels, lubricants or kerosene unless he has applied for and obtained from the Oil Controller a permit therefor in Form A of the First Schedule.

#### PART IV

##### TRANSFERS AND SALES BY RETAIL

Transfer  
 from bulk.  
 Form A  
 First  
 Schedule.

6. No person shall transfer any petroleum fuels from any bulk store to any magazine or other place unless he has applied for and obtained from the Oil Controller a permit so to do in Form A of the First Schedule.

Prohibition  
 of sale except  
 under  
 licence.

Form B  
 First  
 Schedule.

7. No person shall sell or otherwise trade in any petroleum fuels unless he has previously obtained from an Oil Control Officer a retailer's licence in Form B of the First Schedule.

Restriction  
 on with-  
 draws.  
 Form C  
 First  
 Schedule.

8. (1) No retailer shall withdraw or receive any petroleum fuels from a magazine or from another retailer unless he has applied for and obtained from the Oil Control Officer of the area in which he carries on his business a permit in Form C of the First Schedule.

Form D  
 First  
 Schedule.

(2) Where such withdrawal or receipt is in replacement of previously held stocks of petroleum fuels the retailer, at the same time as he makes his application, shall deliver to the Oil Control Officer concerned petrol coupons or both coupons and permits, as the case may be, representing the equivalent quantity of petroleum fuels required, together with a return in Form D of the First Schedule.

(3) In estimating the quantity of such replacement of petroleum fuels the Oil Control Officer is empowered to allow for any leakage, due to evaporation, from the prior stock:

Proviso.

Provided that such allowance shall not exceed one *per centum* per gallon of such petroleum fuels.

#### PART V

##### ISSUE OF PETROL TO THE PUBLIC GENERALLY

Power of Oil  
 Control  
 Officer to  
 issue  
 coupons.

9. Subject to the provisions of Part VI relating to the consumption and supply of petroleum fuels to Government Departments and other similar bodies, an Oil Control Officer shall have power to issue petrol coupons to any person being the owner of,

(a) a motor vehicle or a motor ship and in possession of a permit to operate issued in accordance with regulation 6 of

the Nigeria Defence (Motor Transport Control) Regulations, 1942, or issued and still in force under the provisions of the Nigeria Defence (Motor Transport Control) Regulations, 1940;

(b) an internal combustion engine used for any purpose other than the propulsion of a motor vehicle or a motor ship.

10. In any transport zone or part thereof no petrol coupons shall be issued for a journey, or journeys, outside the area specified in the Schedule of the permit to operate, unless the owner of the permit to operate has been authorised to undertake such journey, or journeys, by the issue of a route permit, or inter-Transport Zone permit under the provisions of the Nigeria Defence (Motor Transport Control) Regulations, 1942.

(As amended by Regulations 105 of 1942, r. 4).

11. Subject to the provisions of regulation 12 the provisions of this Part of these regulations relating to the issue of petrol coupons shall apply to all Government Departments, town councils, native authorities and local authorities which draw petrol from a magazine or from a retailer for issue to officials, employees or other persons whether on payment or otherwise.

## PART VI

### ISSUE OF PETROLEUM FUELS TO GOVERNMENT DEPARTMENTS, LOCAL AUTHORITIES AND OTHER BODIES

12. An Oil Control Officer may authorise the possession of petroleum fuels in such quantities as he may think fit for use in a motor vehicle, motor ship or internal combustion engine owned by any Government Department, town council, local authority, native authority, recognised air service, company, firm or business concern or for use in any vehicle for police transport. Application for such possession shall be made in Form E of the First Schedule and the permit issued therefor shall be in Form F of the said Schedule.

13. No retailer shall supply petroleum fuels other than petrol except to the holder of a permit issued in accordance with regulation 12.

## PART VII

### SUPPLY OF PETROLEUM FUELS BY RETAIL

14. No retailer shall supply any petroleum fuels to any person or Government Department, local authority or other body unless such person, Government Department, local authority or other body

(a) is in possession of a permit to operate a motor vehicle or motor ship issued in accordance with regulation 6 of the Nigeria Defence (Motor Transport Control) Regulations, 1942, or the Nigeria Defence (Motor Transport Control) Regulations,

1940, where the former regulations have not yet come into operation, or, in the case of an internal combustion engine provided for in regulation 9, of petrol coupons issued in accordance with that regulation; and

(b) tenders a petrol coupon docket duly authorised by an Oil Control Officer containing undetached petrol coupons for the equivalent amount of petrol required to be purchased; or  
(c) tenders a permit issued in accordance with regulation 12.

Duties of retailer when supplying petrol for coupons.

15. (1) Upon receipt of a petrol coupon docket tendered in accordance with paragraph (b) of regulation 14 the retailer shall

(a) satisfy himself,

(i) that the motor vehicle registration number, or description of motor ship, appearing on the petrol coupon docket is the same as that appearing on the permit to operate, or

(ii) that the petrol coupon docket authorises the purchase of petrol for use in an internal combustion engine, as the case may be;

(b) detach the requisite petrol coupons;

(c) endorse upon each petrol coupon so detached,

(i) the registration number of the motor vehicle, or description of motor ship or internal combustion engine appearing on the cover of the petrol coupon docket, and

(ii) his name and address and date of sale;

(d) record his name and address and date of sale upon the stub of each detached petrol coupon by means of a date stamp or otherwise;

and no retailer shall issue less than the full amount of petrol represented by a coupon or coupons tendered in accordance with this regulation.

Duties of retailer when supplying petroleum fuels under permit.

16. Upon receipt of a permit tendered in accordance with paragraph (c) of regulation 14 the retailer shall supply such amount of petroleum fuels as may be requested by the holder thereof but so that in no case shall the amount supplied exceed the total amount for which the permit is issued. As and when any amount is issued the retailer shall enter details of such amount, the date of issue and his name and address in the place provided therefor on the paid permit.

## PART VIII

### KEROSENE

Power of Oil Controller to restrict issues of kerosene.

17. The Oil Controller may, from time to time, by notification in writing, restrict the total quantity of kerosene which may, within any given period, be released from a bulk store or a magazine for civil consumption within Nigeria, and when any such notification is given no importer of kerosene shall permit or cause the release or removal of any kerosene in excess of the quantity so notified.

18. Kerosene shall not be employed in any motor vehicle for automotive purposes either alone or mixed with any other petroleum fuel.

Restriction on use of kerosene.

## PART IX

### RECORDS AND RETURNS

19. The owner or person in control or in charge of any bulk store shall keep accurate records of all petroleum fuels, lubricants and kerosene received into or removed from any such bulk store on each day, and shall permit an Oil Control Officer or any one authorised by him to inspect such records and stocks at any time.

Bulk store records.

20. Each Oil Control Officer shall at the end of each month furnish to the Assistant Oil Controller, in respect of each petroleum fuel, of kerosene and of lubricants a statement in Form G of the First Schedule.

Returns by Oil Control Officers.

Form G. First Schedule.

(As amended by Regulations 105 of 1942, r. 5).

21. The owner or person in charge or in control of

(a) a bulk store,

(b) a magazine, or

(c) a retailer's store

Returns in connection with bulk stores, magazines and retailer's stores.

shall furnish at the end of each month in the case of (a) to the Oil Controller and in the case of (b) and (c) to the Oil Control Officer of the area in which such magazine or retailer's store is situated, a statement in Form H of the First Schedule.

(As amended by Regulations 105 of 1942, r. 6).

Form H First Schedule.

## PART X

### LOCAL POWERS OF OIL CONTROL OFFICERS

22. (1) An Assistant Oil Controller may, subject to the prior approval of the Oil Controller, make such rules as he may consider necessary to implement these regulations regarding the duties of retailers, and the issue and receipt of petrol coupons and permits.

Powers of Oil Control Officer to make rules.

(2) Such rules shall be limited in operation to the transport zone in respect of which the Assistant Oil Controller has been appointed and shall not come into operation until published in the Gazette.

(As amended by Regulations 105 of 1942, r. 7).

23. An Assistant Oil Controller shall have power to revoke a retailer's licence,

Power of Oil Control Officer to revoke retailer's licence.

(a) at any time and without reason being given therefor with the consent of the Oil Controller,

(b) forthwith in the event of the holder thereof being found guilty of an offence against these regulations.

(As amended by Regulations 105 of 1942).

## PART XI

## SUPPLEMENTARY

Prohibition on traffic in licences permits or coupons.

24. (1) No person shall buy, sell, offer for sale, barter, transfer, exchange, traffic in, or alter any

- (a) licence; or
- (b) permit; or
- (c) petrol coupon

issued under the provisions of these regulations.

(2) No person shall

- (a) be in possession of any petroleum fuel, or
- (b) being the lawful holder of a licence, permit or petrol coupon buy, sell, offer for sale, barter, transfer, exchange or traffic in any petroleum fuels

except in accordance with the terms and conditions of a licence, permit or petrol coupon, or such licence, permit or petrol coupon, as the case may be, issued in accordance with the provisions of these regulations.

*(Added by Regulations 5 of 1943).*

Application of Regulations No. 75 of 1941.

25. The provisions of part C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations as if the Oil Controller and Oil Control Officers in charge of provinces were competent authorities.

Application of Ordinance No. 27 of 1939.

26. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations, save that where the provisions of the Ordinance and either these or the Nigeria General Defence Regulations, 1941, conflict the provisions of the said regulations shall prevail.

Revocation and Saving.

27. The regulations set out in the Second Schedule to these regulations are hereby revoked.

*(As amended by Regulations 105 of 1942, r. 10).*

## FIRST SCHEDULE

*Nigeria Defence (Oil Control) Regulations,  
1942*

EXPORT OR TRANSFER PERMIT

EXPORT OR TRANSFER PERMIT

Form A (Regs. 5 and 6)

Form A. (Regs. 5 and 6)

No.....

No.....

Messrs.....

Messrs.....

Export/Transfer

are hereby authorised to export/transfer from  
their bulk store at..... petroleum

authorised

fuels, lubricants or kerosene as follows :—

from.....

as follows :—

Product	Amount	Destination
---------	--------	-------------

Product	Amount	Destination
---------	--------	-------------

194.....

Lagos.....194.....

.....  
*Oil Controller.*

LICENCE TO RETAIL PETROLEUM  
FUELS

Form B. (Reg. 7)

No. ....

M/Messrs. ....

of .....

Licensed to retail :—

Petrol .. .. gallons

Gas oil .. .. "

Diesel oil .. .. "

Automotive gas oil .. .. "

Fuel oil .. .. "

at .....

194.....

*Nigeria Defence (Oil Control) Regulations, 1942*

## RETAILER'S LICENCE

Form B. (Reg. 7)

Province..... No.....

M/Messrs.....

of .....

is/are hereby licensed to retail petroleum

fuels as under :—

*Product* *Amount (gallons).*

Petrol

Gas oil

Diesel oil

Automotive gas oil

Fuel oil

on his/their

premises at .....

Licence is valid until .....

Area

*Oil Control Officer* ,

194

*Licences normally should be valid for one year.**(As amended by Regulations 105 of 1942, r. 11)*

RETAILER'S PERMIT TO  
WITHDRAW PETROLEUM  
FUELS FROM A MAGAZINE

Form C. (Reg. 8 (1)).

No. ....

Name .....

Permitted to withdraw

from .....  
..... magazine

*Product*      *Amount (gallons)*

Petrol

Gas oil

Diesel oil

Automotive  
gas oil

Fuel oil

Valid until..... 194.....

.....  
194.....

*Nigeria Defence (Oil Control) Regulations, 1942*

Form C.

(Reg. 8 (1)).

No. ....

RETAILER'S PERMIT TO WITHDRAW PETROLEUM  
FUELS FROM A MAGAZINE

M/Messrs .....

of .....

is/are hereby permitted to withdraw petroleum  
fuels from the Magazine of Messrs .....

at .....

on surrender of this permit, as under :—

*Product*      *Amount (gallons)*

Petrol

Gas oil

Diesel oil

Automotive gas oil

Fuel oil

This permit is valid until..... 194.....

.....  
Area

.....  
Oil Control Officer.

.....  
194.....

*Normally permits should be valid for fourteen days*

*(As amended by Regulations 105 of 1942, r. 11)*

## Nigeria Defence (Oil Control) Regulations, 1942

## RETAILER'S RETURN OF PETROLEUM FUELS

Form D.

(Reg. 8 (2)).

Product for which Return is made

RECEIPTS			SALES				
Date	Permit No. (Form C).	Gallons	Date	Permit No. (Form F).	Name of Purchaser	Registered No. of vehicle, or description of ship or engine	Gallons
			Total sales .....				
			Balance in stock .....				
Total Receipts							

Summary of Sales	Denomination	Number	Gallons
By petrol coupons	1 gallon		
	4 gallons		
	8	"	
	20	"	
	44	"	
By permit (Form F)			
Total Sales			

*Nigeria Defence (Oil Control) Regulations, 1942*

APPLICATION TO BE IN POSSESSION OF PETROLEUM FUELS

Form E.

(Reg. 12)

Name of person or Firm

Address

(1) I/We hereby apply for permission to be in possession of the following petroleum fuels during the period 194 to 194

Petrol	.. .. .	Gallons
Gas oil	.. .. .	"
Diesel oil	.. .. .	"
Automotive gas oil	.. .. .	"
Fuel oil	.. .. .	"

for use in the vehicle ships and internal combustion engines shown overleaf for the following purposes (state in full) :—

(2) I/We submit a return, overleaf, of consumption of petroleum fuels by vehicles, etc., owned or employed by me/us during the period 194 to 194 which is to the best of my/our knowledge and belief a true statement of such consumption.

(Signed)

194

N.B.—Any person who makes a statement in this form which in any material particular is to his knowledge false, shall on conviction be liable to imprisonment for six months or a fine of one hundred pounds (£100 or both).



No. ....

Form F. (Reg. 12)

Name .....

Authorised to possess:—

petrol .. .. . gallons

gas oil .. .. . "

Diesel oil .. .. . "

automotive gas oil .. .. . "

fuel oil .. .. . "

Valid until 194 .....

194 .....

No. ....

*Nigeria Defence (Oil Control) Regulations, 1942*PERMIT TO BE IN POSSESSION OF PETROLEUM  
FUELS

Form F. (Reg. 12)

M/Messrs .....

of .....

is, are hereby authorised to be in possession of the  
following quantities of petroleum fuels during the  
period 194 to

194 .....

Petrol .. .. . gallons

Gas oil .. .. . "

Diesel oil .. .. . "

Automotive gas oil .. .. . "

Fuel oil .. .. . "

The person, or retailer, supplying any of the  
above petroleum fuels must enter the amount so  
supplied, together with the date of supply, and his  
name and address, on the back of this form.

No person may supply any petroleum fuels to the  
holder of this permit which will make the total  
amount of such petroleum fuels supplied greater  
than the amount authorised above.

This permit is valid until

194 .....

Area .....

194 .....

*Oil Control Officer.**(As amended by Regulations 105 of 1942, r. 11)*

## TO BE FILLED IN BY THE SUPPLIER OF ANY PETROLEUM PRODUCTS

	AMOUNT SUPPLIED IN GALLONS					Date of Supply	Name and address of supplier
	Petrol	Gas oil	Diesel oil	Automotive gas oil	Fuel oil		
Totals							

## Nigeria Defence (Oil Control) Regulations, 1942

## OIL CONTROL OFFICER'S RETURN

Form G.

(Reg. 20)

Unit of measurement.

Imperial gallons.

Month .....

	A	B	C	D	E	F
	Petrol	Aviation Spirit	Kerosene	Gas or diesel oil for stationary engines	Automotive gas or diesel oil for motor vehicles	Lubricating oil
1. Closing Stocks ..						
2. Consumption ..						

## Nigeria Defence (Oil Control) Regulations, 1942

RETURN FROM A BULK STORE, MAGAZINE OR RETAILER'S STORE

Form H.

(Reg. 21).

Unit of Measurement. Tons (Bulk Stores only) or Imperial gallons

Month.....

	A	B	C	D	E	F
	Petrol	Aviation Spirit	Kerosene	Gas or diesel oil for stationary engines	Automotive gas or diesel oil for motor vehicles	Lubricating oil
1. Opening Stocks						
Receipts:—						
2. Imports (Bulk Stores only) ..						
3. Transfers ..						
4. Total .. ..						
Issues:—						
5. Exports (Bulk Stores only) ..						
6. Transfers ..						
7. Sales .. ..						
8. Total .. ..						
9. Closing Stocks ..						

## SECOND SCHEDULE

## REGULATIONS REVOKED

## (Regulation 27)

<i>No. and year of Regulation</i>	<i>Short title</i>
26 of 1940	Nigeria Defence (Oil Control) Regulations, 1940.
30 of 1940	Nigeria Defence (Oil Control) (Amendment) Regulations, 1940.
32 of 1940	Nigeria Defence (Oil Control) (Amendment No. 2) Regulations, 1940.
24 of 1941	Nigeria Defence (Oil Control) (Amendment) Regulations, 1941.
84 of 1941	Nigeria Defence (Oil Control) (Amendment No. 2) Regulations, 1941.
18 of 1942	Nigeria Defence (Oil Control) (Amendment) Regulations, 1942.

MADE by the Governor at Lagos this 12th day of June, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 12th June, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

## PART I.

## PRELIMINARY.

1. These regulations may be cited as the Nigeria Defence Short title.  
(Control of Export Produce) Regulations, 1942.

2. In these regulations,

Definitions.

“ Director of Supplies ” means the person appointed to that office under the provisions of the Nigeria Defence (Director of Supplies) Regulations, 1942;

Regulations  
No. 56 of  
1942.

“ export ” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria;

“ export produce ” means produce of Nigeria to which the provisions of these regulations may be applied by the Director of Supplies by notice in the Gazette;

“ prescribed ” means prescribed by order made under the provisions of regulation 10;

“ registered exporter ” means any person by whom export produce is exported from Nigeria and who is registered under the provisions of regulation 5.

3. (1) The Director of Supplies may, by notification in the Gazette, appoint, either by name or by designating the holder for the time being of any particular office, Controllers of such export produce in respect of such areas as may be stated in the relevant notification:

Power to  
appoint  
Controllers  
and other  
officers.

Provided that in the event of

Proviso.

- (i) no Controller being appointed in the first place in respect of any export produce to which these regulations have been applied, or
- (ii) no Controller being appointed to fill a vacancy caused by any cancellation of a previous appointment,

then in either such event the Director of Supplies shall be, and shall exercise all the powers of, a Controller of the particular export produce and in the latter event all orders and appointments made prior to such cancellation shall continue and shall be deemed to have been made by the Director of Supplies. (*Inserted by Regulations 81 of 1943*).

(2) A Controller of export produce, appointed under the provisions of sub-regulation (1), and hereinafter referred to as a Controller, may, within the area for which he is appointed, appoint, in writing, a Deputy Controller and such number of Assistant Controllers as he may think necessary, and may authorise such Deputy Controller and Assistant Controllers to exercise and perform any of the powers and duties conferred upon a Controller by virtue of the provisions of these regulations.

## PART II.

### REGISTRATION AND PERMITS.

Restriction  
on export.

4. As from a date to be notified by the Director of Supplies by notice in the Gazette in respect of any particular export produce no person shall export any export produce unless,

(a) he be registered in accordance with the provisions of regulation 5, and

(b) he be in possession of, and complies with all the conditions contained in, a permit granted to him in accordance with the provisions of regulation 6 in respect of the particular export produce concerned.

Registration.

5. (1) Any person who, during such period preceding the date notified in any notice given in accordance with the provisions of regulation 4 in respect of a particular export produce, as may be specified by the Director of Supplies has exported such export produce, may apply to a Controller of such export produce for the area in which he carries on business to be registered in a register to be kept for that purpose by such Controller.

(2) A Controller may refuse to register any person applying for such registration.

Issue of  
permits.

6. (1) A Controller, in respect of export produce, and within the area under his control, may, on application being made to him therefor, issue to a registered exporter a written permit to export such quantity of export produce as may be specified in such permit.

(2) Permits may be issued subject to such conditions as the Controller may think fit and, in particular, the Controller may require, as a condition precedent to the issue of a permit, that a registered exporter shall furnish such security as may be approved to secure the observance of any other condition contained therein:

Proviso.

Provided that no registered exporter shall be deemed to have acted in contravention or failed to comply with the terms of any permit if his action or failure be proved by him to be attributable to causes beyond his control.

(*As amended by Regulations 63 of 1943*).

## PART III.

## DUTIES OF REGISTERED EXPORTER.

7. Every registered exporter shall keep and maintain books and registers in such form and containing such particulars as may be prescribed. Any such book or register shall, at all reasonable times, be open to inspection by a Controller or any person authorised in writing by him in that behalf. Books to be kept.

8. Every registered exporter shall display in a prominent position at his place of business the prices at which he is prepared to buy export produce: Prices to be displayed.

Provided that in no case shall such prices be less than any minimum prices which may be fixed for any export produce for the area concerned by order made under the provisions of regulation 10. Proviso.

## PART IV.

## SPECIAL POWERS OF CONTROLLER.

9. (1) In the event of a registered exporter contravening or failing to comply with

- (a) any condition of any permit issued to him, or
- (b) any order made under the provisions of regulation 10, or
- (c) any notice which may properly be served upon him, or
- (d) any other of the provisions of these regulations,

then in any such event and without prejudice to any other proceedings in respect thereof, a Controller may cancel the registration or the permit or both such registration and permit of the registered exporter. Cancellation of registration permit and appeal.

(2) Any registered exporter who may be aggrieved by the cancellation of his registration or of any permit by a Controller under the provisions of sub-regulation (1) may within fourteen days of such cancellation appeal to the Director of Supplies whose decision shall be final and conclusive.

10. A Controller may, by order, provide,

(a) for any such matters as are authorised by these regulations to be prescribed; Power to make orders

(b) for the fixing of,

(i) maximum, fixed or minimum prices to be paid for export produce or for any grade thereof at any place or within any specified area,

(ii) specific periods during which the buying, selling and otherwise dealing with export produce or any particular export produce shall be prohibited, restricted or allowed,

(iii) transport differentials,

(iv) rates of commission and brokerage,

(v) buying or export quotas;

(As amended by Regulations 1 of 1944).

- (c) for any incidental and supplementary matters for which a Controller thinks it expedient for the purposes of the order to provide, including in particular, the entering and inspection of premises to which the order relates by persons authorised in that behalf by a Controller with a view to securing compliance with the order.

## PART V.

## GENERAL.

Prohibition on buying or selling at less than minimum price and burden of proof.

11. No person shall buy or sell or attempt or offer or agree to buy or sell export produce at a price less than the minimum price fixed for such export produce by order made under the provisions of regulation 10. (*As amended by Regulations 84 of 1943*).

Aiding and abetting.

12. Any person who aids and abets any other person whether or not such person is in Nigeria, in doing any act or making any omission which act or omission if done or omitted to be done in Nigeria would be a contravention of the provisions of these regulations shall be guilty of an offence.

Power of court to order forfeiture.

13. When any person is convicted of an offence against the provisions of these regulations or any order or notice made or served thereunder, the court before which he is convicted may direct that the export produce in respect to which the offence has been committed or any part of such export produce, shall be forfeited to His Majesty.

Application of Ordinance No. 27 of 1939 and Regulations No. 75 of 1941.

14. The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, and of the Interpretation Ordinance, 1939, shall apply to these regulations as if a Controller were a competent authority save that where the provisions of that Ordinance and either those of the Nigeria General Defence Regulations, 1941, or of these regulations conflict the provisions of the said regulations shall prevail.

Revocation and Saving.

15. The regulations set out in the Schedule hereto are hereby revoked :

Provided that,

- (a) any officer or person appointed to act or employed, under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue and be deemed to have been appointed or employed under, by virtue of, or in accordance with the provisions of these regulations:
- (b) any rule, form, notice, licence, permit, coupon or other document, direction or request, made issued or given under, by virtue of or in accordance with the provisions of any of the regulations revoked by these regulations shall continue in force as if it had been made issued or given in accordance with the provisions of these regulations, and may be cancelled, revoked, varied or amended accordingly.

SCHEDULE  
REGULATIONS REVOKED  
Regulation 15

<i>Number and year of regulation</i>	<i>Short title</i>
No. 53 of 1939	The Defence (Government Purchase of Cocoa) Regulations, 1939.
No. 58 of 1939	The Defence (Government Purchase of Cocoa) (No. 1) Regulations, 1939.
No. 21 of 1940	The Defence (Government Purchase of Cocoa) (Amendment No. 3) Regulations, 1940.
No. 55 of 1940	The Defence (Government Purchase of Cocoa) (Amendment No. 4) Regulations, 1940.
No. 73 of 1941	The Defence (Government Purchase of Cocoa) (Resumption of Purchase) Regulations, 1941.
No. 88 of 1942	The Defence (Prohibition of Sale of Cocoa) (No. 2) Regulations, 1942.

MADE by the Governor at Lagos this 2nd day of September, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 2nd September, 1942.

**NIGERIA**

**No. 108 of 1942**

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Commissioner of Labour) Regulations, 1942, and shall be deemed to have come into force on the 1st day of October, 1942.

Short title and commencement.

2. The Governor may, by notification in the Gazette, appoint a person, either by name or by designating the holder for the time being of any particular office, to be Commissioner of Labour for Nigeria, hereinafter referred to as the Commissioner.

Appointment of Commissioner of Labour.

Vesting of powers in and exercise of powers by Commissioner.  
2 and 3 Geo. 6 c. 62 and 3 and 4 Geo. 6 c. 20.  
Schedule.

3. Upon such appointment being made—

- (a) there shall be deemed to be vested in the Commissioner all the powers contained in any regulations or parts of regulations made under and by virtue of the Emergency Powers (Defence) Acts, 1939 and 1940 or in any Ordinance or part of an Ordinance, the particulars of which regulations or Ordinances or parts thereof are set out in the Schedule hereto, hereinafter referred to as the scheduled legislation, as if he were the competent authority for or person authorised by or designated in the scheduled legislation;
- (b) the persons declared by the scheduled legislation to be competent authorities or persons appointed or authorised or to whom powers have been delegated in accordance with and in respect of the provisions of the scheduled legislation shall have and perform and continue to have and perform the powers and duties conferred and imposed upon them save that the exercise of such powers and the performance of such duties shall be subject to the direction and control of the Commissioner and all such persons shall act in accordance with and conform to any orders or directions whether general or special made by the Commissioner.

Orders and directions of Commissioner to prevail.

4. In the absence of any orders or directions which may be made to the contrary by the Commissioner under the provisions of these regulations every order made or act done by any of the persons referred to in paragraph (b) of regulation 3 shall be deemed to be made or done by consequence of orders or directions given by the Commissioner; but if the Commissioner in exercise of the powers vested in him makes any order under his hand or gives any direction which is inconsistent with any order made or direction given by any person referred to in paragraph (b) of regulation 3 then the order made or the direction given by the Commissioner shall prevail.

Appointment of Labour Officers.

5. Notwithstanding the provisions of section 62 of the Labour Ordinance, 1929, the Commissioner may appoint in writing under his hand such number of Labour Officers as he thinks fit and any person so appointed shall have and exercise all the powers conferred upon a Labour Inspector under the provisions of the Labour Ordinance, 1929.

Ordinance 1 of 1929.

Application of Ordinance No. 27 of 1939.

6. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of that Ordinance are in conflict with the provisions of these regulations, the provisions of these regulations shall prevail.

## SCHEDULE (Regulation 3 (a)).

Ordinance or Regulation.	Parts, sections or regulations.
The Labour Ordinance, 1929 .. . . .	The whole.
The Nigeria General Defence Regulations, 1941 (No. 75 of 1941).	Part VIII.

MADE by the Governor at Lagos this 10th day of October, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 10th October, 1942.

NIGERIA

No. 118 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Identification of Persons) Regulations, 1942, and shall come into force on the 1st day of December, 1942, and shall apply to non-natives including such persons in the service of His Majesty.

Short title, commencement and application.

2. In these regulations—

Interpretation.

“ authorised officer ” means any of the persons set out in the Schedule hereto;

“ court ” means court of a commissioner or a magistrate;

“ His Majesty's Forces ” include any force or unit established under the Local Forces Ordinance, 1938, the Military Units Ordinance, 1941, and any force established by regulation under the Emergency Powers (Defence) Acts, 1939 and 1940;

Ordinance 32 of 1938.  
Ordinance 68 of 1941.  
2 & 3 Geo. 6, c. 62.

“ police officer ” and “ superior police officer ” and “ Commissioner of Police ” shall have the same meaning as contained in the Police Ordinance from time to time in force.

3 & 4 Geo. 6, c. 20.

Power to interrogate and if necessary detain if a superior police officer or an officer of His Majesty's Forces.

3. (1) An authorised officer may interrogate any person to whom these regulations apply for the purpose of satisfying himself as to the identity of such person and if not so satisfied may, if he be a commissioned officer of His Majesty's Forces, a superior police officer or an administrative officer, detain such person or cause him to be detained, for inquiries.

(2) Such detention may be in a police station or other convenient place and no person shall be detained for a longer period than is necessary for the purpose of identification and if such identification has not been established to the satisfaction of such authorised officer within twenty-four hours from the time of interrogation, the person detained shall at the expiration of such period or so soon thereafter as may be reasonably practicable be brought before a court.

(3) Where a person detained is brought before a court under the provisions of sub-regulation (2) the court may order his further detention for a period not exceeding one week or may order the person detained to be released on entering into a bond with two approved sureties in such sum as to the court may appear necessary.

(4) Such bond shall require the person detained to remain within the area specified in such bond and to report daily to the authorised officer for such period as may be specified in the bond.

(5) Notwithstanding anything in this regulation contained if a person detained under the provisions of this regulation at any time requests that he be brought before a court, the authorised officer shall bring such person or cause him to be brought before a court so soon as may be reasonably practicable.

Powers of other authorised officers.

4. Where an authorised officer, not being a commissioned officer of His Majesty's Forces, a superior police officer or an administrative officer, upon interrogation of any person to whom these regulations apply is not satisfied as to the identity of such person he may bring such person or cause him to be brought before an authorised officer being a commissioned officer of His Majesty's Forces, a superior police officer or an administrative officer for further interrogation and upon such subsequent interrogation the provisions of regulation 3 shall apply.

Authorised officer to disclose his identity.  
Duty of persons interrogated.

5. An authorised officer exercising any of his powers under these regulations shall forthwith disclose his identity.

6. Any person to whom these regulations apply when interrogated by an authorised officer shall answer all questions and give such other information as may be necessary to prove his identity, and shall obey any order lawfully given by an authorised officer under the provisions of these regulations.

7. Any person to whom these regulations apply when interrogated by an authorised officer shall be given all reasonable facilities to establish his identity. Procedure on interrogation.

8. (1) Where an authorised officer acting under the powers conferred upon him by these regulations exercises any of such powers in respect of a person subsequently proved not to be a person to whom these regulations apply then in any proceedings brought by such person against such authorised officer it shall be a defence if such authorised officer shows that he had, at the time of the exercise of such powers, a reasonable belief that such person was a person to whom these regulations applied or that, not knowing whether such person was a person to whom these regulations applied, he interrogated such person to ascertain whether these regulations did so apply and in determining whether an authorised officer had a reasonable belief the court shall take into account the conduct of the person so interrogated or in respect of whom the authorised officer exercised any other of his powers under these regulations. Protection of authorised officer.

(2) Any authorised officer exercising any of his powers under these regulations and being a member of His Majesty's Forces or a police officer shall be deemed to be exercising such powers in the execution of his duty as such.

9. (1) Any person to whom these regulations apply who fails to comply with any of the provisions of these regulations or with any order lawfully given thereunder or who on interrogation knowingly gives false information to an authorised officer shall be liable on conviction to a fine of fifty pounds or to imprisonment for a term of three months or to both such fine and imprisonment. Offences and penalties.

(2) Proceedings shall not be instituted for an offence under these regulations except by a superior police officer, or an administrative officer, or a commissioned officer of His Majesty's Forces.

10. The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of the Interpretation Ordinance, 1939, are in conflict with the provisions of these regulations the provisions of these regulations shall apply. Application of Ordinance 27 of 1939.

#### SCHEDULE.

- (1) an administrative officer;
- (2) a superior police officer in uniform;
- (3) any commissioned officer of His Majesty's Forces in uniform and stationed in Nigeria;
- (4) a police officer in uniform, not being a superior police officer, authorised in writing by a superior police officer;

- (5) any member of His Majesty's Forces in uniform, not being a commissioned officer, authorised in writing by the officer commanding his station or by a superior police officer.

(As amended by Regulations 49 of 1943).

MADE by the Governor at Lagos this 12th day of November, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
Chief Secretary to the Government.

Chief Secretary's Office,  
Lagos, 12th November, 1942.

NIGERIA

No. 127 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

#### PART I.

##### SHORT TITLE, DEFINITIONS AND APPLICATIONS.

- Short title and commencement. 1. These regulations may be cited as the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations 1942, and shall come into force on the 1st day of January, 1943.
- Definitions. 2. In these regulations—  
“compulsory civil service” includes service in any civil defence service established under the Nigeria General Defence Regulations, 1941;  
“registrar” includes a deputy registrar and an authorised officer.
- Regs. 75 of 1941.
- Appointment of Director of Man-Power. 3. The Chief Secretary is hereby appointed Director of Man-Power for the purposes of these regulations, hereinafter referred to as the Director.

4. (1) Save as otherwise herein provided these regulations shall apply to every male person who:—

Liability for national service.

- (a) on the coming into force of these regulations is a British subject or a British protected person; and
- (b) has at that date attained the age of eighteen years and not attained the age of fifty-five years, or subsequent to that date attains the age of eighteen years; and
- (c) is at that date, or when he attains the age of eighteen years, ordinarily resident in Nigeria, or not being ordinarily resident in Nigeria at the coming into force of these regulations subsequently becomes ordinarily resident in Nigeria,

and every such male person is hereby made liable to be called up for such compulsory civil or military service as the Director may order.

(2) A person in Nigeria shall be deemed to be ordinarily resident in Nigeria for the purposes of this regulation unless he proves that the circumstances of his residence are such as to show that he is residing for a temporary purpose only and for a period not exceeding two months.

(3) A person who by virtue of these regulations is made subject to compulsory service shall save as otherwise provided by these regulations remain so liable:—

Period of liability.

- (a) in respect of military service, until he has attained the age of forty-five years:

Provided that where such a person has in fact been called up for military service he shall perform such duty as may be required of him until he shall be discharged from military service notwithstanding that during the performance of his military service he shall have attained the age of forty-five years or over; and

Proviso.

- (b) in respect of civil service, until he has attained the age of fifty-five years.

## PART II.

### REGISTRATION.

5. Residents of Provinces and the Commissioner of the Colony are hereby appointed registrars for the purposes of these regulations for their respective areas and may appoint in writing District Officers to be deputy registrar and every deputy registrar so appointed shall have the powers and duties of a registrar under these regulations.

Appointment of registrars.

Persons to register.  
Form A.

6. (1) Every male British subject of European descent to whom these regulations apply shall forthwith obtain and complete Form A in the Schedule hereto and return such Form upon completion to the registrar from whom it was obtained.

(2) Form A may be obtained from:—

- (a) the office of the Commissioner of the Colony;
- (b) provincial headquarters;
- (c) divisional headquarters,

and may be returned to the registrar when completed post free.

Exemptions.

(3) The provisions of this regulation shall not apply in the case of persons residing in Lagos who prior to the coming into force of these regulations have registered or who do subsequently register under the provisions of the Nigeria General Defence (Lagos Registration) Regulations, 1942, or who have registered under the provisions of the Nigeria Defence (Compulsory National Service) Regulations, 1940, and such registration shall be deemed to be registration under these regulations.

Regs. 33 of 1942.

Regs. 33 of 1940.

Persons may be called upon to register.

7. (1) The Director may, by notice in the Gazette, order that any persons to whom these regulations apply, being engaged in or belonging to any specified trade, profession or class, or who are in possession of any specified experience or qualification or who come within any specified age group shall register in accordance with the provisions of such order.

(2) Such order may apply to Nigeria or to any specified area in Nigeria.

### PART III.

#### REPORTING.

Persons may be called upon to report.  
Individuals.  
Form B.

Groups or classes.

8. (1) The Director or any person authorised by him may serve or cause to be served upon any person to whom these regulations apply a notice in the Form B in the Schedule hereto requiring such person to report to such person at such place as may be specified in such notice.

(2) The Director may, by notice in the Gazette, order that any persons to whom these regulations apply being engaged in or belonging to any specified trade, profession or class, or who are in possession of any specified experience or qualification or who come within any specified age group shall report in accordance with the provisions of such order.

(3) Such order may apply to Nigeria or to any specified area in Nigeria.

(4) The person or classes or group of persons required to report under this regulation shall forthwith comply with the provisions of any such notice or order and shall be granted on request free transport and subsistence to the place where he or they are required to report.

(5) Such notice or order may be served or made in respect of any person or persons to whom these regulations apply whether such person is registered under the provisions of these regulations or not.

9. (1) Any person reporting under the provisions of regulation 8 may be required forthwith to register and may in addition have served upon him any notice, form or order requiring him to perform such compulsory civil or military service as may be required of him under the provisions of these regulations.

Procedure on reporting.

(2) Where a person reporting under the provisions of regulation 8 is required under the provisions of these regulations to perform compulsory civil or military duties in a place other than that in which he normally resides, the registrar or other person to whom such person so reports shall allow the person so reporting such reasonable time as may be deemed just for the arrangements of his normal affairs before he takes up the duties required of him under these regulations and the date on which such persons is required to take up such duties shall be inserted in the notice or order accordingly.

#### PART IV.

##### COMPULSORY CIVIL SERVICE.

10. (1) Subject to the provisions of these regulations the Director or any person authorised by him may serve or cause to be served on any person to whom these regulations apply a written notice in the Form C in the Schedule hereto, hereinafter called a compulsory civil service notice, requiring such person:—

Compulsory civil service.

Form C.

(a) to remain and perform the services he is actually or should actually be performing at the time of service of such notice; or

(b) to present himself to such authority or person and at such time and place and to perform such duties as may be specified in the notice; or

(c) to present himself for enrolment for full time or part time duties in the Civil Defence Service specified in such notice.

(2) Any such notice may be served on any person to whom these regulations apply whether such person is registered under the provisions of these regulations or not.

(3) Where any such person upon whom a compulsory civil service notice has been served presents himself in accordance with the provisions of these regulations, the authority or other person to whom such person presents himself may require such person forthwith to register.

(4) Any person required to present himself in accordance with the provisions of a compulsory civil service notice served upon him shall receive free travel and subsistence to the place at which he is required to present himself and if he is required to perform duties at any place other than the place at which he has presented himself, free travel and subsistence to the place at which he is required to perform such duties.

Conditions  
of compul-  
sory service.

11. (1) Where any person is required under the provisions of a compulsory civil service notice to work for any person, firm or department of Government such person, firm or department of Government shall pay to the person so required to do such work such rate of remuneration as is provided under the provisions of these regulations.

(2) Where any person is required under the provisions of a compulsory civil service notice to perform work for any person or firm such person or firm shall accept the services of such person save that no person or firm shall be required to accept the services of a person served with a compulsory civil service notice unless such person or firm has reported to the Director the need for the services of such a person.

(3) Notwithstanding the provisions of sub-regulation (2) the Director, if in his opinion it is necessary so to do for maintaining supplies or services essential to the life of the community or for the efficient prosecution of any war in which His Majesty may be engaged, may by order under his hand require any person or firm to accept and utilise the services of any person upon whom a compulsory civil service notice has been served in that behalf and upon such order being given the provisions of these regulations in respect of persons performing compulsory civil service shall apply as if such person or firm had reported to the Director the need for the services of the person so performing compulsory civil service with such person or firm.

Rates of remuneration for persons performing compulsory civil service.

12. The rate of remuneration for any person performing compulsory civil service shall be the ordinary rate of remuneration current for such class of work in the area in which such work is performed or, if there is no such current rate, such rate of remuneration as, with the approval of the Director, may be agreed upon between the person required to work and the person, firm or department of Government for whom or for which such work is done or such rate of remuneration as the Director in his discretion may fix in respect of any particular person or class of persons so required to work:

Proviso.

Provided that where there is no such current rate of remuneration and where agreement is not reached the Director may fix the rate of remuneration.

## PART V.

### COMPULSORY MILITARY SERVICE.

Medical  
examination

Form D.

13. (1) Subject to the provisions of these regulations the Director or any person authorised by him may serve or cause to be served on any person to whom these regulations apply a notice in Form D in the Schedule hereto requiring such person to submit himself for medical examination by the medical officer or medical practitioner and at such time and place as may be specified in such notice.

(2) Such notice may be served upon any person to whom these regulations apply whether such person is registered under the provisions of these regulations or not or whether such person is actually performing compulsory civil service under the provisions of these regulations at the time of service of such notice or not. and if a person upon whom a notice under this regulation has been served is not so registered the person to whom he presents himself for examination in accordance with the provisions of such notice may require the person so presenting himself forthwith to register.

(3) The medical officer or medical practitioner who examines any person in accordance with the provisions of this regulation shall report in writing to the person who has signed the notice requiring the examination as to whether the person upon whom such notice has been served is or is not fit for military service and if he finds that such person is not fit for military service shall give a report in writing stating the reasons for his decision.

(4) Where a person who has been examined by a medical officer or a medical practitioner in accordance with the provisions of this regulation and that person or the Director is dissatisfied with the decision of the medical officer or medical practitioner the Director may, of his own motion or upon the application of the person examined refer the examination of such person to a Board of three medical officers to be nominated by the Director and the decision of such Board shall be final.

(5) Any person who applies or is required to submit himself for medical examination in accordance with the provisions of this regulation shall receive free travel and subsistence to and from the place at which such notice was served upon him and the place at which he is required to attend for examination.

14. (1) The Director or any person authorised by him may serve or cause to be served on any person found to be fit for military service in accordance with the provisions of regulation 13 a notice on the Form E in the Schedule hereto stating that such person has been called up for compulsory military service.

Calling up  
for military  
service.

Form E.

(2) Such notice shall specify:—

- (a) the military unit in which such person is called upon to serve;
- (b) the time and place and authority at which and to whom such person shall report; and
- (c) the particulars of the travelling arrangements made to enable such person to reach the place at which he has to report.

(3) Any person called up for compulsory military service under the provisions of this regulation may be required to perform such service with any force or unit established under the provisions of any Ordinance or with any force or unit established in Nigeria by regulation under the provisions of the Emergency Powers (Defence) Acts, 1939 and 1940.

2 & 3 Geo.  
6, c. 62.  
3 & 4 Geo.  
6, c. 20.

(4) Subject to the provisions of these regulations a person called up for compulsory military service shall be deemed, as from the day specified in the notice served upon him as the day on which such person has to report, to have been duly entered for service in the unit so specified and the term or period for which he is so entered shall be deemed to be from the beginning of the said day until he shall be formally discharged from the said unit or from any other unit to which he may transfer or be transferred.

(5) A person called up for compulsory military service shall be liable for military service for the defence of Nigeria either within or without Nigeria save that natives of the Cameroons under British Mandate shall be liable only to serve in defence of the Cameroons under British Mandate.

(6) A person required to report for compulsory military service shall receive free travel and subsistence from the place at which the notice was served upon him to the place at which he is required to report.

#### PART VI.

#### CONSCIENTIOUS OBJECTORS AND POSTPONEMENT OF LIABILITY FOR SERVICE.

Conscientious objectors.

15. (1) If any person liable under these regulations to be called up for compulsory military service claims that he conscientiously objects to performing combatant military service he may within fourteen days of the coming into force of these regulations apply to the Director to be registered as a conscientious objector in a special register to be kept by the Director such Register to be known as the Register of Conscientious Objectors.

(2) The Director may appoint a committee consisting of the Attorney-General as chairman and two other persons to enquire into the case of any person applying to be registered on the Register of Conscientious Objectors, and such committee on being satisfied that the applicant's objection to combatant military service is based on genuine moral or religious grounds may recommend to the Director that his name be registered on the Register of Conscientious Objectors.

Form F.

(3) No person who is registered on the Register of Conscientious Objectors shall be called upon to perform any combatant military service, and shall be granted a certificate to that effect in the Form F in the Schedule hereto.

(4) Where for any reason the Attorney-General is unable to attend a meeting of any committee appointed under this regulation, the committee may be presided over by any other person appointed by the Attorney-General, such person being a member of the Legal Department or a legal practitioner.

Postponement of liability for compulsory service.

16. (1) Any person to whom the provisions of these regulations apply may apply to the Director for a certificate of postponement of liability to be called up for compulsory service, and on consideration of such application the Director may, if he is satisfied:—

- (a) that such person is engaged on work which is essential for the proper prosecution of the war and cannot be replaced in such work, or
- (b) that exceptional hardship would ensue if such person were called up,

grant a certificate in the Form G in the Schedule hereto, hereinafter called a postponement certificate, that the liability of such person to compulsory service of any description whatsoever or such description as may therein be specified is postponed until the cancellation of such certificate as in this regulation provided.

Form G.

(2) A certificate granted by the Director under this regulation may be cancelled by the Director at any time without assigning reasons therefor and upon the Director so cancelling the certificate the person to whom the certificate relates shall forthwith become liable to compulsory service.

(3) Where the Director refuses to give such a certificate or having granted such a certificate cancels the same the person to whom the certificate refers may appeal from the decision of the Director to a committee appointed in the same manner as the committee referred to in regulation 15 and subject to the same conditions.

(4) Such committee after hearing both sides shall state whether or not a certificate should be granted or cancelled as the case may be.

17. (1) The Director, if satisfied at any time that by reason of the gravity of the situation it is necessary so to do, may by notice in the Gazette:—

Cancellation of postponement certificate.

- (a) cancel all postponement certificates in force at the date of the notice, or
- (b) abrogate, either generally or in regard to a specified class of persons, any right to apply for the grant of a postponement certificate.

(2) Such notice may provide for the cancellation of the certificates either forthwith or at specified dates in the future and either generally or in relation to specified classes of persons.

#### PART VII.

#### REINSTATEMENT AFTER DETERMINATION OF COMPULSORY SERVICE.

18. It shall be the duty of any employer by whom a person called up under these regulations for compulsory service or by whom a member of the Nigeria Regiment or any other military force raised or recruited in or for Nigeria whether before or after the date of these regulations, was employed when he was called from his civil employment for compulsory service connected with the present emergency, to reinstate him in his employment at the termination of that service in an occupation and under conditions not less favourable to him than those which would have been

Reinstatement in civil employment.

applicable to him had he not been so called up as aforesaid, and if he fails to do so, the employer shall subject as hereinafter provided, be liable on summary conviction to a fine not exceeding fifty pounds, and the court by which any employer is found guilty under this regulation may order him to pay to the person whom he has failed to reinstate a sum not exceeding an amount equal to twenty-six weeks remuneration at the rate at which the remuneration was last payable to him by the employer:

Proviso.

Provided that in any proceedings under this regulation it shall be a defence for the employer to prove that the person employed by him did not, before the expiration of one month after the termination of such compulsory service as aforesaid, apply to the employer for reinstatement, or that, having offered reinstatement to him he failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer, or that by reason of a change of circumstances (other than the engagement of some other person to replace him):—

- (a) it was not reasonably practicable to reinstate him;
- (b) his reinstatement in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been called from his civil employment for service connected with the present emergency, was impracticable, and the employer has offered to reinstate him in the most favourable occupation and under the most favourable conditions reasonably practicable.

#### PART VIII.

#### MISCELLANEOUS.

Medical  
certificate.

19. (1) If any person performing compulsory civil service or performing duties in a civil defence service or who is liable to either under the provisions of these regulations considers that he is medically unfit to perform or to continue to perform such duties as may be required of him, he may apply to the Director for medical examination and the Director shall cause such person to be examined by one or more medical officers.

(2) The medical officer or officers shall report to the Director as to whether any such person is totally unfitted to perform compulsory civil service of any kind or what duties or work such person is in his or their opinion fitted to do or perform and the Director shall either exempt such person from liability for compulsory civil service under these regulations by a notice in the Form G in the Schedule hereto or indicate on Form H the work or duties which such person may be called upon to perform in accordance with such medical report.

Form H.

(3) The decision of the medical officer or officers shall be final.

Service of  
notices.

20. (1) Any notice to be served on any person for the purpose of any of the provisions of these regulations may be sent by registered post addressed to that person at his last known address.

(2) Any notice addressed to more than one person may be served by publication in the Gazette.

21. (1) Where a person registered under these regulations other than a person enrolled in the Nigeria Regiment, the local forces or some other of the armed forces of the Crown is about to leave Nigeria he shall inform the appropriate registrar by notice in writing of that fact before the date of his departure and he shall also inform the registrar of the approximate date, if known, of his return to Nigeria.

Persons leaving Nigeria to notify registrar.

(2) Where a person who has notified the registrar as in this regulation returns to Nigeria he shall inform the appropriate registrar by notice in writing of the fact of his return to Nigeria and of any other alterations which should be made in the register in respect of himself.

22. Where a person registered under these regulations who has not been enrolled in the Nigeria Regiment, the local forces or some other of the armed forces of the Crown changes his address so that the address entered in the register as his permanent address is no longer his permanent address he shall forthwith give notice in writing to the appropriate registrar of his new permanent address.

Change of permanent address to be notified to registrar.

23. Notwithstanding anything contained in these regulations the Director may require any person to do work or render any service in aid of or in connection with the defence of Nigeria.

Saving of Director's general powers.

24. Where in any order or notice given by the Director under the provisions of regulations 8 or 13 any person to whom these regulations apply is ordered to report to any person not being a registrar such person shall be deemed to be an authorised officer for the purposes of these regulations.

Authorised Officer.

25. (1) Notwithstanding anything in these regulations contained the Director in the event of any anticipated hostile attack of any kind may by order provide that subject to the provisions for medical examination in such order specified any person or persons or class or group of persons performing compulsory civil service in accordance with these regulations shall be transferred for full time military service save that any such person being between the ages of forty-five and fifty-five shall not perform full time military service in a combatant unit.

Special power of Director to transfer persons to military units.

(2) Any such order shall specify the unit in which any person or persons or group or class of persons is to serve and such order may contain such other incidental and supplementary provisions as appear to the Director to be necessary or expedient for the purposes of the order.

(3) Any such order may apply to Nigeria or to any area in Nigeria.

Special power of Director to order full time service in a civil defence service.

26. (1) Notwithstanding anything in these regulations contained the Director in the event of any anticipated hostile attack of any kind may by order require any person or persons or group or class of persons to whom these regulations apply to perform full time duty in any civil defence service.

(2) Any such order may apply to Nigeria or to any area in Nigeria.

## PART IX.

### OFFENCES.

False statement and forgery.

27. Any person who:—

(a) in giving any information for the purpose of these regulations knowingly or recklessly makes any statement which is false in a material particular; or

(b) with intent to deceive:—

(i) forges or uses, or lends to or allows to be used by any other person any certificate issued under these regulations, or

(ii) makes, or has in his possession, any document so closely resembling any certificate issued under these regulations as to be calculated to deceive

shall be guilty of an offence against these regulations.

Other offences.

28. (1) Any person who contravenes or fails to comply with any of these regulations or notice, order or direction given or requirement imposed under any of these regulations or who fails fully and correctly to fill in or complete any form or notice required to be filled in by him under the provisions of these regulations or of any notice, order or direction made or given under these regulations shall be guilty of an offence against these regulations:

Proviso.

Provided that in any prosecution for an offence against these regulations it shall be a defence for the person charged to prove that he was prevented from complying with the relevant provisions of these regulations by circumstances beyond his control.

(2) Proceedings for an offence under these regulations may be taken against any person at any place where he is for the time being.

(3) Any administrative officer or member of the Police Force may institute proceedings under these regulations.

Penalties.

29. Any person convicted of an offence against these regulations shall be liable to imprisonment for a term of six months or to a fine of one hundred pounds or to both such fine and imprisonment and upon conviction for a second or any subsequent offence shall be liable to imprisonment for a term of two years or to a fine of five hundred pounds or to both such fine and imprisonment.

## PART X.

## EXEMPTIONS.

30. Any person who is, under the provisions of any Act in force in a Dominion (which expression means a Dominion within the meaning of the Statute of Westminster, 1931), a national or citizen of that Dominion within the meaning of that Act, or who is a person born or domiciled in a Dominion, if in either case he has been ordinarily resident in Nigeria for less than two years shall be exempt from the provisions of these regulations; and the following persons, during such time as they respectively hold such offices, shall be required to register under these regulations but shall not be called up for other service hereunder:—

- (a) Members of the Executive Council;
- (b) Judges of the Supreme Court and the High Court;
- (c) Members of the armed forces of the Crown;
- (d) Members of the Nigeria Police Force including special constables;
- (e) Members of the Nigeria Naval Defence Forces;
- (f) Persons in holy orders and regular ministers of any religious denomination in respect of military duties only;
- (g) Persons serving in any existing unit established under the Local Forces Ordinance, 1938, or under the Military Units Ordinance, 1941, or by regulations under the Emergency Powers (Defence) Acts, 1939 and 1940.

Exemptions.

Ord. 32 of 1938.  
Ord. 68 of 1941.  
2 & 3 Geo. 6, c. 62.  
3 & 4 Geo. 6, c. 20.

## PART XI.

## INTERPRETATION, SAVING AND REVOCATION.

31. (1) The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of these regulations are in conflict with the provisions of the Interpretation Ordinance, 1939, the provisions of these regulations shall prevail.

Application of Ord. 27 of 1939 and parts B and C of Part XI of Regs. 75 of 1941.

(2) The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations save that where the provisions of these parts are in conflict with the provisions of these regulations the provisions of these regulations shall prevail.

Regs. 75 of 1941.

32. (1) Any officer or person, appointed to act or employed under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue and be deemed to have been appointed or employed under, by virtue of, or in accordance with the provisions of these regulations,

Saving.

(2) Any order, rule, regulation, form, notice, licence, permit, direction or request made, prescribed, issued or given under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue in force as if it had been made, prescribed, issued or given under, by virtue of, or in accordance with the provisions of these regulations and may be cancelled, revoked, varied or amended accordingly.

(3) Any person who at the date on which these regulations come into force is performing compulsory national service under the provisions of the regulations revoked by these regulations shall be deemed to be performing such compulsory national service under the provisions of these regulations.

(4) Any document referring to any of the regulations revoked by these regulations shall be construed as referring to these regulations or to the corresponding part or parts of these regulations.

Revocation. 33. The regulations in the Second Schedule hereto are hereby revoked.

## FIRST SCHEDULE.

## FORMS.

(Regulations 6, 8, 10, 13, 14, 15, 16 and 19)

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*

(No. 127 of 1942)

## FORM A

(Regulation 6)

## NIGERIA NATIONAL SERVICE REGISTER

Read notes at foot before completing.

Registration No. ....  
(To be filled in by Registrar)

Surname	(BLOCK CAPITALS)	Christian Names	Date of Birth
Occupation	Permanent Residence		Date of last Arrival in Nigeria
	in Nigeria		
Any special military, 1		Married/Single.	
technical or other 2		Wife in Nigeria/else- where	
qualifications or 3		Languages spoken	
experience. 4			

Do you suffer from any physical disability which would prevent you serving with the armed forces of the Crown ?

Do you desire to serve ?

Date .....194.....

Signature of Person Registering

## NOTES

1. This form is to be filled up by all male British subjects of European descent between the ages of 18 and 55, who are not exempt under regulation 6 (3).

2. No covering letter should be forwarded with this form.

3. Please fill in carefully and neatly so as to save unnecessary work ; this form will form part of the register itself.

4. For "permanent address" give an address which will always find you in Nigeria, e.g., headquarters of department or firm.

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*  
(No. 127 of 1942)

FORM B

(Regulation 8)

## NOTICE TO REPORT

In exercise of the powers vested in the Director by regulation 8 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, the Director hereby requires that you

of .....  
 forthwith  
 do .....  
 on the ..... day of ..... 1942 report to .....  
 at .....

You will proceed by .....  
 (Insert route)

and your expenses, if required by you in advance, may be obtained at .....  
 on production of this notice.

DATED this ..... day of ..... 194.....

Signed .....  
 Director/Authorised Officer

*This Form will be printed in two parts, one being retained for record.*

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*  
(No. 127 of 1942)

FORM C

(Regulation 10)

## COMPULSORY NATIONAL CIVIL SERVICE

In exercise of the powers vested in the Director by regulation 10 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, you

of .....  
 are hereby required as from the ..... day of ..... 194.....,  
 .....  
 .....

and so to continue until further notice.

You will receive your travel and subsistence allowances at .....

DATED this ..... day of ..... 194.....

Signed .....  
 Director/Authorised Officer

*This Form will be printed in two parts, one being retained for record.*

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service)  
Regulations, 1942*

(No. 127 of 1942)

FORM D

(Regulation 13)

NOTICE FOR MEDICAL EXAMINATION

In exercise of the powers vested in the Director by regulation 13 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, you

of .....  
are hereby required to report for medical examination at ..... at the hour of .....  
on the ..... day of ..... 194.....

You will receive your travel and subsistence allowances at .....

DATED this ..... day of ..... 194 .....

Signed .....  
Director / Authorised Officer

*This Form will be printed in two parts, one being retained for record.*

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service)  
Regulations, 1942*

(No. 127 of 1942)

FORM E

(Regulation 14)

COMPULSORY MILITARY SERVICE NOTICE

In exercise of the powers vested in the Director by regulation 14 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, you

of .....  
are hereby called up for compulsory military service and you are required to report to ..... at ..... for enrolment in the .....

You should report on the ..... day of ..... at the hour of ..... and you will proceed by ..... and your travel and subsistence allowances  
(Insert route)

may be obtained at ..... on production of this notice.

DATED this ..... day of ..... 194.....

Signed .....  
Director / Authorised Officer

*This Form will be printed in two parts, one being retained for record*

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*

(No. 127 of 1942)

FORM F

(Regulation 15)

CERTIFICATE OF REGISTRATION AS A CONSCIENTIOUS OBJECTOR

This is to certify that .....  
of .....  
has been registered as a conscientious objector under the provisions of regulation 15 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, and is therefore exempt from combatant military service.

DATED this .....day of ....., 194.....

Signed.....  
Director

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*

(No. 127 of 1942)

FORM G

(Regulation 16)

CERTIFICATE OF POSTPONEMENT OF LIABILITY FOR SERVICE

In exercise of the powers vested in the Director by regulation 16 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, it is hereby directed that the liability of .....

of .....  
to be called up for compulsory national service is hereby postponed .....  
(Indefinitely or until a specified date)

for the reason that :—

- \*(a) he is engaged on work essential to the proper prosecution of the war and cannot be replaced ;  
or
- (b) exceptional hardship would result if he were called up.

DATED this .....day of ....., 194.....

Signed.....  
Director

*This Form will be printed in two parts, one being retained for record.*

\* Delete paragraph not applicable

*The Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942*  
(No. 127 of 1942)

FORM H

(Regulation 19)

## CERTIFICATE OF EXEMPTION OR PARTIAL EXEMPTION

It is hereby certified that under the provisions of regulation 19 of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942,

of .....  
is on medical ground :—

\**(a)* exempted from all liability for compulsory civil service ; or

*(b)* may only be called upon to perform the work or duties as follows :—

DATED this ..... day of ....., 194 .....

Signed .....  
Director

*This Form will be printed in two parts, one being retained for record.*

\* Delete paragraph not applicable.

## SECOND SCHEDULE

REGULATIONS REVOKED

(Regulation 33)

Number and year of regulation	Short title
33 of 1940	The Nigeria Defence (Compulsory National Service) Regulations, 1940
52 of 1941	The Nigeria Defence (Compulsory National Service) (Amendment) Regulations, 1941.
6 of 1942	The Nigeria Defence (Compulsory National Service) (Amendment) Regulations, 1942.
7 of 1942	The Nigeria Defence (Compulsory National Service) (Amendment No. 2) Regulations, 1942.

MADE by the Governor at Lagos this 21st day of November, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 21st November, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

- Short title and commencement. Interpretation.
- Regulations 127 of 1942.
- Regulations 133 of 1942.
- Essential works to be scheduled.
- Regulations 108 of 1942.
1. These regulations may be cited as the Nigeria Defence (Employment in Essential Works) Regulations, 1942, and shall come into force on the 1st day of January, 1943.
  2. "authorised officer" includes the Commissioner of Labour and any person appointed by him under the provision of regulation 4;
 

"Director" means the Director of Man-Power appointed under the provisions of the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942;

"employer" includes the owner, manager or other person in charge of an essential work, or any part or department thereof;

"essential work" means any of the trades, industries, undertakings, professions or occupations scheduled by the Director under the provisions of regulation 3 but shall not include a department of Government as defined in the Nigeria Defence (Government and Public Bodies) (Employment) Regulations, 1942. (*As substituted by Regulations 132 of 1942*).
  3. (1) The Director may by order in the Gazette declare essential works.
 

(2) Any such order may declare either generally trades, industries, undertakings, professions or occupations to be essential works or may declare any particular undertaking, firm or branch of a firm to be an essential work.

(3) The Director may at any time add to, amend, vary or revoke any order made by him under the provisions of this regulation.
  4. (1) The Commissioner of Labour is hereby appointed the authorised officer for the purposes of these regulations.

(2) The Commissioner of Labour may appoint in writing any person to be an authorised officer in respect of any essential work or in respect of any area in Nigeria and any such appointment shall be published in the Gazette.

5. Subject as hereinafter in these regulations provided the following provisions shall apply to an essential work:—

Provisions to employment in essential works.

- (a) an employer shall not, except for serious misconduct, terminate the employment of any employee in such essential work, or, without terminating such employment, cause him to give his services in any other occupation, whether in another essential work or not, without the consent of the authorised officer;
- (b) a person employed in an essential work shall not leave such employment except with the consent of the authorised officer; and
- (c) not less than two weeks' notice of any proposed termination of the employment of any person employed in an essential work shall be given to the authorised officer by the person employed or the employer as the case may be save that this provision shall not apply where any employee is dismissed for serious misconduct.

6. (1) The terms of any contract of employment, in so far as they relate to the giving by either party of notice to terminate the contract and the length of such notice, shall remain in force save that where any such contract provides for the giving of less than two weeks' notice, not less than two weeks' notice shall be given as provided for in regulation 5 (c).

The contract and notice of intention to terminate services.

(2) On receipt of notice of the proposed termination of employment the authorised officer may consent to such termination or may by writing directed to the parties require such employment to continue.

7. (1) The rate of remuneration of employees in an essential work shall be in accordance with any trade, industrial or professional agreement or as paid by good employers in such trade, industry, undertaking or profession or such higher rate of remuneration as may be agreed between the employer and the employee or, if any dispute arises as to remuneration, such rate of remuneration as the Director may determine.

Remuneration.

(2) Nothing in this regulation contained shall be deemed to empower the Director to fix a rate of remuneration in cases where a trade dispute exists or is apprehended in respect of the terms of employment of any person or class of persons.

8. (1) Where an employer dismisses an employee for serious misconduct he shall report such dismissal forthwith to the authorised officer and such dismissal shall be provisional only if within seven days of such dismissal—

Dismissal for serious misconduct

- (a) the employee so dismissed appeals against such dismissal to the authorised officer; and
- (b) an order of re-instatement in respect of such employee is made as hereinafter in these regulations provided.

Ordinance 1  
of 1929.  
Regulations  
108 of 1942.

(2) On receipt of an appeal under sub-regulation (1) the authorised officer may in consultation with the Commissioner of Labour, a Labour Inspector or a Labour Officer either confirm such dismissal or direct that such employee be re-instated and in the case of re-instatement may give such directions as to the payment of remuneration for the period between such dismissal and re-instatement as to the authorised officer may seem just.

(3) For the purposes of this regulation "serious misconduct" includes any misconduct which interferes with the business of the employer or with the ability of the employee to perform his duties under the service contract or which is inconsistent with the due and faithful discharge of the employee's duties.

Working  
hours.

9. The working hours and overtime to be performed by an employee shall be the normal working hours and overtime current for the class of work in the area in which such work is performed save where the provisions of the Nigeria Defence (Overtime) Regulations, 1942, apply.

Duties of  
employee.

10. (1) An employee in an essential work who:—

- (a) without reasonable excuse fails to attend at his place of work punctually at the normal hour of commencing or re-commencing work; or
- (b) without reasonable excuse fails or refuses to work the normal hours of overtime lawfully required of him; or
- (c) without reasonable excuse fails or refuses to perform with promptness and diligence any act which it is his duty to perform; or
- (d) without reasonable excuse is absent from duty,

shall be guilty of an offence against these regulations.

(2) An employer may report to the authorised officer any employee whom he alleges to have contravened the provisions of sub-regulation (1) and upon investigation of the report the authorised officer may in addition to giving his consent to the dismissal of such employee direct that the employee be prosecuted for an offence against this regulation.

(3) A prosecution under this regulation may be instituted by an authorised officer, an administrative officer, an Inspector of Labour or a Labour Officer or any superior police officer.

Duties of  
employers.

11. (1) An employer shall—

- (a) keep such records and submit such returns as the Director may from time to time by writing require; and

- (b) produce such records on demand to any authorised officer, Commissioner of Labour, Labour Inspector or Labour Officer; and
- (c) permit any authorised officer, the Commissioner of Labour, Labour Inspector or Labour Officer to enter any premises in such essential work for the purposes of these regulations and generally to inspect as to the condition of employees working in such premises; and
- (d) give facilities at reasonable times to an Inspector of Labour or a Labour Officer to hear any complaints which the employees may wish to make.

(2) An employer shall comply with the provisions of these regulations and shall not impose upon any employee, who by virtue of these regulations is unable of his own accord to terminate his employment, any condition, duty, burden or treatment whatsoever which would have the effect of making the employment otherwise less favourable to such employee than if he were an employee lawfully able to leave such employment of his own accord.

12. (1) Subject to the provisions of these regulations any Appeals. person aggrieved by a decision of an authorised officer may, within ten days of the giving of such decision, appeal to the Director who may, in his absolute discretion—

- (a) call for a report, together with all relevant documents, from the authorised officer and, without further hearing, determine such appeal himself thereon; or
  - (b) hear and determine such appeal himself; or
  - (c) refer such appeal for hearing and determination to a Board, to be appointed by the Governor, of which the chairman shall be a legal or judicial officer and one member an officer of the Labour Department.
- (Substituted by Regulations 33 of 1943).*

(2) (a) Any person aggrieved by a decision of the Director, other than a decision given on appeal under the provisions of sub-regulation (1) may within ten days of the giving of such decision appeal to a Board to be appointed by the Governor of which the Chairman shall be a legal or judicial officer and one member an officer of the Labour Department.

(b) Notice of such appeal shall be given to the Chief Secretary and shall be accompanied by a statement setting forth the grounds of such appeal.

(3) The decision of the Director given under the provisions of sub-regulation (1) and the decision of a Board appointed under the provisions of sub-regulations (1) and (2) shall be final and conclusive and binding on the parties.

Exclusion of  
certain part  
time  
workers.

13. (1) The provisions of these regulations shall not apply to any person in an essential work who is employed casually or intermittently and whose periods of work on the average amount to less than fifteen days work in a month calculated on the basis of the number of days actually worked by such person in respect of the period during which such person was capable of and available for employment in such essential work and the remuneration and period of notice of termination of employment in respect of such person shall be those current in the normal conditions of employment in respect of such person or class of persons.

(2) If any dispute arises between an employer and an employee as to whether such employee is or is not a person to whom these regulations apply the matter may be referred by either the employer or the employee to an authorised officer whose decision shall be final and conclusive.

Saving.

Regulations  
127 of 1942.  
Regulations  
75 of 1941.

14. Nothing in these regulations contained shall affect the powers of the Director under the Nigeria Defence (Control of Man-Power) (Compulsory National Service) Regulations, 1942, or of the competent authority under the provisions of part D of Part VI of the Nigeria General Defence Regulations, 1941.

Application  
to persons  
employed by  
the Crown.

15. The provisions of these regulations shall apply in respect of an essential work carried on by or on behalf of His Majesty or the Government of Nigeria but shall not apply to any person who is a member of the armed forces of the Crown except in so far as such member is an employee of civilian labour in an essential work.

Hearing of  
appeals.

16. The Director may by order provide either generally or in respect of any particular case, for the manner in which appeals to the Board under the provisions of regulation 12 may be instituted and generally for the procedure on the hearing of any such appeal.

Application  
of Ordinance  
27 of 1939  
and Regula-  
tions 75 of  
1941.

17. The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, and of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of the Interpretation Ordinance, 1939, are in conflict with the provisions of these regulations, the provisions of these regulations shall prevail.

MADE by the Governor at Lagos this 8th day of December, 1942.

By His Excellency's Command,

A. G. GRANTHAM,  
*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 8th December, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Overtime) (Revocation and Re-enactment) Regulations, 1942, and shall come into force on the 1st day of January, 1943. Short title and commencement.
2. In these regulations:— Interpretation.
  - “ Commissioner ” means the person appointed by Commissioner of Labour under the provisions of the Nigeria Defence (Commissioner of Labour) Regulations, 1942; Regulations 108 of 1942.
  - “ department of Government ” includes the Nigeria Railways established under the provisions of the Railways Ordinance and all town councils, public and local authorities or other bodies or undertakings engaged in the performance of municipal or other similar public services; Chapter 110.
  - “ employer ” means any person who has entered into a contract to employ any servant and includes the agent, foreman, manager or factor of such person and includes the Government and any officer of Government who has entered into a contract of service on behalf of the Government;
  - “ normal working hours ” means those hours of attendance laid down in any legislation or General Order issued by Government or which are customary for the department of Government concerned or which obtain by agreement, usage or custom in any trade or industry;
  - “ trade or industry ” means any trade, industry or undertaking which,
    - (a) is declared by order of the Commissioner to be a trade or industry for the purposes of these regulations;
    - (b) is performing essential services; or
    - (c) is related to any trade or industry declared under paragraph (a) or to any essential service;
  - “ work of national importance ” means any work, operation, performance, procedure, process, handicraft or other employment necessary or expedient for securing the public safety, the defence of the realm,

the efficient prosecution of any war in which His Majesty may be engaged or for maintaining supplies or services essential to the life of the community; "overtime" means hours of work over and above normal working hours.

Power to order overtime in Government departments.

3. Notwithstanding anything in any other law in force to the contrary where any department of Government is or may become engaged in work of national importance the head of that department or any person authorised by him in that behalf may order the personnel of that department to work overtime for such hours as may be considered necessary:

Proviso.

Provided that the total number of hours of work in any case shall not exceed seventy-seven hours in any one week.

Power to order overtime in any trade or industry.

4. In any trade or industry the employer or any person authorised by him in that behalf may order the employees of such trade or industry or of any branch or department thereof to work overtime for such hours as may be considered necessary:

Proviso.

Provided that the total number of hours of work in any case shall not exceed seventy-seven hours in any one week.

Rates of overtime pay.

5. The rates of pay for overtime shall be:—

- (a) those provided for by legislation; or
- (b) those settled by agreement between the parties concerned; or
- (c) those obtaining through or in consequence of any trade usage or custom:

Proviso.

Provided that where none of the foregoing apply or there is disagreement as to the payment of overtime the rates shall be those fixed by the Commissioner whose decision shall be final save that nothing in this regulation contained shall be deemed to authorise the Commissioner to fix such overtime rates of pay where a trade dispute exists or is apprehended in respect of such overtime rates.

Application and construction. Regulations 29 of 1942. Regulations 90 of 1942.

6. The provisions of these regulations shall be in addition to and not in derogation of the provisions of the Nigeria Defence (Public Holiday Overtime) Regulations, 1942, and shall, in relation to the Nigeria Defence (Compulsory National Service) (Essential Mines, Northern Provinces) (No. 2) Regulations, 1942, be construed as if the Administrative Director appointed under those regulations were the person authorised by these regulations to order overtime.

Application of Ordinance 27 of 1939 and of Regulations 75 of 1941.

7. (1) The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of that Ordinance are in conflict with the provisions of these regulations, the provisions of these regulations shall prevail.

(2) The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations.

8. The Nigeria Defence (Overtime) Regulations, 1942, are hereby revoked and the provisions of section 12 of the Interpretation Ordinance, 1939, shall apply to such revocation as if it were the repeal of an Ordinance.

Revocation of Regulations 58 of 1942. Ordinance 27 of 1939.

MADE by the Governor at Lagos this 8th day of December, 1942.

By His Excellency's Command,

A. G. GRANTHAM,

*Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 8th December, 1942.

NIGERIA

No. 131 of 1942

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Service in British Ships) Regulations, 1942, and shall come into force on the 1st day of January, 1943, and shall apply to British subjects and British protected persons.

Short title, commencement and application.

2. In these regulations:—

“British ship” and “ship” have the same meanings as in the Merchant Shipping Act, 1894;

“Dominion ship” means a British ship registered in any Dominion other than Newfoundland not being a ship which is for the time being placed at the disposal of or chartered by or on behalf of His Majesty's Government in the United Kingdom or this Government.

Interpretation.

57 & 58 Vict., c. 60.

3. The Governor may by notification in the Gazette appoint a person, either by name or by designating the holder for the time being of any particular office, to be the competent authority for the purposes of these regulations.

Appointment of a competent authority.

4. (1) The competent authority may direct any person to whom these regulations apply to perform such services in a British ship, not being a Dominion ship, as in the opinion of the competent authority such person is capable of performing.

Power to require performance of services in ships.

(2) Any such direction shall, except as may be otherwise specified in such direction, remain in force until varied or cancelled by the competent authority.

Form A.

(3) Any such direction may be in the Form A in the Schedule hereto.

(4) For the purposes of this regulation a British ship shall include any ship requisitioned by or chartered by or on behalf of His Majesty's Government in the United Kingdom or this Government.

Terms of Service.

5. Any services required to be performed by a direction given under the provisions of these regulations shall be performed on such terms as to remuneration and conditions of service as are customary in respect of persons employed in the capacity in which any person to whom these regulations apply is required to serve under the provisions of these regulations, or, where there are no such customary terms remuneration or service or where any dispute arises, then on such terms as to remuneration and conditions of service as the competent authority may direct.

Extension of section 240 of 57 & 58 Vict., c. 60.

6. Section 240 of the Merchant Shipping Act, 1894, shall have effect as if there were included among the matters to be entered in the official log book the following matters, so far as they are known to the master of the ship:—

- (a) the name of every person to whom a direction has been given under the provisions of these regulations to perform services as a member of the crew of that ship;
- (b) the date on which and the place at which such person joined the ship, or, if such person failed to join the ship, the circumstances of the failure; and
- (c) if such person fails in any other respect to comply with the direction given to him, particulars of such failure.

Prohibition on acceptance of employment by masters and seamen.

7. No British subject or British protected person who has been the master or a member of the crew of any ship at any time since the twenty-eighth day of April nineteen hundred and forty-one shall, except with the consent of the competent authority accept any employment except as the master or a member of the crew of a British ship save that the provisions of this regulation shall not apply to such persons in respect of an employment under a contract in operation on the date on which these regulations come into force.

Right to appeal.

8. Subject to the provisions of these regulations a person to whom directions have been given by the competent authority under the provisions of these regulations may appeal to an appeal Board constituted as hereinafter provided.

Method of appeal.

9. (1) Any person desiring to appeal shall within twenty-four hours of the service upon him of the direction of the competent authority give to such competent authority written grounds of appeal.

(2) If such appeal is on the ground of medical unfitness the appellant shall present himself to such medical officer or medical practitioner as the competent authority may direct for examination. Appeal on medical grounds.

(3) Such medical officer or medical practitioner shall give to the competent authority a written certificate stating whether the appellant is medically fit to perform the services required of him.

(4) Where such certificate states that the appellant is medically unfit to perform the services required of him, the competent authority shall forthwith cancel such directions.

(5) Where such certificate states that the appellant is medically fit to perform the services required of him, then, if medical unfitness were the only ground of appeal, the competent authority shall endorse the directions given by him to the effect that the appellant is fit to perform the services required of him and no further appeal shall lie.

10. (1) Where a person to whom directions have been given appeals on any grounds other than medical only, the competent authority shall forward the relevant documents to the administrative officer of the area who shall forthwith convene an appeal Board to be constituted by such administrative officer as chairman and two other persons to be nominated by the chairman one of whom shall, if possible, be a legal or judicial officer and shall notify the appellant of the place and time of hearing. Appeal in other cases

(2) The appeal Board shall hear the appellant and his witnesses and then, if satisfied that the appellant is a person to whom these regulations apply either confirm the directions, or if satisfied that:—

(a) the appellant is engaged on work which is essential for the proper prosecution of the war and cannot be replaced in such work; or

(b) that exceptional hardship would ensue if the directions were confirmed,

may either exempt the appellant from liability to perform services under the provisions of these regulations or may postpone such liability, and any order of the appeal Board shall be in the Form B in the Schedule hereto and shall be served on the competent authority and the appellant. Form B.

(3) The decision of the appeal Board shall be final and conclusive, and such decision may be by a majority vote.

11. (1) Where a person (hereinafter in this regulation referred to as a "mariner") has agreed in accordance with the next following sub-regulation to go to a country outside Nigeria and there join such ship as may be specified in, or in pursuance of the agreement, being a ship to which this regulation applies, and to serve on board that ship in a capacity specified in the agreement, he shall be guilty of an offence against this regulation if, without reasonable cause, he refuses or fails:— Enforcement of agreements made in the United Kingdom to join ships.

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(3) Such medical officer or medical practitioner shall give to the competent authority a written certificate stating whether the appellant is medically fit to perform the services required of him.

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- (a) to present himself at any place at the time at which, or to the person to whom, he is required by or in pursuance of the agreement to present himself; or
- (b) to travel by any ship or other conveyance by which he is so required to travel; or
- (c) to join and serve on board a ship as so required.

(2) Every such agreement:—

- (a) shall be in a form approved by the competent authority;
- (b) shall be made between the mariner and the competent authority or a person approved (either generally or in any particular case) for the purpose of this regulation by the competent authority; and
- (c) shall be signed by the mariner in the presence of a superintendent within the meaning of the Merchant Shipping Act, 1894,

57 & 58  
Vict., c. 60.

and the signature of the mariner shall be attested by the superintendent.

(3) The ships to which this regulation applies are ships belonging to His Majesty and ships, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty.

(4) In any proceedings for an offence against this regulation a certificate of the competent authority that at a particular time a ship was one to which this regulation applies shall be evidence of that fact. (*Inserted by Regulations 3 of 1944*).

Application  
of Ordinance  
27 of 1939.

12. (1) The provisions of the Interpretation Ordinance, 1939, shall apply to these regulations save that where the provisions of that Ordinance conflict with the provisions of these regulations, the provisions of these regulations shall prevail.

(2) The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations.

Application  
of Regula-  
tions 75 of  
1941.  
Proceedings.

13. Proceedings for offences under these regulations may be instituted by the competent authority, any administrative officer or police officer.

SCHEDULE.  
FORM A  
(Regulation 4)  
THE NIGERIA DEFENCE (SERVICE IN BRITISH SHIPS)  
REGULATIONS, 1942.

DIRECTION.

In exercise of the powers vested in me by regulation 4 of the Nigeria Defence (Service in British Ships) Regulations, 1942, I hereby direct, that, you..... of..... will perform the duties usually performed by\*..... on the terms as to remuneration and conditions of service appropriate thereto or†..... on board the present yourself at..... and for that purpose will perform and continue to perform such services until this direction is cancelled or varied or you will perform such services for‡.....

GIVEN at..... this..... day of....., 194...  
Signed.....  
Competent Authority.

This Form will be printed in two parts, one to be retained for record.

\* Insert rank or rating.  
† Insert special terms if necessary or delete.  
‡ Insert duration of services if limited and delete the unnecessary direction.

FORM B  
(Regulation 10)  
THE NIGERIA DEFENCE (SERVICE IN BRITISH SHIPS)  
REGULATIONS, 1942.

DECISION OF APPEAL BOARD.

At a meeting of an appeal Board constituted by  
..... Chairman  
..... Member  
..... Member

held at..... on the..... day of....., 194...  
the appellant being..... of.....  
the appeal Board decided:

§(a) that the appellant be exempted from liability to perform services or  
(b) that the liability of the appellant to perform services be postponed to  
or  
(c) that the appellant do forthwith perform the services required of him by the direction given to him.

This..... day of....., 194...  
Signed..... Chairman.  
"..... Member.  
"..... Member.

This Form will be printed in three parts, one for appellant, one for the competent authority and one for record.  
MADE by the Governor at Lagos this 11th day of December, 1942.  
By His Excellency's Command,  
A. G. GRANTHAM,  
Chief Secretary to the Government

§ Delete where necessary.

Chief Secretary's Office,  
Lagos, 11th December, 1942.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

Short title  
and  
commence-  
ment.

Interpreta-  
tion.

1. These regulations may be cited as the Nigeria Defence (Control of Prices) Regulations, 1943, and shall come into force on the 1st day of February, 1943.

2. In these regulations, unless the context otherwise requires:—

“consumer” means any person who purchases or offers to purchase goods for his own consumption and not for re-sale;

“cost price” means the actual cost to the seller of the goods concerned including all charges in respect of such goods incurred up to entry into the shop, warehouse or other place of business from which the goods are sold;

“goods” includes all chattels personal other than things in action and money; and includes emblements, industrial growing crops, and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale;

“landed cost” means the cost of imported goods delivered on the wharf at the port of unloading in Nigeria and comprises the invoiced C.I.F. value of such goods plus a sum not exceeding five *per centum* of that value as Head Office commission;

“marking of prices” means to attach to goods offered for sale a ticket, label or mark showing in legible figures which are prominently displayed at all times the price at which such goods are offered for sale;

“maximum retail price” means the maximum lawful price at which goods may be sold in retail quantities;

“maximum wholesale price” means the maximum lawful price at which goods may be sold in wholesale quantities;

“price-regulated goods” means goods in respect of which maximum prices have been, or may hereafter be, fixed under regulations 4 and 5 of these regulations, or any other Ordinance or regulations under which maximum prices may be fixed;

“sell” with its grammatical variations and cognate expressions includes an agreement to sell and an offer to sell, and an offer to sell shall be deemed to include the exposing of goods for sale, the publication of a price list, the furnishing of a quotation, or any other act or notification whatsoever by which willingness to enter into any transaction of sale is expressed;

“selling price” means the actual net price charged to the purchaser of the goods concerned, less all discounts or other allowances;

“trader” means any person, other than a petty trader who carries on the business of selling goods;

“to pay cash” means to pay for goods in currency notes or coin and to accept delivery of such goods at the time of sale;

“petty trader” means a seller of goods who has no recognised place of business or whose place of business has a net annual value of less than twelve pounds a year;

“unit of sale” means the unit in which goods are sold by trade custom per lb., per yard, per gallon or other recognised unit.

3. (1) The Governor may appoint a Price Controller, Deputy Price Controllers and Price Inspectors either for Nigeria as a whole or for any specified area.

Appoint-  
ment of  
Price  
Controller,  
etc.

(2) Any Deputy Price Controller or Price Inspector may appoint Assistant Price Inspectors for any specified area and any Deputy Price Controller may terminate such appointments.

(3) For the purpose of exercising his functions under these regulations the Price Controller and any Deputy Price Controller may co-opt the services of any person or may appoint committees to advise him on questions relating to the control of prices.

4. The Price Controller may, from time to time, by order:—

Power of  
Price  
Controller to  
fix prices, etc.

- (a) fix a maximum price for the sale, whether by wholesale or by retail, of any goods either by declaring the said maximum sale price, or by prescribing that the sale price of the goods shall not exceed the cost price or the landed cost plus a stated sum or a stated percentage of that cost price or landed cost as the case may be;
- (b) fix the maximum charge that may be made for such services as may be specified in such order;
- (c) prohibit any person or class of persons from increasing the price of any specified goods or class of goods sold by him in the course of his business or occupation above the price which was ordinarily charged by him for like or similar goods, or the charge which was ordinarily made by him for any like or similar service on a date or during a period specified in the said order, provided that this

regulation shall not apply to goods or services for which a maximum price has been or may hereafter be fixed under paragraph (a) or (b) of this regulation or under any other regulation under which maximum prices for goods or services may be fixed;

- (d) fix the maximum charges that may be made for the hire of any goods.

Powers of  
Deputy  
Controller  
and Price  
Inspector to  
fix prices.

5. (1) Subject to the general or special directions of the Price Controller in the case of a Deputy Price Controller and a Deputy Price Controller in the case of a Price Inspector, any Deputy Price Controller or Price Inspector may from time to time by order fix the maximum price for the sale, whether by wholesale or by retail, of any goods for which maximum prices have not been fixed by the Price Controller under the provisions of paragraph (a) of regulation 4, and any maximum prices so fixed by a Deputy Price Controller or a Price Inspector, as the case may be, shall apply only to goods sold within the area for which such Deputy Price Controller or Price Inspector has been appointed under sub-regulation (1) of regulation 3 of these regulations.

(2) In any case in which the maximum prices fixed either under the provisions of paragraph (a) of regulation 4 of these regulations or under the provisions of sub-regulation (1) of this regulation are in respect of goods the delivery of which under the terms of a contract of sale is made—

(a) at a place other than the port of importation, or

(b) at a place other than the place of manufacture or storage,

the cost of transport from the port of importation or place of manufacture or storage, as the case may be, to the place of delivery may be ascertained by the Deputy Price Controller or the Price Inspector concerned and added to the said maximum prices; in calculating the said maximum prices,

(i) in places where a half-penny is the lowest current coin a fraction of a half-penny may be counted as a half-penny, and

(ii) in places where a tenth of a penny is the lowest current coin a fraction of a tenth of a penny may be counted as a tenth of a penny.

(3) Notwithstanding the provisions of sub-regulations (1) and (2) of this regulation where maximum prices have been fixed under the provisions of paragraph (a) of regulation 4 of these regulations, a Deputy Price Controller may with the approval of the Price Controller and in respect of the area under his control increase the retail price so fixed in respect of the sales of any particular articles by any particular persons, and allow such amount of profit over the fixed retail price as he may think fit.

5A. Unless otherwise stated in any order made under the provisions of regulations 4 or 5 of these regulations, where any price-regulated goods are sold either by wholesale or by retail in quantities greater or less than the quantities indicated in the relevant order, the maximum price shall be the appropriate multiple or fraction of the price of the quantities so indicated and in calculating the appropriate multiple or fraction,

Maximum prices for proportional quantities.

(a) in places where a half-penny is the lowest current coin a fraction of a half-penny may be counted as a half-penny, and

(b) in places where a tenth of a penny is the lowest current coin a fraction of a tenth of a penny may be counted as a tenth of a penny.

(Substituted by Regulations 60 of 1943, r. 2)

6. (1) A list of maximum prices fixed in accordance with the provisions of regulation 4 or 5 of these regulations shall be displayed at such places or in such manner as he may consider necessary to bring the matter to the notice of the public, and such prices shall, when so displayed, be deemed to be sufficient notice thereof to all persons affected thereby. (As amended by Regulations 3 of 1943, r. 3).

List of prices to be exhibited.

(2) Any person who without the authority of the Price Controller or a Deputy Price Controller or a Price Inspector removes, defaces, mutilates, alters or intermeddles with an order displayed in accordance with sub-regulation (1) of this regulation shall be guilty of an offence.

Offence.

7. (1) For the purpose of these regulations the Price Controller may from time to time by order fix the quantity of goods which constitute a wholesale quantity or a retail quantity.

Wholesale and retail quantities.

(2) Where wholesale or retail quantities have not been fixed in accordance with this regulation for goods of any description, the quantity which constitutes a wholesale quantity or retail quantity as the case may be, shall be determined for such goods in accordance with the normal practice of business.

8. (1) Any person offering goods for sale of such descriptions as may be prescribed from time to time by the Price Controller by notice published in the Gazette shall mark such goods with prices at which they are offered for sale.

Marking of Prices.

(2) The price so marked on one article in accordance with this regulation shall apply to all similar articles offered for sale by the same person at the same time and when the goods are sold by quantity the price per unit of sale shall be marked.

9. (1) Every trader shall keep such books of accounts or other records as will clearly show the cost, quantity and quality of any goods purchased by him and the price at which he sells his goods.

Books of account.

(2) Where before the date of the coming into force of these regulations a trader has not kept a book of accounts or other records showing the particulars required by sub-regulation (1) of

this regulation, he shall be allowed a period of two months from such date in which to comply with the provisions of that sub-regulation.

Offence.

(3) Any person who falsifies any document, record book or account concerning his trade or business, or who knowingly makes or permits to be made an entry therein which is false in any material particular, concerning the sale, purchase or disposal of any goods, shall be guilty of an offence.

Offence to sell above fixed price.

10. (1) Any person who sells any price-regulated goods at a price which exceeds the maximum wholesale or retail price, as the case may be, fixed therefor, shall be guilty of an offence.

(2) Subject to the provisions of regulation 20 of these regulations, any person who knowingly purchases any price-regulated goods at a price which exceeds the maximum price fixed therefor shall be guilty of an offence.

Special conditions where goods sold in packs.

10A. (1) For the purposes of this regulation the expression "pack" means any tin, sack, packet, bag, bottle, case or other container recognised by trade usage.

(2) Unless otherwise stated in any order made under the provisions of regulations 4 or 5 of these regulations in the event of any goods being contained or assembled for sale in a pack and the price of such pack and of any part or parts of such pack being fixed then the maximum sale price of such number of parts which equals a pack where such number forms the subject of one transaction shall not exceed the price fixed for the pack and the maximum sale price of any part sold in excess thereof, being a fraction of a pack, shall be the price fixed for such part.

(3) Any person who contravenes the provisions of sub-regulation (1) shall be guilty of an offence.

*(Inserted by Regulations 60 of 1943, r. 3)*

Removal of goods from business premises.

11. (1) Any person who, except with the permission of the Price Controller, removes or permits to be removed from any premises, on which he carries on business, or which are in his occupation or under his control for the purposes of such business, to any other premises, any goods other than in the normal course of business, shall be guilty of an offence.

Special powers of entry.

(2) The Price Controller, any Deputy Price Controller, or any Price Inspector may, if he suspects that any goods are being stored in, or are in, any residential premises, or in any other premises, in contravention of the provisions of this regulation, may notwithstanding the provisions of any law to the contrary for the time being in force in Nigeria, without a search warrant enter into such premises for the purpose of ascertaining whether or not any goods are in such premises.

(3) Where any goods are found in such premises, the person who occupies or who has the right to occupy such premises as well as the person who owns, or the person who removed or stored, such goods shall be guilty of an offence.

(4) In any prosecution for an offence under this regulation, it shall be sufficient for the prosecutor to prove that the goods were found on the premises, and the burden of proving that the defendant is not guilty of an offence against this regulation shall then lie upon the defendant: Burden of proof.

Provided that it shall be a good defence if the defendant proves to the satisfaction of the court that by removing or permitting the removal of such goods from such premises, or by storing such goods on such premises, he did not prevent or attempt to prevent the lawful sale of such goods at lawful prices to genuine customers in the normal course of business. Proviso.

12. (1) Any person carrying on a business, in the course of which goods of any description are normally sold and who has in his possession a stock of goods of such description, who refuses, except with the permission of the Price Controller, to sell such goods in reasonable quantities upon tender of immediate payment of the lawful price shall be guilty of an offence. Refusal to sell goods.

(2) In any prosecution for an offence under this regulation it shall be a good defence if the defendant proves to the satisfaction of the court that acceptance of the offer to purchase the goods which form the subject of the prosecution would have involved a breach of some obligation lawfully binding on him or would interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers or would be contrary to the normal practice of business. Defence.

13. Any trader or petty trader to whom an offer to buy from him price-regulated goods has been made, who imposes any condition of sale, other than a condition requiring immediate payment therefor, shall be guilty of an offence. Illegal conditions.

14. (1) Every trader shall supply at the time of the sale every purchaser from him of goods in wholesale quantities with an original invoice showing the exact description and quantity of the goods sold and the prices charged therefor and shall retain in his records a duplicate copy of such invoice. Seller to supply invoice.

(2) Every trader shall supply every purchaser from him of goods in retail quantities with an invoice showing the exact description and quantities of the goods sold and the price charged therefor, unless the purchaser pays cash for the goods at the time of the sale.

(3) For the purposes of this regulation, the seller shall specify in writing the price which he assigns to each class of goods included in the transaction.

(4) Where, under the provisions of regulation 4 of these regulations, the maximum charge that may be made for any specified service has been fixed, any person who has performed such service for, or rendered such service to, any person, shall on the request of such person supply him with an invoice describing the service and showing the price which has been charged for such service.

General powers of Price Controller, etc.

15. The Price Controller, any Deputy Price Controller, and any Price Inspector or any person authorised in writing by any of them, is hereby empowered—

- (a) to enter and inspect any premises in the occupation or under the control of any person selling goods;
- (b) to require any person to furnish verbally or in writing, and in such form as may be required, any information in relation to his trade or business required in connection with the control of prices.

Certificates of Price Controllers to be admitted in court proceedings.

16. The Price Controller or any Deputy Price Controller may in writing certify:—

- (a) the maximum wholesale or retail selling price that has been fixed for any price-regulated goods;
- (b) the total amount of the overcharge involved in any transaction

and any fact so certified or purporting to be so certified by the Price Controller or by any Deputy Price Controller shall be admitted without further proof as *prima facie* evidence of the fact so certified.

Offence to obstruct authorities.

17. Any person who obstructs any person authorised by these regulations to enter and inspect any premises or to examine any books, accounts or other documents, or any person who refuses or delays or fails to produce any books, accounts or other documents or who refuses to furnish any information or furnishes false information upon demand being made by a person authorised by these regulations, or any person who fails to comply with any order given under these regulations, shall be guilty of an offence.

Burden of proof.

18. (1) In any proceedings in any court instituted for an offence against the provisions of any of these regulations, the production by the Price Controller, a Deputy Price Controller, any Price Inspector, or any person authorised by any of them in writing, or by any police officer, or representative of the Crown within the meaning of section 61A of the Supreme Court Ordinance, of an original invoice, a duplicate invoice purporting to have been found in the possession of the seller, or a copy of such invoice certified as a true copy by the Price Controller or by the seller, shall be *prima facie* evidence of a sale by the seller and of all the facts contained in such invoice, duplicate invoice or certified copy, or where the prosecution relies upon the falsity of the contents of such invoice, duplicate invoice or certified copy, shall be *prima facie* evidence of such falsity and, notwithstanding the provisions of any law for the time being in force in Nigeria or of any rule of practice in the courts of Nigeria, the burden of proving that any sale did not take place or that any fact contained in the original invoice the duplicate invoice or certified copy is not what it purports to be, or that the contents thereof are not false shall lie upon the defendant.

Cap. 5.

Burden of proof.

For the purposes of this regulation "sale" includes a service specified under regulation 4 of these regulations.

(2) In any proceedings instituted in any court in Nigeria for an offence arising out of the provisions of these regulations, the prosecutor may, notwithstanding the provisions of any law for the time being in force in Nigeria or of any rule of practice in the courts of Nigeria, call evidence in rebuttal of any evidence given by the defence.

Evidence in rebuttal.

19. In any proceedings against any person for an offence against regulation 10 of these regulations, it shall be no defence that any invoice or other document showing the price at which the goods were sold was endorsed to the effect that no responsibility could be accepted in respect of any error or omission in the invoice or document or was endorsed with the letters "E. & O.E." or any other symbols or letters of a like nature indicating that the statements in which invoice or documents were subject to correction.

What is not a defence.

20. No proceedings shall be instituted under these regulations against any person duly authorised by the Price Controller or by a Deputy Price Controller who has knowingly purchased goods at a price in excess of that fixed with the intention of procuring evidence for the purpose of prosecuting the seller for an offence against these regulations.

No proceedings to be brought in certain cases.

21. (1) Any person, other than a body corporate, but including a director or officer of a body corporate, who commits an offence against, or who fails to comply with any of the provisions of these regulations or of any order issued or of any request or demand made thereunder shall, on conviction, be liable, where no other penalty is specifically provided for such an offence, to a fine of £500 or to imprisonment for two years or to both such fine and such imprisonment, and in the case of a second or subsequent offence to a fine of £1,000 or to imprisonment for five years or to both such fine and such imprisonment.

Penalties.

(2) Any body corporate which commits an offence against, or which fails to comply with any of the provisions of these regulations, shall, on conviction, be liable to a fine of £1,000 and, in the case of a second or subsequent offence, to a fine of £5,000.

22. (1) Any employer who employs in his shop, store or other place of business any agent, clerk, servant or other person shall be answerable for the acts or omissions of such agent, clerk, servant or other person in so far as they concern the business of such employer; and if such agent, clerk, servant or other person commits any act or makes any omission which is an offence against any of these regulations, such employer and his agent, clerk, servant or other person shall be jointly and severally liable to the penalties provided by these regulations.

Liability of employer for acts etc., of servants.

(2) In any prosecution for an offence under these regulations it shall be a good defence if the defendant proves to the satisfaction of the court that any act, which forms the subject of a prosecution

Defence by employer.

under these regulations, of any agent, clerk, servant or other person employed by him was committed for the benefit of such agent, clerk, servant or other person and without the knowledge or authority of the defendant.

Defence by  
servant.

(3) In any prosecution for an offence under these regulations it shall be a good defence if an agent, clerk, servant or other person employed in a shop, store or other place of business proves to the satisfaction of the court that any act which forms the subject of a prosecution under these regulations was committed by him with the knowledge and authority of his employer and that he did not know and had not the means of knowing that such act constituted an offence.

Sums  
charged in  
excess to be  
refunded.

23. Where the offence in respect of which any person is committed is an offence against regulation 10 of these regulations such person shall, in addition to any other penalty which may otherwise be imposed, be liable to pay to the purchaser a sum equal to the excess over the lawful price paid by the purchaser to the person so committed and shall be liable to imprisonment for six months in default of such payment.

Exception.

24. Nothing in these regulations contained shall be deemed to apply to a contract entered into in Nigeria for the supply without Nigeria of any goods produced in Nigeria.

Service of  
notices.

25. (1) The Price Controller or any Deputy Price Controller or Price Inspector may serve on any person a notice in the form set out in the Schedule to these regulations.

(2) Any person upon whom a notice in accordance with the provisions of sub-regulation (1) of this regulation has been served shall, within 14 days, or within such longer time as may be allowed by the person serving the notice, after the date of service, complete and return such notice to the person specified therein as serving the notice, and any person who fails so to complete and return such notice within such time shall be guilty of an offence.

Appeals

26. (1) The Governor may appoint an appeal committee which shall consist of the Financial Secretary as Chairman and four other persons, who shall be selected by the Governor, for the purposes of hearing and determining appeals arising under sub-regulation (2) of this regulation.

(2) Any person aggrieved by any decision of the Price Controller under regulations 4 or 12 of these regulations or by any decision of any Deputy Price Controller under regulation 5 of these regulations may within one month of the date of such decision appeal to such appeal committee whose decision shall be final.

Saving.

27. Save where in conflict with the provisions of these regulations any order, form, notice, licence, permit, direction or request made, prescribed, issued or given and any price fixed under the provisions of any law, ordinance or regulation dealing with the control of prices shall continue in force as if made, prescribed, issued, given, or fixed under the provisions of these regulations and may be cancelled, revoked, varied or amended by the Price Controller.

28. The provisions of the Interpretation Ordinance, 1939, and of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations save that where the provisions of that Ordinance or those regulations conflict with the provisions of these regulations, the provisions of these regulations shall prevail. (*Substituted by Regulations 20 of 1943, r. 3.*)

Application of Ordinance No. 27 of 1939 and Regulations No. 75 of 1941.

29. The Control of Merchandise Order, 1940, as from time to time amended, is hereby revoked.

Revocation. P.N. 66 of 1940.

Regulation 25.

SCHEDULE.

THE DEFENCE (CONTROL OF PRICES) REGULATIONS, 1943.

To.....

Under the powers conferred upon me by regulation 25 (1) of the Defence (Control of Prices) Regulations, 1943, I hereby order you to complete this Notice in respect of the undermentioned goods sold or offered for sale by you at the above address and return it to me within 14 days from the date of service.

\*You are hereby further ordered to produce in support of your statements in reply to this Notice the following documents:—

- (a) Suppliers invoices and documents showing the cost price to you of the goods specified in this Notice.
- (b) Suppliers invoices and documents showing your cost price for like or similar goods immediately prior to 3rd September, 1939.
- (c) Invoices showing your selling price for like or similar goods immediately prior to 3rd September, 1939.

Price Controller  
Deputy Price Controller  
Price Inspector

Date.....

\* Delete if inapplicable.

Description of goods.....

£ s d

1. State your current selling price of the above-mentioned goods ... ..
2. State the cost price to you of the above-mentioned goods ... ..
3. State your selling price of like or similar goods on 3rd September, 1939 ... ..
4. State the cost price to you of like or similar goods immediately prior to 3rd September, 1939 ... ..

I hereby certify that the figures above have been extracted from the books, accounts and records of my business and are correct.

Signed.....

Date.....

MADE by the Governor at Lagos this 25th day of January, 1943.

By His Excellency's Command,

A. G. GRANTHAM,

Chief Secretary to the Government.

Chief Secretary's Office,  
Lagos, 25th, January, 1943.

## REGULATIONS

MADE UNDER

THE EMERGENCY POWERS (DEFENCE) ACTS, 1939  
AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Rubber Grading and Export) Regulations, 1943, and shall come into force on the 1st day of October, 1943.
2. These regulations shall not apply—
- (a) to the companies, plantations and persons set out in the First Schedule hereto,
- (b) to Chiwo (Flake) rubber which may be exported under licence granted by the competent authority for these regulations subject to such conditions as he may, in his discretion, impose.
3. In these regulations:—
- “ Director of Supplies ” means the person appointed to that office under the provisions of the Nigeria Defence (Director of Supplies) Regulations, 1942;
- “ examiner ”, “ inspector ” mean respectively an examiner or an inspector appointed under the provisions of regulation 4;
- “ export ” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria;
- “ rubber ” means all types of rubber produced in Nigeria for export the latices of which are not mixed or adulterated with the latex from any tree or plant not yielding rubber.
4. The Chief Inspector of Produce shall be the competent authority for the purposes of these regulations and may appoint such number of inspectors, examiners and other persons as may be necessary for the carrying out of adequate inspection and grading of rubber.
5. Inspection and grading stations shall be determined by the competent authority who shall publish a list of such approved stations by notification in the Gazette.
6. (1) All rubber intended for export shall be inspected and graded at an inspection and grading station and shall be liable to such other inspections and gradings as are hereinafter provided.

Short title  
and  
commence-  
ment.

Exemptions.

First  
Schedule

Interpreta-  
tions.

Regulations  
56 of 1942.

Appointment  
of competent  
authority,  
inspectors  
and  
examiners.

Inspection  
and grading  
stations.

Conditions  
of export.

(2) Any person who exports or attempts to export any rubber which has not been inspected and graded in accordance with the provisions of these regulations shall be guilty of an offence.

7. Rubber shall be graded as follows and with respect to the grading of wild rubber examiners and inspectors shall take into consideration the peculiarities of such rubber details of which are set out in the Second Schedule.

Inspection  
and grading.

Second  
Schedule.

#### PLANTATION RUBBER

##### Category A.

Cured and slightly undercured sheet and cuttings of any shape or size, machine or hand rolled, smoke cured or shade dried, and not more than approximately  $\frac{1}{4}$ " thick.

(As amended by Regulations 12 of 1944, r. 2 (1) (a)).

Grade I. Dry sheet free from tackiness, extraneous matter and/or mould.

Grade II. Sheet free from tackiness, and reasonably free from extraneous matter, internal moisture and/or mould.

Grade III. Cuttings and sheets free from tackiness, and moderately free from extraneous matter, internal moisture and/or mould.

##### Category C.

Scrap, lump, ball, tacky, and obviously undercured sheet rubber.

Grade I. Dry hand picked tree scrap, smoked or unsmoked, free from tackiness and reasonably free from extraneous matter.

(As amended by Regulations 12 of 1944, r. 2 (1) (b)).

Grade II. All other scrap, lump, ball, obviously undercured sheet and/or tacky rubber.

#### CREPE RUBBER

##### Category B.

Prepared from low grades of wild and/or plantation rubber.

Grade I. Pale or dark brown in colour, dry and free from tackiness, extraneous matter and/or mould.

Grade II. All other crepe.

#### WILD RUBBER

##### Category A.

#### SHEET

Sheet of any shape or size, machine or hand rolled, smoke cured or shade dried, and thin enough to permit of reasonable examination, i.e., not more than approximately  $\frac{1}{4}$ " thick.

Grade I. Free from tackiness, and internal moisture, and reasonably free from extraneous matter and/or mould.

Grade II. Free from tackiness, and moderately free from extraneous matter, internal moisture and/or mould.

#### ROPE AND FLAT CAKE

Rope and flat cake formed by winding strings of vine stem rubber or Ceara rubber into ropes or flat cakes, and beaten root made into flat cakes thin enough to permit of reasonable examination.

Grade I. Free from tackiness and internal moisture and reasonably free from extraneous matter and/or mould.

Grade II. Free from tackiness and moderately free from extraneous matter, internal moisture and/or mould.

#### Category C.

##### MISCELLANEOUS TYPES OF GOOD RUBBER

Undercured sheet, rope and flat cake rubber, lump, ball, scrap, etc.

Grade I. Free from tackiness, and free moisture, and reasonably free from impurities.

Grade II. Free from tackiness and moderately free from impurities and/or free moisture.

*(As amended by Regulations 12 of 1944, r. 2 (2)).*

Grade III. All other miscellaneous types and/or tacky rubber.

#### Category D.

##### FIGUS VOGELII RUBBER

Grade I. Dry sheet not more than approximately  $\frac{1}{4}$ " thick and free from impurities.

Grade II. All other Ficus Vogelii rubber.

Packing and marking.

8. All rubber after it has been inspected and graded shall be packed forthwith to the satisfaction of an examiner and each package shall, in the presence of such examiner, be stencilled with one or other of the markings set out in the Third Schedule hereto, denoting the grade of the said rubber.

Third Schedule.

Power to re-examine.

9. (1) If and when an inspector or an examiner, in his discretion, considers it advisable he may re-examine all or any rubber which has been examined and graded and for such purpose may take all such steps in that behalf including the opening of packages as he may think necessary.

(2) If upon re-examination under the provisions of sub-regulation (1) the inspector or examiner finds that the rubber has been properly graded then he shall cause the same to be re-packed and marked if necessary in accordance with the provisions of regulation 8.

(3) If upon such re-examination aforesaid the inspector or examiner finds that the rubber has not been properly graded such rubber shall not be exported until such time as it has been properly graded, packed and marked in accordance with the provisions of these regulations.

10. Any inspector or examiner may for the purposes of exercising his powers under the provisions of regulation 9 enter at all reasonable times any building or place in which he has reason to suppose that any rubber which has been inspected and graded is stored and any person who hinders or molests any such inspector or examiner in the exercise of his powers shall be guilty of an offence. Power of entry.

11. (1) All persons exporting rubber shall keep a rubber register, in the form set out in the Fourth Schedule hereto, at all stores or warehouses where rubber is inspected or stored or inspected and stored for export and shall record therein the appropriate entries in respect of each transaction on the day upon which such transaction takes place. Registers and inspection thereof.  
Fourth Schedule.

(2) Rubber registers shall be produced for inspection by an inspector or an examiner as and when required.

(3) Any person who fails to keep or produce a register in accordance with the provisions of this regulation shall be guilty of an offence.

12. An inspector or examiner grading rubber otherwise than *bona fide* to the best of his knowledge and ability shall be guilty of an offence. Grading must be *bona fide*.

13. In any action relating to the quality or purity of any rubber inspected and passed or graded under the provisions of these regulations, the inspection, passing or grading of such rubber shall not be conclusive as to the quality or purity thereof. Warranty.

14. No action shall be brought against any inspector or examiner for anything done *bona fide* by him in pursuance or intended pursuance of his powers and duties under the provisions of these regulations. Immunity of *bona fide* actions of inspectors and examiners.

15. (1) No prosecution for any offence against the provisions of these regulations shall be commenced except with the consent of the Director of Supplies. Prosecutions.

(2) A prosecution for any offence against the provisions of these regulations may be instituted in the name of the Director of Supplies and any prosecution so instituted shall be deemed to have commenced with his consent.

16. In any prosecution for an offence against the provisions of regulation 6 the court may, in addition to any penalty which may be imposed therefor, order that the rubber in respect of which the offence was committed shall be forfeited and disposed of in such manner as the Director of Supplies may direct. Power of forfeiture.

17. The provisions of the Interpretation Ordinance, 1939, and of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations save that where the provisions of that Ordinance and either those of the Nigeria General Defence Regulations, 1941, or of these regulations conflict the provisions of the said regulations shall prevail. Application of Ordinance 27 of 1939 and Regulations 75 of 1941.

## FIRST SCHEDULE

1. The Cameroons Plantations.
2. Palmol Ltd. (U.A.C.)
3. J. A. Thomas Estates.

## SECOND SCHEDULE

## GRADING OF WILD RUBBER

*Funtumia Rubber*

	<i>Grade</i>
Cured and undercured sheet, translucent, free from tackiness and from impurities other than discoloration and specks ... ..	A1
Cured and undercured sheet, free from tackiness, that is dirty, mouldy, slightly cloudy or has a slight black coating like drying varnish ... ..	A2
Uncured sheet, not translucent, cuts white but contains no free moisture ... ..	C1
<i>(As amended by Regulations 12 of 1944, r. 3 (1)).</i>	
Dry lump, or slab ... ..	C1
Lump or thick pancake that is visibly wet on cut surface under pressure but does not contain much free water ...	C2
Lump that contains much free water ... ..	C3
Tacky rubber in any form ... ..	C3

*Vine Rubber*

(All Vine rubber that is tacky is graded C3)

1. SHEET.—Cured and undercured sheet, translucent, free from tackiness and from impurities other than discoloration and specks ... .. A1
  - Cured and undercured sheet, free from tackiness that is dirty, mouldy, slightly cloudy or has slight black coating ... .. A2
  - Uncured sheet, not translucent, cuts white but contains no free moisture ... .. C1
  - (As amended by Regulations 12 of 1944, r. 3 (2) (a)).*
2. STRANDS, FRAGMENTS OR ROPE.—Formed by twisting together strings of vine stem rubber.
  - Cured and undercured rope, translucent, almost free from impurity ... .. A1
  - Cured and undercured rope, slightly cloudy and/or with a little impurity ... .. A2
  - (As amended by Regulations 12 of 1944, r. 3 (2) (b)).*
  - Uncured rope or rope that is not moderately free from impurity ... .. C1
  - (Added by Regulations 16 of 1944).*

Grade

3. **FLAT CAKE.**—Formed by winding strings of vine stem rubber into a pancake.  
Three classes as under *Rope* ... .. A1, A2, C1
4. **BALL.**—Formed by winding strings of vine stem rubber into balls.  
Ball rubber, cut in half, from which no free moisture exudes on pressure. A small amount of bark impurity is allowed ... .. C1  
Ball rubber, visibly *wet* inside but which does not appear to contain much free moisture.  
A moderate amount of bark impurity is allowed ... C2  
Ball rubber, stored in water, squeezed by hand ... .. C3
5. **BEATEN ROOT (OR STEM) RUBBER.**  
Has a reddish colour and is generally rather spongy, fibrous lump, pancake or sheet. More impurity is allowed in this than in other types of rubber as bark fibre cannot be wholly removed.  
Dry sheet or thin pancake that is moderately free from impurity ... .. A2  
(As amended by Regulations 12 of 1944, r. 3 (2) (c)).  
Beaten root lump rubber that feels dry and is reasonably free from impurity ... .. C1  
Beaten root rubber that may feel damp but does not appear to contain free water and/or contains a good deal of bark fibre ... .. C2  
Beaten root rubber, stored in water, squeezed by hand ... C3  
Beaten root rubber that contains a very large amount of fibre or grit ... .. C3
- ALL TACKY RUBBER ... .. C3

**Ceara Rubber**

*Sheet*; as under *Funtumia* or *Vine sheet*.

*Rope, strands and flat cakes*; as under *Vine rubber*.

(Clean strings or strands of *Ceara rubber* may be classed with *rope*)

*Lump*; as under *Funtumia lump rubber*.

**Ficus Rubber (*Ficus Vogelii*)**

Clean dry *Ficus sheet*, not more than approximately  $\frac{1}{4}$ " thick D1

All other *Ficus vogelii rubber*: lump and slab ... .. D2

## THIRD SCHEDULE

## RUBBER GRADE EXPORT MARKS

<i>Grade</i>	<i>Mark</i>	<i>Grade</i>	<i>Mark</i>
A. I Plantation	M.S. N.I. A One P.	A. I Wild	M.S. N.I. A One W.
A. II "	M.S. N.I. A Two P.	A. II "	M.S. N.I. A Two W.
A. III "	M.S. N.I. A Three P.	B. I "	M.S. N.I. B One W.
B. I "	M.S. N.I. B One P.	B. II "	M.S. N.I. B Two W.
B. II "	M.S. N.I. B Two P.	C. I "	M.S. N.I. C One W.
C. I "	M.S. N.I. C One P.	C. II "	M.S. N.I. C Two W.
C. II "	M.S. N.I. C Two P.	C. III "	M.S. N.I. C Three W.
		D. I Ficus	M.S. N.I. D One. Ficus.
		D. II "	M.S. N.I. D Two. Ficus.



MADE by the Governor at Lagos this 27th day of September, 1943.

By His Excellency's Command,

T. HOSKYNS-ABRAHALL,  
*Acting Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 27th September, 1943.

NIGERIA

No. 89 of 1943

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

Short title.

1. These regulations may be cited as the Nigeria Defence (Oil Palm Production) (No. 2) Regulations, 1943.

Definitions.

2. In these regulations:—

“Deputy Controller” means the person appointed a Deputy Controller of Oil Palm Production under the provisions of regulation 3 (b);

“Director of Supplies” means the person appointed to that office under the provisions of the Nigeria Defence (Director of Supplies) Regulations, 1942;

“Production Zone” means an area of the Colony or Protectorate or Colony and Protectorate declared under the provisions of regulation 3 (a) to be a production zone.

Regulations  
56 of 1942.

Appointment  
of controller  
and deputies.

3. The Director of Supplies shall be the Controller of Oil Palm Production and a competent authority for the purposes of these regulations and may, by notification in the Gazette—

(a) declare such area, or areas, of the Colony or Protectorate or Colony and Protectorate to be Production Zones, and

(b) appoint such number of Deputy Controllers as there are Production Zones declared as such under the provisions of paragraph (a) of this regulation.

Prohibition  
on  
destroying or  
damaging oil  
palms.

4. No person shall cut down or otherwise destroy or damage any oil palm in any Production Zone without a written permit in that behalf signed by the Deputy Controller or any person or Native Authority authorised in writing by him.

5. (1) Whenever it becomes known to a Deputy Controller or to any person or Native Authority authorised in writing by him to act on his behalf under this regulation that there are within the Production Zone under the control of such Deputy Controller any oil palms or products thereof which are capable of being harvested or processed but which have not been harvested or processed or are such person or native authority as aforesaid may in his, or its, absolute discretion authorise or direct any person or persons, groups of persons identified either by name or by description to enter the premises, if any, in which such oil palms or products thereof are situate and to harvest or process and dispose of the same in such manner as he or it shall direct.

Power to harvest or process oil palm products.

(2) In the event of a Deputy Controller or any person authorised by him giving a direction under sub-regulation (1) and having served a copy thereof on the appropriate native authority, or in the event of a native authority having exercised its discretion and given a direction under sub-regulation (1), then in either such event the appropriate native authority or the native authority, as the case may be, shall take all reasonable and necessary action to implement compliance with any such direction and any failure so to do, without lawful excuse, shall be an offence against this regulation.

6. (1) Notwithstanding the provisions of regulation 5 in any case in which a Deputy Controller may authorise or direct the harvesting or processing or disposal of oil palms or products thereof under the authority of regulation 5, such Deputy Controller may order any native authority within his Production Zone :—

Power to Native Authority to issue directions.

(a) to direct some person or persons or groups of persons to enter the premises, if any, in which such oil palms or products thereof are situate and to harvest or process and dispose of the same in such manner as the Native Authority shall direct, and such Native Authority shall thereupon issue such direction or directions;

(b) to take all reasonable and necessary action to implement compliance with such direction or directions.

(2) If any Native Authority shall fail, without lawful excuse, to obey the order of the Deputy Controller to issue a direction or directions or to take all reasonable and necessary action to implement compliance with any such direction or directions it shall be deemed to have committed an offence against this regulation.

7. (1) Where in the opinion of the Deputy Controller the circumstances in which an authorisation may be made under the provisions of regulation 5 have arisen through causes beyond the control of the person or persons concerned the Deputy Controller may, after issuing such authorisation, award compensation to the person or persons in such amount as he may think fit.

Power to award compensation in certain circumstances.

(2) Any person or persons aggrieved by any decision of the Deputy Controller made under the provisions of sub-regulation (1) may, within fourteen days thereof, appeal to the Resident whose decision thereon shall be final and conclusive.

(3) Any compensation awarded under the provisions of sub-regulation (1) shall be paid out of the general revenue of Nigeria.

Power to deal with palm nuts and kernels.

8. Whenever it becomes known to a Deputy Controller or any person authorised in writing by him to act on his behalf under this regulation that there are within the Production Zone under the control of such Deputy Controller any palm nuts ready for cracking which are not being cracked or properly cracked or kernels which are not being prepared or properly prepared for marketing or are not being properly marketed or that there is within such Zone any palm oil which is not being marketed or properly marketed the Deputy Controller or any such person authorised by him may, in his discretion, enter any premises in which such palm nuts, kernels or palm oil may be, at any time between the hours of 6 a.m. and 6 p.m., and give directions as to the manner in which such palm nuts or kernels or palm oil shall be dealt with or disposed of, and, in default of compliance with such directions and without prejudice to any penalty which may be incurred thereby, may cause such palm nuts or kernels to be properly cracked or prepared for market, or marketed, or such palm oil to be marketed as the case may be.

Offences by Native Authorities.

9. (1) When a group of persons is collectively appointed to be a Native Authority proceedings may be taken against all or any members of such authority, either together or separately, in respect of any offence against these regulations, and upon proof of the commission of an offence by such authority every member thereof shall individually be liable to the penalties prescribed by the Nigeria General Defence Regulations, 1941, unless he shall satisfy the court that he was in no way responsible for or a party to the commission of the offence.

Regulations 75 of 1941.

Ordinance 17 of 1943.

(2) Notwithstanding the provisions of section 36 of the Native Authority Ordinance, 1943, no proceedings shall be taken against a Native Authority for an offence alleged to have been committed against these regulations without the permission of the Resident and proceedings in respect of that offence may be brought in the Supreme Court or the High Court or the Magistrate's Court, which last mentioned Court shall have and may exercise jurisdiction accordingly.

Application of parts B and C of Part XI of Regulations 75 of 1941.

10. The provisions of parts B and C of Part XI of the Nigeria General Defence Regulations, 1941, shall apply to these regulations save that:—

- (a) where the provisions of these regulations conflict with the provisions of those regulations the provisions of these regulations shall prevail, and
- (b) in the application of regulation 223, sub-regulation (3) thereof shall have effect as if for the word "Governor" there were substituted "Resident" or "Commissioner of the Colony" as the case may be.

11. (1) Any officer or person, appointed to act or employed, under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue and be deemed to have been appointed or employed under, by virtue of, or in accordance with the provisions of these regulations. Saving.

(2) Any notice, permit, authorisation, direction or request made, issued or given under, by virtue of, or in accordance with the provisions of any of the regulations revoked by these regulations shall continue in force as if it had been made, issued or given under, by virtue of or in accordance with the provisions of these regulations and may be cancelled, revoked, varied or amended accordingly.

(3) Any document referring to any of the regulations revoked by these regulations shall be construed as referring to these regulations or to the corresponding part or parts of these regulations.

-12. The Nigeria Defence (Oil Palm Production) Regulations, 1943, The Nigeria Defence (Oil Palm Production) (Oil Marketing—Amendment) Regulations, 1943, and the Nigeria Defence (Oil Palm Production) (Application—Amendment) Regulations, 1943, are hereby revoked.

Revocation.  
Regulations  
55 of 1943  
Regulations  
77 of 1943  
Regulations  
78 of 1943.

MADE by the Governor at Lagos this 13th day of December, 1943.

By His Excellency's Command,

T. HOSKYNS-ABRAHALL,

*Acting Chief Secretary to the Government.*

Chief Secretary's Office,  
Lagos, 13th December, 1943.

NIGERIA

No. 5 of 1944

## REGULATIONS

MADE UNDER

### THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940

In exercise of the powers conferred upon the Governor by sections 1 of the Emergency Powers (Defence) Acts, 1939 and 1940, as explained by the Emergency Powers (Defence) (No. 2) Act, 1940, and as extended to Nigeria and explained by the Emergency Powers (Colonial Defence) Orders in Council, 1939 and 1940, and the Emergency Powers (Colonial Defence) (Explanation) Order in Council, 1942, respectively, and all other powers him enabling, the following regulations are hereby made:—

1. These regulations may be cited as the Nigeria Defence (Inquests and Burials—American Forces) Regulations, 1944. Short title.

2. (1) In these regulations the expression "American forces" means the military and naval forces of the United States of America. Definitions.

(2) For the purposes of these regulations:—

(a) all persons who are by the law of the United States of America for the time being subject to the military or

naval law of that country shall be deemed to be members of the American forces:

Proviso.

Provided that no civilian employed in connection with the said forces shall be deemed to be a member thereof unless he entered into his engagement outside Nigeria;

- (b) a certificate issued by or on behalf of such authority may be designated for the purpose by the Government of the United States of America stating that a person of the name and description specified in the certificate was, at a time so specified, subject to the military or naval law of the United States of America, shall be conclusive evidence of that fact; and any document purporting to be such a certificate and to be signed by or on behalf of an authority designated by the Government of the United States of America shall be received in evidence, and shall, unless the contrary be proved, be deemed to be a certificate issued by or on behalf of an authority so designated.

No inquest where deceased is member of U.S.A. forces.

3. If any coroner having jurisdiction to hold an inquest touching a death is satisfied that the deceased person was at the time of his death a member of the American forces, then, unless the Governor otherwise directs, the coroner shall not hold the inquest, or, if the inquest has been begun but not completed, shall adjourn the inquest and, if a jury has been summoned, discharge the jury.

Procedure where deceased not a member of U.S.A. forces but a member is involved.

4. If, on an inquest touching the death of a person other than a member of the American forces, the coroner is satisfied before the inquest is completed that a member of the American forces has been charged before a court of the United States of America with any offence involving responsibility for the death of the deceased person, or is being detained by any authority of the United States of America with a view to his being so charged, then, unless the Governor otherwise directs, the coroner shall adjourn the inquest and, if a jury has been summoned, shall discharge the jury, and, when such death is registrable under the provisions of the Births, Deaths and Burials Ordinance, shall furnish the registrar of deaths with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquest.

Chapter 47.

Inquest not to be resumed except by direction of Governor.

5. Where an inquest is adjourned under the provisions of regulation 3 or 4, the coroner shall not resume it, except on the direction of the Governor and, if he does resume it, shall proceed in all respects as if the inquest had not previously been begun, except that it shall not be obligatory on the coroner to view the body or to furnish the registrar of deaths with any further certificate.

MADE by the Governor at Lagos this 9th day of February, 1944.

By His Excellency's Command,

A. G. GRANTHAM,

Chief Secretary to the Government.

Chief Secretary's Office,

Lagos, 9th February, 1944.



AIRCRAFT, CONTROL OF . . . . .	1940 : Order, 25.
ALIENS, IDENTIFICATION OF . . . . .	1942 : Regs. 40.
(See Part II, page 158)	1943 : 93.
AMENDMENT OF LAWS : OATHS AND AFFIRMATIONS (See Part II, page 148)	1941 : Regs. 16.
ANIMAL TRANSPORT, FREIGHT RATES . . . . .	1942 : Regs. 109.
BANKS, CLOSING OF . . . . .	1942 : Regs. 130.
BICYCLES :	
Price : see MAXIMUM PRICES (MERCHANDISE).	
Tyres : see MERCHANDISE, CONTROL OF.	
Control of . . . . .	1942 : (66), (273) (F 96).
	1944 : 63.
Control of (used) . . . . .	1942 : (179).
Controller (E.P.) . . . . .	1943 : (G.N. 1155).
	1944 : G.N. 168.
BOTTLES, EMPTY . . . . .	1942 : 261.
BRANDY, S.A., IMPORTATION OF . . . . .	1943 : Regs. 57.
BUILDING RESTRICTIONS :	
See TEMPORARY BUILDINGS :	
Regulations . . . . .	1942 : Regs. 84.
Colony Exemptions . . . . .	1942 : (281), (F 171).
	1943 : 97.
Application : Kano and Onitsha . . . . .	1942 : 237, (F 170).
Ogoja . . . . .	1942 : 300.
Plateau . . . . .	1942 : 341.
Benue . . . . .	1942 : 376.
CARGOES AND CLAIMS (INFORMATION) . . . . .	1940 : 70 (F 82).
CIVIL AND MILITARY RESERVE . . . . .	1942 : Regs. 81, 110.
CIVIL DEFENCE :	
Substitution of " CIVIL DEFENCE " for " PASSIVE DEFENCE " as a title.	1942 : Regs. 75.
Lagos, Lights and Traffic . . . . .	1942 : 126 (F 113), 199
	1943 : 62, 132.
Lagos, Emergency Food Supply and Distri- bution Service.	1942 : 310, (F 109).
Lagos, Delegations . . . . .	1942 : (90), 391.
Lagos, Air Raid Warden Service . . . . .	1942 : 91 (F 104), 121, 169.

CIVIL DEFENCE—*contd.*

- Lagos, Auxiliary Fire Service : and *see* FIRE PREVENTION (LAGOS). 1942 : 92, (F 106).
- Lagos, First Aid Service. . . . . 1942 : 93 (F 108).
- Lagos, Wells and Refuse . . . . . 1942 : 122 (F 126).
- Lagos, Identification and Burial . . . . . 1942 : 127 (F 123).
- Lagos, Removal and Storage of household chattels. 1942 : 128 (F 127).
- Lagos, Protection of Buildings, and *see* DEFENCE (LAGOS). 1942 : 79 (F 111).
- Port Harcourt : Similar orders and *see* LIGHTING RESTRICTIONS 1942 : G.N. 1237.
- COCOA :
- Government Purchase of . . . . . 1939 : Regs. (53, 57, 58, 59).  
1940 : Regs. (8, 21, 55).  
1941 : Regs. (73).
- Prohibition of Sale of . . . . . 1940 : Regs. (22, 46), 54.  
1941 : Regs. (7, 25), 27, (59), 74.  
1942 : Regs. (8), 53.
- for subsequent legislation *see* PRODUCE, EXPORT, CONTROL OF
- Competent Authority : (Director of Supplies) 1942 : Regs. 56.  
(*See* Part II, page 177)
- Prices and Brokerage . . . . . (1940 : 2, 50, 53, 59.)  
(1941 : 28, 42, 99, 101, 102, 113.)  
(1942 : 125.)
- For subsequent legislation *see* PRODUCE, EXPORT, CONTROL OF.
- COIN :
- Prohibition of movement of small coin . . 1943 : Regs. 39.
- COLUMBITE :
- See* "ROYALTIES ON METALS" AND "TANTALITE AND COLUMBITE"
- COMMISSIONER OF LABOUR :
- Appointment of . . . . . 1942 : Regs. 108  
(*See* Part II, page 207)
- COMMUNICATIONS, CONTROL OF . . . . . 1942 : 25 (F 64).
- COMPENSATION, TRIBUNAL RULES . . . . . 1942 : 46 (F 128).  
1943 : 215.

## COMPULSORY NATIONAL SERVICE :

- See also "EMPLOYMENT IN ESSENTIAL WORKS,"* 1940 : Regs. (33).  
*"REGISTRATION."* 1941 : Regs. (52).  
 (See Part II, page 212) 1942 : Regs. (6, 7), 127.
- Competent Authorities and Delegations .. 1941 : 57 (G 107).  
 1942 : 21 (F 56), G.N. 1438 (F 176).
- Police Battalion, formation of . . . . . 1940 : 35.
- Regulation 8 (1) : (Registration) : Land Sur- 1941 : 70 (G 105).  
 veyors, Draughtsmen and Lithographic  
 Printers
- Reg. 8 (1) : (Registration) : Electricians, 1942 : 5 (F 53).  
 mechanics and Plumbers
- Reg. 8 (3) : (Ex-soldiers) (Call-up) . . . 1940 : 31 (F 91).
- Reg. 8 (4) : (Declaration) Motor-drivers .. 1941 : 58 (G 107).
- Reg. 8 (4) : (Declaration) various . . . . . 1942 : 4 (F 55).
- Reg. 9A (1) : Declaration registration . . . . 1942 : 20 (F 55).
- Reg. 10 : Employment fixing . . . . . 1942 : 32 (F 57) 87, 109, 154.
- Reg. 11 (3) : Compulsory Civil Service .. 1942 : 106 (F 56).
- Reg. 11 (3) : Compulsory Civil Service 1942 : 107 (F 57).  
 (Military Units)
- Essential Mines . . . . . 1942 : Regs. (23), 90.  
 1944 : Regs. 14.
- General . . . . . 1942 : 200 (F 172)  
 1943 : 60, 88, 249.

## COMPULSORY POSTING :

- see "COMMUNICATIONS, CONTROL OF "* .. 1939 : (52) (F 101).  
 1941 : (3) (G 63).

- COMPULSORY SERVICE (WOMEN) . . . . . 1942 : Regs. 60.  
 (See Part II, page 179)

## CONTROLLED AREA :

- Apata Ganga Village . . . . . 1943 : 636.

CONTROL OF PERSONS, *see* SHIPS.

- COTTON, BUYING LICENCES . . . . . 1941 : Regs. 96.

- CUSTODIAN (PUBLIC) . . . . . 1939 : Regs. (49).

CUSTOMS :	
Prohibited Goods	1941 : Regs. 67.
Seven-day Week	1943 : Regs. 19.
Unmanufactured Tobacco	1943 : Regs. 97.
DEFENCE (LAGOS)	
	1940 : Regs. 31.
	1941 : Regs. 8, 95.
Suspended by	1943 : Regs. 73.
	1943 : 338.
DEFENCE REGULATIONS (RECIPROCAL ENFORCEMENT)	
ORDER :	1941 : 87 (G 116).
(See Part I, page 13)	
EMERGENCY POWERS (COLONIAL DEFENCE) (AMENDMENT) ORDERS IN COUNCIL :	
(See Part I, page 16)	1940 : 40 (F 99).
	1941 : 86.
	1942 : 305 (F 189).
EMERGENCY POWERS (COLONIAL DEFENCE)	
(EXPLANATION) ORDER IN COUNCIL, 1942 :	1942 : 168 (F 188).
(See Part I, page 15)	
EMERGENCY POWERS (DEFENCE) ACT	
(See Part I)	1939 : 68 (F 85).
	1941 : 85.
	1942 : 168 (F 187).
	1943 : 300 (continuation)
EMERGENCY POWERS (ORDER IN COUNCIL)	
	1939 : 27 (F 50).
EMPLOYMENT IN ESSENTIAL WORKS	
(See Part II, page 230)	1942 : Regs. 128, 132.
	1943 : Regs. 33.
Schedule	1942 : (374 (F 176), 389 (F 177)).
	1943 : II.
Authorised Officers	1943 : G.N. 4.
	1944 : G.N. 184.
Procedure in Dismissal	1943 : G.N. (450), 1503.
Delegation	1942 : G.N. 1474 (F 178).
Declaration of Trades, etc., for registration	1943 : G.N. 418.
ENTERING AND LEAVING NIGERIA, PERSONS :	
and see EXIT PERMITS, and GENERAL DEFENCE	1940 : (29 : F 69).
REGULATIONS 64-65.	1941 : (5 : G 64).
	1942 : II (F 73), 40.
Exemptions	1939 : 67 (F 102).

EUROPEAN OFFICERS' PENSIONS ORDINANCE (CAP. 26)	
Enemy Injury . . . . .	1942 : Regs. 134.
EVIDENCE AND POWERS OF ATTORNEY ACT	1941 : 77 (G 108).
(See Part I)	1943 : 277.
EVIDENCE : POSTAL PACKETS . . . . .	1941 : 77 (G 112).
EXCLUSIVE PROSPECTING LICENCES . . . . .	1943 : Regs. 38.
EXIT PERMITS	
and see ENTERING AND LEAVING NIGERIA,	1940 : 65 (F 71).
PERSONS	1941 : 55 (G 64).
EXPLOSIVES	
and see GUNPOWDER :	
Import, control and sale . . . . .	1940 : Regs. 61.
(See Part II, page 143)	1941 : Regs. 23.
Specified Areas . . . . .	1943 : 187, 274.
Prescribed Officers . . . . .	1940 : 68 (F 92).
	1943 : 188, 248, 357.
Prescribed Officers (Director of Supplies) . .	1942 : Regs. 56.
EXPORT, CONDITIONS FOR . . . . .	1943 : Regs. 3.
EXPORT DUTY . . . . .	1940 : Regs. 3, (65, 66) 74.
EXPORTS, CONTROL OF, and see PRODUCE, EXPORT.	
CONTROL OF	
Customs : Prohibition of export . . . . .	1940 : Order in Council (6, 10, 16,
	23).
	1941 : Order in Council (2), 23.
	1942 : Order in Council 24
Open General Licence . . . . .	1940 : 24
	1943 : G.N. 1213.
FINANCE . . . . .	1939 : Regs. (37, 44, 51, 61, 65).
	1940 : Regs. (9, 47, 68).
	1941 : Regs (10, 30, 58, 60, 79, 99).
	1942 : Regs. 27, 63.
	1943 : Regs. 15.
	1944 : Regs. 4, 21.
Designation of foreign currencies . . . . .	1939 : (44, 54 (F 101), 88 (F 102)).
	1940 : (48 (F 84)).
	1941 : (39 (G 103)).
	1942 : (77, 143 (F 157), 270, 308),
	(378)
	1943 : (100).
	1944 : (37), 47.

Postal Orders and Travellers' Expenses . . . . .	1939 : (50 (F 100)). 1940 : (12 (F 83)). 1941 : (41 (G 103), 93, 134).
See Currency Restrictions Exemptions, <i>infra</i>	
Currency Restrictions Exemptions . . . . .	1940 : (Order No. 8). 1941 : (38 (G 101), 75 (G 101) 92 (G 102), 130 (G 102)). 1942 : 74 (F 152), 212. 1944 : 52.
Importation of Banknotes : (General Licence)	1940 : (60 (F 83)). 1941 : (36 (G 100), 76, 94, 135). 1942 : 76 (F 156). 1944 : 45.
Export of gold, and gold miners and gold dealers exemption.	1939 : (44 (F 100), 51). 1942 : 73 (F 152).
Securities, restrictions and Returns . . . . .	1940 : (Order No. 9). 1940 : (52) (F 85). 1941 : (37 (G 104), 51 (G 104)). 1942 : 75 (F 155).
Sterling area, inclusion of Hong Kong in . . . . .	1941 : 74 (G 101).
Specified Currencies (Reg. 4 (3)) . . . . .	1944 : 46.
FIRE PREVENTION (LAGOS) . . . . .	1942 : 79, 103.
Partial Suspension . . . . .	1943 : 68.
FOOD CONTROL . . . . . (See Part I, page 90)	1939 : Regs. (50). 1941 : Regs. (75). 1942 : Regs. 5.
General . . . . .	1939 : 33 (notification) (F 99). 1942 : 208 (F 100), 295. 1943 : 120.
Central Committee . . . . .	1939 : (44) 1940 : 13.
Competent Authorities . . . . .	1943 : G.N. 1205.
Controller . . . . .	1939 : (85). 1940 : 20
and for deputies, etc., <i>see</i> . . . . .	1943 : G.N. 1205.

FOOD CONTROL—*contd.*

Sellers and Purchasers : <i>see</i> " General " <i>supra</i> .	1941 : (4 (G 80), 80 (G 80)).
Distribution Use and Consumption (Wheat)	1941 : 31 (G 79).
Alcoholic Liquor, Consumption . . . . .	1941 : (60, 71, 100, 103, 122, 125, 129, 139).
	1942 : (15, 36), 61 (68, 153, 218), (321), 346, (383), 385.
	1943 : (180), 225, 315, 369.
	1944 : 86.
Salt, returns of . . . . .	1941 : 83.
	1942 : 309.
Registration and Rationed Commodities . .	1943 : (59), 178, 224, 231, 202.
	1944 : 16, 81.
Rationing : <i>see</i> " Registration and Rationed Commodities ".	
Rationing : Milk . . . . .	1943 : (67, 183).
	1944 : 10.
Rationing : Flour . . . . .	1943 : (67), 181.
Rationing : Butter . . . . .	1942 : (137, 171, 184, 349), 350.
	1943 : (6, 156, 192), 223, (291, 324), 350.
Sale, prohibition of various articles . . . .	1940 : (27).
Sale, prohibition of various articles (Zaria) . .	1943 : (182).
Sale, prohibition of various articles (Zaria and Kaduna).	1944 : 30.
Biscuits . . . . .	1940 : 32.
Sale, control of Salt (Lagos) . . . . .	1941 : (106, 112).
	1942 : (41) 175, 206 (suspension).
	1943 : 32.
Sale, control of Salt (Oyo) . . . . .	1942 : 48.
Sale, control of Beer and Stout (Lagos) . . . .	1943 : 137.
Sale, control of Cattle and Beef (Lagos) . . . .	1943 : (155), 164.
Sale, control of Bread and Flour (Lagos) . . . .	1943 : (2, 50 (suspending)) 221, 269.
War Operations (Posted Lists) . . . . .	1942 : 152 (F 100).

## Prohibition of Movement :

S.P. Colony : Salt .. .. .

1941 : (90).  
 1942 : (348).  
 1943 : 33, (199), 270.  
 1944 : 94.  
 1942 : 217.  
 1943 : 163.  
 1943 : 298.

Salt, British .. .. .

Wheaten Bread .. .. .

Gari .. .. .

Maize .. .. .

Abeokuta : Rice .. .. .

Gari, maize, yams .. .. .

Maize .. .. .

Gari .. .. .

1942 : (117).  
 1943 : 48, 255, 293.  
 1942 : (118), (198).  
 1943 : 90.  
 1943 : 127, 147, 266, 293.  
 1943 : 134.

Calabar :

Cameroons : Salt .. .. .

1942 : 34.

Ijebu : Maize and Rice .. .. .

1942 : (234).

Rice .. .. .

1943 : 34.

Gari .. .. .

1943 : 36.

1943 : (209), 251.

Ogoja : Gari .. .. .

1943 : 268.

Ondo : Maize, rice, yams, guinea-corn ..

1942 : 303.

Onitsha : Yams .. .. .

1942 : 347.

Owerri : Gari .. .. .

1943 : 236.

(Port Harcourt) Gari and Yams ..

1943 : 35.

Oyo : Salt .. .. .

1941 : 136.

Maize .. .. .

1942 : 231.

Yam-flour, Yams, Rice, Guinea-corn.

1942 : 246.

Gari .. .. .

1943 : 162.

(Ibadan) Yams .. .. .

1943 : (135) 237.

N.P. Adamawa : Guinea-corn and Rice ..

1942 : 329.

Beans .. .. .

1942 : 345.

Groundnuts .. .. .

1943 : 21.

Bauchi : Corn and Millet .. .. .

1942 : 228.

Benue : Yams, Yamflour, Guinea-corn,  
Bullrush Millet, Maize, Beans.

1943 : 282.

Bornu : Corn and Millet .. .. .

1942 : 313.

Dried fish and Onions .. .. .

1942 : 264.

FOOD CONTROL—*contd.*Prohibition of Movement—*contd.*

Ilorin : Corn, Maize and Millet .. ..	1942 : (230).
	1943 : 136.
Rice and Yams .. .. .	1942 : 230.
Guinea-corn .. .. .	1944 : 3.
Kano : Wheat, etc. .. .. .	1942 : 174.
Beans and Cowpeas .. .. .	1943 : 12.
Katsina : Corn .. .. .	1942 : 110.
Kabba : Rice .. .. .	1942 : (312).
	1943 : 145.
	1944 : 21.
Guinea-corn and Millet .. .. .	1942 : (312).
	1943 : 145, 375.
(Igala Division)	
Millet, Maize, rice .. .. .	1943 : 230.
Niger :	
Plateau : Corn and Millet .. .. .	1942 : 229.
Rice .. .. .	1943 : 126.
Sokoto : Beans .. .. .	1942 : 370.
Rice .. .. .	1942 : 83.
Wheat .. .. .	1942 : 263.
Guinea-corn and Millet .. .. .	1942 : (227).
	1943 : 198.
Eggs, Onions .. .. .	1942 : (369).
	1943 : 179.
Zaria : Corn and Millet .. .. .	1942 : (216).
	1943 : 210, (394).
Tomatoes .. .. .	1943 : 211.

## FORESTRY ORDINANCE :

Amended by .. .. .	1942 : Regs. (39).
	1943 : Regs. 23

GENERAL DEFENCE REGULATIONS .. .. .	1939 : Regs. (32, 33, 43, 47, 52).
(See Part I, page 35)	1940 : Regs. (11, 15, 23, 25, 29, 34,
	44, 59).
	1941 : Regs. (2, 4, 14, 41, 45, 48, 57,
	71), 75, 90, 94, 98.
	1942 : Regs. 4, 9, 10, 13, 14, 19, 26,
	32, 34, 42, 51, 57, 72, 75,
	107, 115, 116.
	1943 : Regs. 14, 18, 21, 28, 41, 51, 90.

Bringing into force of part BB of Part II .. 1941 : 47.

GINGER — and <i>see</i> PRODUCE, EXPORT, CONTROL OF: Export licences .. .. .	1943: G.N. (1333). 1944: G.N. 225.
GLASS BOTTLES — <i>see</i> BOTTLES	
GOLD MINING, RESTRICTION OF Maintenance of Beacons .. .. .	1943: Regs. 17, 58. 1943: 308.
GOVERNMENT AND PUBLIC BODIES (EMPLOYMENT) Declaration of Departments .. .. .	1942: Regs. 133. 1942: 390 (F 180). 1943: 104. 1944: 1
GROUNDNUTS — <i>see</i> "PRODUCE, EXPORT, CONTROL OF" and "SUPPLIES"	
GUNPOWDER (STORAGE) .. .. .	1943: Regs. 72.
HIDES AND SKINS compulsory flaying .. .. .	1944: Regs. 15.
IDENTIFICATION OF PERSONS .. .. . ( <i>See</i> Part II, page 209)	1942: Regs. 118. 1943: Regs. 49.
IMPORTATION OF TEXTILES (QUOTAS) ORDINANCE: Operation suspended by .. .. .	1939: Regs. 66.
IMPORTATION OF SOUTH AFRICAN BRANDY ..	1943: Regs. 57.
IMPORTATION OF SOUTH AFRICAN GIN — <i>see</i> IMPORTS, CONTROL OF.	
IMPORTS, CONTROL OF .. .. . ( <i>See</i> Part II, page 139)	1939: Regs. 67. 1941: Regs. (9). 1942: Regs. 44.
Appointments .. .. .	1943: G.N. 1374.
Appointments (Director of Supplies) .. ..	1942: Regs. 56.
Open General Licence .. .. .	1942: G.N. 146, 1085. 1943: 31, 210.
Importation of South African Gin .. ..	1943: 58.
General .. .. .	1940: (1 (F 85), 17 (F 90), 30), 43 (F 90). 1941: (26), 32 (G 99) and G.N. 475, 818.
INCREASE OF RENT (RESTRICTION): (Lagos) .. .. .	1942: Regs. 59, 101, 126. 1943: 53.

INCREASE OF RENT (RESTRICTION)—*contd.*

## Application of Regulations :

Warri, Sapele, Forcados and Burutu .. ..	1942 : (202).
Areas in Northern Provinces .. .. .	1942 : 298.
Enugu and Port Harcourt .. .. .	1942 : (339).
Areas in Southern Provinces .. .. .	1943 : 218.

## Assessment Board Rules :

Lagos .. .. .	1942 : (173 (F 166)). 1943 : 347.
Gusau .. .. .	1943 : 216.
Aba .. .. .	1943 : 217.
Zaria .. .. .	1943 : 171.
Kaduna .. .. .	1943 : 170.
Minna .. .. .	1943 : 101.
Kano .. .. .	1943 : 124.
Enugu .. .. .	1943 : 28.
Port Harcourt .. .. .	1943 : 57.
Jos .. .. .	1943 : 96.
Delegation of Powers .. .. .	1942 : 335 (F 165).
Definition of Premises (Lagos Township Extension).	1942 : Order 22.
Definition of Premises (General Application)	1943 : (219). 1944 : 23.

## INDISPENSABLE SERVICES .. .. .

(See Part II, page 159)

Amended by .. .. . 1942 : G.N. 603.

## INDUSTRIAL ARBITRATION .. .. .

(See now Part I, page 98)

1941 : Regs. 38.

## INDUSTRIAL DISPUTES :

See GENERAL DEFENCE REGULATIONS 155-160 :

Declaration of Trades or Industries .. ..

1941 : (131 (G 98)).

1942 : (14,134) 287 (F 103), 288.

1943 : 12.

INDUSTRY, CONTROL OF :	
Prohibition of Sale of Tin-plate Containers	1943 : 306.
INQUESTS AND BURIALS (AMERICAN FORCES) ..	1944 : Regs. 5.
(See Part II, page 263)	
INQUIRIES (SECRECY) .. .. .	1942 : Regs. 136.
LABOUR :	
See COMMISSIONER.	
LAGOS :	
and see CIVIL DEFENCE and DEFENCE (LAGOS) :	
Traffic .. .. .	1941 : 52 (G 98).
Co-ordination of forces .. .. .	1942 : Regs. 111. 1943 : Regs. 37.
Public Entertainments .. .. .	1942 : 51 (F 122).
Defence .. .. .	1940 : Regs. 31, 95. 1943 : Regs. 73.
(Suspension of Regulations) .. .. .	1943 : 338.
LIGHTING RESTRICTIONS :	
Lagos .. .. .	1940 : (28, 42 (F 76), 51). 1941 : (25 (G 81), 44, 56, 132).
(See CIVIL DEFENCE) .	
Port Harcourt .. .. .	1940 : 54 (F 80), 61. 1941 : 45 (G 86).
Ibadan .. .. .	1941 : 54 (G 87).
Abeokuta .. .. .	1941 : 59 (G 90).
Victoria .. .. .	1941 : 89 (G 94).
Northern Provinces .. .. .	1942 : G.N. 666 (F 121).
LIQUOR ORDINANCE :	
Amended by .. .. .	1942 : Regs. (94), 119.
Licences (refund of fees) .. .. .	1941 : Regs. 78.
LOCAL FOODSTUFFS—CONTROL CENTRES .. ..	1944 : Regs. 33.
LOCAL FORCES ORDINANCE (1938) :	
Amended by .. .. .	1940 : Regs. 41. 1942 : Regs. 28.
Local Forces Regulations .. .. .	1939 : Regs. 23. 1940 : Regs. 80. 1941 : Regs. 100, 102. 1939 : G.N. 847.
Lagos declared a defence area .. .. .	1942 : Regs. 30, 31.
Establishment : Nigerian Railway Operation	
Division.	
" Mechanical Transport Corps	1939 : Order (19). 1940 : Order 29.
" Field Ambulance and Survey	1939 : Order 10.
Units.	
" Training Company .. ..	1939 : Order 14.
and see VOLUNTEER CORPS.	

LOCAL FORCES ORDINANCE (1938)—*contd.*

Calling-Up : Engineer Company .. .. .	1940 : 5.
"    Survey Unit .. .. .	1940 : 6.
"    Field Ambulance .. .. .	1940 : 9.

MAN-POWER — *see* EMPLOYMENT IN ESSENTIAL WORKS.

## MAXIMUM PRICES (FOOD) :

Beans (Lagos) .. .. .	1941 : (15, 128). 1942 : (292) (293). 1944 : 54. 58.
Beef (Lagos) <i>see</i> —"Meat".	
Beer and Stout .. .. .	1941 : (65). 1942 : (30, 393). 1943 : (4, 65, 78), 138, 208. 1944 : 6, 44.
Brandy (S.A.) .. .. .	1942 : (28, 100, 183, 207, 233, 265) 328 1943 : 5, 238, 359.
Brandy (Hotels Re-sale) .. .. .	1943 : 254.
Bread (Lagos) .. .. .	1944 : 28.
Butter (Vom) (Lagos) .. .. .	1940 : 56.
Butter (Vom) (Enugu and Port Harcourt) ..	1941 : 64.
Butter (Vom) (Kano) (Ibadan) .. .. .	1942 : 60.
Cheese (Vom) (Lagos) .. .. .	1942 : 197.
Cold Storage Foodstuffs .. .. .	1940 : 8 (F 75).
Eggs (Lagos) .. .. .	1941 : (48). 1944 : 54. 58.
Egusi (Lagos) .. .. .	1941 : (18). 1944 : 54. 58.
Farina (Lagos) .. .. .	1941 : (15), 61.
Flour (local) .. .. . and <i>see</i> "Native Produced Foodstuffs"	1942 : 178, 187.
Gari (Lagos) .. .. . and <i>see</i> "Native Produced Foodstuffs"	1943 : (3, 191).
Gin, South African .. .. .	1944 : 71.
Groundnut Oil (Lagos) .. .. .	1942 : (297). 1943 : (22, 64), 212.



MAXIMUM PRICES (FOOD)—*contd.*

Rice (Lagos) . . . . .	1941 : (18, 98, 111). 1942 : (84, 248, 253, 392). 1943 : (51).
and see " Native Produced Foodstuffs ".	
Rice (Bida) . . . . .	1942 : (67).
Rice (N.P.) . . . . .	1942 : (95). 1943 : 114.
Rice (Native Produced) (Lagos) . . . . .	1942 : (392).
Rice (Native Produced) (Abeokuta) . . . . .	1942 : 101.
Salt (Lagos) . . . . .	1941 : (84, 115, 116, 119, 124). 1942 : (23, 45, 94, 120, 180, 196, 245) (304). 1943 : (1). 1944 : 43.
and see " Imported Food ".	
Salt (Various ports) . . . . .	1943 : 341.
and see " Kurkutch ".	
Vegetables (Lagos) . . . . .	1941 : (17, 33, 34). 1942 : (344, 371). 1943 : (24) (79) (256). 1944 : 54.
Whiskey . . . . .	1942 : 19.
See Maximum Prices (Merchandise) (Miscellaneous).	

## MAXIMUM PRICES (MERCHANDISE) :

Balata Belting . . . . .	1942 : 142. 1942 : 266.
Beer and Matches (Hotels) . . . . .	1941 : (65). 1943 : 128.
and for Beer—see MAXIMUM PRICES (FOOD).	
Bicycles . . . . .	1942 : (158, 240, 275, 320, 337). 1943 : (45, 84, 111, 130), 194, 239, 261, 316, 323, 376. 1944 : 99.
Bicycles (New tyres and tubes) . . . . .	1942 : (82). 1943 : 169.
Bicycles (Spare Parts) . . . . .	1942 : (159, 243, 336, 380). 1943 : (53, 159), 195, 250, 321, 342, 390. 1944 : 80.

MAXIMUM PRICES (MERCHANDISE)—*contd.*

Bicycles (Locks) .. .. .	1942 : 150.
Bricks (Colon <sup>y</sup> ) .. .. .	1942 : (133, 353, 381). 1943 : 18.
Building Materials (Owerri) .. .. .	1943 : 19.
Cement .. .. .	1942 : (195, 223, 244). 1943 : 109, 265. 1944 : 9, 59.
Cigarettes and Tobacco (and <i>see</i> " Tobacco ")	1942 : (139, 147, 160, 182, 242, 254). 1943 : (43).
Cigarettes .. .. .	1943 : 258, 356.
Cigarettes (Local) .. .. .	1944 : 34. 1942 : (18, 241).
Distilled water .. .. .	1942 : 324.
Drugs and Patent Medicines .. .. .	1942 : 356, 366. 1943 : 17, 185, 193. 1944 : 57.
Drugs and Patent Medicines (Mentholatum and Vaseline)	1943 : (144), 203.
Drugs and Patent Medicines (Vaseline) ..	1943 : 201. 1944 : 70
Electric cable and flex .. .. .	1943 : 20.
Fishing tackle .. .. .	1943 : (119), 142.
Flashlight Batteries .. .. .	1942 : (314). 1943 : 118.
Formic Acid .. .. .	1942 : 315.
G.C.I. Sheets (and <i>see</i> HARDWARE) .. ..	1943 : 85. 1944 : 35.
Gold Chloride .. .. .	1942 : 188.
Hardware and G.C.I. Sheets .. .. .	1942 : (148, 225, 326). 1943 : 83.
Kerosene (Lagos) .. .. .	1943 : 257.
Kerosene (Makurdi) .. .. .	1942 : 327.
Lawn Mowers .. .. .	1942 : (86, 105, 189), 377.
Mineral Waters .. .. .	1943 : 184. 1944 : 78.

MAXIMUM PRICES (MERCHANDISE)—*contd.*

Mineral Waters (Kano) . . . . .	1942 : (367). 1943 : (214), 242 1944 : 87.
Mineral Waters (Port Harcourt) . . . . .	1942 : 368. 1944 : 88.
Mineral Waters (Locally made) . . . . .	1943 : 141. 1944 : 77.
Miscellaneous . . . . .	1941 : (10, 12, 13, 19, 72, 96, 97). 1942 : (1, 17, 26).
Native Bags (Kabba) . . . . .	1943 : 46.
Oils and Grease (Texas Co.) Price Increase . .	1943 : 52.
Paints . . . . .	1943 : 227.
Petrol and Oil (Freezing) . . . . .	1942 : (316). 1943 : (30, 47), 157, (158). 1944 : 2.
Petty Articles : Oyo . . . . .	1942 : 62.
Petty Articles : Owerri . . . . .	1942 : 104.
Petty Articles : Ogoja . . . . .	1942 : 205, 332.
Petty Articles : Onitsha . . . . .	1942 : 132.
Petty Articles : Calabar . . . . .	1942 : 190.
Photographic Materials . . . . .	1942 : 365. 1943 : 15. 1944 : 92.
Pitsawn Timber (Lagos) . . . . .	1942 : (172), 256.
Pitsawn Timber (Zaria) . . . . .	1942 : 203. 1943 : 91.
Pitsawn Timber (Ilorin) . . . . .	1942 : 354.
Pitsawn Timber (Plateau) . . . . .	1943 : 143.
Pitsawn Timber (Sokoto) . . . . .	1942 : 226. 1943 : 259.
Potassium Cyanide . . . . .	1942 : 214.
Rimlocks . . . . .	1942 : 323.
Sad Irons . . . . .	1943 : 16.
Sand (Lagos) . . . . .	1942 : 149.
Screws . . . . .	1942 : 325. 1943 : 202.

MAXIMUM PRICES (MERCHANDISE)—*contd.*

Sewing Machines .. .. .	1942 : (382).
	1943 : 14.
Textiles (freezing) .. .. .	1942 : (362).
	1943 : (31, 82, 240).
	1944 : 8.
Tobacco .. .. .	1942 : (80, 113, 322).
	1943 : (44, 117, 226), 260, 351, 389.
	1944 : 13.
Toothpaste .. .. .	1942 : 141.
Tyres and Tubes (Motor) (New) .. .. .	1943 : 167, 206, 243, 290, 322, 361,
	372.
	1944 : 18, 192.
Tyres and Tubes (Renewed Giant) .. .. .	1943 : (168, 177), 276.
Tyres and Tubes (Bicycle)— <i>see</i> BICYCLES.	
Various (Ogoja) .. .. .	1942 : 338.
Vaseline .. .. .	1943 : 201.
	1944 : 70.
Wire Brads .. .. .	1943 : 110.
Wire Nails .. .. .	1942 : 224.

MEDICAL PRACTITIONERS AND DENTISTS ORDINANCE :

Ordinance amended by .. .. . 1942 : Regs. 11.

MERCHANDISE, CONTROL OF :

NOTE.—The original control of Merchandise Regulations (No. 5 of 1940) were revoked by Regulations 75 of 1940, and the original Control of Merchandise Order (P.N. No. 66 of 1940 (F 71)) together with the amending Orders (P.N. No. 46 of 1941 (G 77) and 8 of 1942) were revoked by the Control of Prices Regulations (Regulations No. 2 of 1943). Current legislation is therefore to be sought under PRICES, CONTROL OF, although, as will be seen, much of the legislation listed below remains in force. MAXIMUM PRICES, for all articles other than articles of food whether fixed under Control of Merchandise or under Control of Prices, have been collected together under the heading MAXIMUM PRICES (MERCHANDISE).

Appointment of Controller of Merchandise ..	1940 : (15), 67.
Price Regulation Committee .. .. .	1940 : 16.
Distribution and Use .. .. .	1941 : (22, 30 (G 74), 43).
<i>see</i> Imported Articles, <i>infra</i> .	
Imported Articles .. .. .	1942 : 157 (F 75), 352.
	1943 : 54, 241, 355.
	1944 : 25.
	1941 : Regs. 89.
Prohibition of movement .. .. .	
( <i>See</i> Part II, page 151).	
General : Prohibition of movement of	1942 : Regs. 67.
produce and merchandise	

MERCHANDISE, CONTROL OF—*contd.*Prohibition of Movement—*contd.*

Bicycles (Owerri) . . . . .	1942 : 177.
Bicycles— <i>see</i> . . . . .	1942 : 273.
Bricks (Lagos) . . . . .	1942 : 280.
Pitsawn Timber (Oyo) . . . . .	1942 : (166). 1943 : (233) 253.
Pitsawn Timber (Zaria) . . . . .	1942 : 255.
Pitsawn Timber (Ilorin) . . . . .	1942 : 355.
Pitsawn Timber (Plateau) . . . . .	1943 : 148.
Produce Bags (Zaria) . . . . .	1943 : 196.
Produce Bags (Kano) . . . . . and <i>see</i> "SUPPLIES".	1943 : 205.

## Prohibition of Sale :

Building Materials (Lagos) . . . . .	1942 : (334). 1943 : 98.
Khaki Drill . . . . .	1941 : (53), 69.
Terne-plate Containers . . . . .	1943 : 306.
Bicycles, Control of . . . . .	1942 : 273, 318.
Bicycles (Sale of tyres and tubes, Oyo) . . . . .	1942 : 156.
Bicycles (Control of tyres and tubes) . . . . .	1942 : 215 (F 81).
Gas Cylinders, Control of . . . . .	1942 : 135.
Motor Vehicles, Control of, <i>see</i> MOTOR VEHICLES (AND BICYCLES), CONTROL OF.	
Tyres and Tubes, Control of (Motor) . . . . .	1942 : (55, 151, 272 (F 89)) 1943 : 153, 360.
Tyres and Tubes, Control of (Giant): Regi- stration, Inspection and Removal	1943 : 95. 1943 : 152. 1944 : 68.

MILITARY PRISONS . . . . . 1942 : Regs. 117.

MILITARY TRANSFER REGULATIONS . . . . . 1941 : Regs. 26.

MILITARY UNITS . . . . . 1941 : Ordce. 68.

Army . . . . . 1942 : Regs. 106.

Establishment of Units . . . . . 1941 : (137).  
1942 : (131), 279 (F 63).  
1944 : 40.

Placing under orders of Army Council . . . . . 1942 : 301 (F 64).  
1944 : 41.

MINERALS (CLOSED AREAS) (See Part II, page 154)	1942 : Regs. 15
MINERALS, DIRECTOR OF PRODUCTION OF ESSENTIAL	1943 : Regs. 8.
MINING INDUSTRY (CONTROL OF WAGES) Wage fixing	1942 : Regs. (24), 91. 1942 : (201 (F 174), 364). 1943 : 40, 61, 89, 377.
MINING *LEASES	1943 : Regs. 48.
MOTOR TRAFFIC CONTROL, and <i>see</i> TRAFFIC	1940 : Regs. (10).
MOTOR TRANSPORT CONTROL (See Part II, page 163)	1939 : Regs. (36). 1940 : Regs. (10, 27, 42, 76). 1941 : Regs. (15). 1942 : Regs. 49, 70, 120. 1943 : Regs. 1.
Declaration of Zones	1942 : (111, 167, 268, 274. (F 158)). 1943 : 271.
Rates and Fares :	
Commercial Vehicles, Central Zone	1942 : (359). 1943 : (8, 129).
Eastern Zone	1943 : (70, 131).
North-Eastern Zone	1943 : (9).
North-Western Zone	1943 : (154, 165).
Consolidation	1942 : (213). 1943 : 279, 325, 334, 344, 354, 366, 393. 1944 : 56, 90.
Passengers	1943 : 280. 1944 : 22, 96.
Route Permits, North-Eastern Zone	1943 : G.N. 1294.
MOTOR VEHICLES (AND BICYCLES), CONTROL OF : and <i>see</i> BICYCLES	1942 : (66, 164, 179), 271 (F 82).
MOVEMENT OF PRODUCE AND MERCHANDISE : PROHIBITION OF (See Part II, page 151)	1941 : Regs. 89. 1942 : Regs. 67.
NATIONAL SERVICE REGISTRATION and <i>see</i> COMPULSORY NATIONAL SERVICE	1940 : Regs. (28), 33.
NATIVE COURTS JURISDICTION and <i>see</i> "OIL PALM PRODUCTION" and "RUBBER PRODUCTION."	1942 : Regs. 3. 1943 : Regs. 21.

NATIVE COURTS JURISDICTION—*contd.*

Delegations .. . . . .	1942 : 9 (F 138).
S.P. Colony .. . . . .	1943 : 317.
Abeokuta .. . . . .	1942 : (50) (F 142)
	1943 : 378.
	1944 : 76.
Benin .. . . . .	1942 : 33 (F 139).
	1943 : 295.
Calabar .. . . . .	1942 : 97 (F 147).
Ijebu .. . . . .	1942 : 35 (F 140).
Oyo .. . . . .	1942 : 42 (F 140).
N.P. Benue .. . . . .	1942 : 89 (F 146).
Ilorin .. . . . .	1942 : 44 (F 141), 133.
Kabba .. . . . .	1942 : 130 (F 146).
Kano .. . . . .	1942 : 47 (F 142).
Katsina .. . . . .	1942 : 64 (F 145).
Niger .. . . . .	1942 : 112 (F 148).
Plateau .. . . . .	1942 : 59 (F 144).
Sokoto .. . . . .	1942 : 53 (F 143).
Zaria .. . . . .	1942 : 56 (F 143).
NAVAL DEFENCE FORCE ORDINANCE, 1937 .. . . . .	1939 : Regs. (60).
	1941 : Regs. 61, 62, 81.
Establishment .. . . . .	1939 : (74).
	1940 : (4), 11.
NON-EUROPEAN OFFICERS' PENSIONS ORDINANCE CAP. 27) :	
Enemy Injury .. . . . .	1942 : Regs. 135.
OATHS AND AFFIRMATIONS .. . . . .	1941 : Regs. 16.
(See Part II, page 148)	
OIL CONTROL .. . . . .	1939 : Regs. (35).
(See Part II, page 186)	1940 : Regs. (12, 16, 30, 32).
	1941 : Regs. (24, 84).
	1942 : Regs (18), 65, 105.
	1943 : Regs. 5
OIL PALM PRODUCTION .. . . . .	1943 : Regs. (55, 77, 78), 89.
(See Part II, page 260)	
Declaration of Zones .. . . . .	1943 : 301, 374, 95.
	1944 : 75.
Native Courts Application :	
Owerri .. . . . .	1943 : 381.
Calabar .. . . . .	1943 : 383.
Onitsha .. . . . .	1943 : 385.
Ogoja .. . . . .	1943 : 387.
Ijebu .. . . . .	1944 : 38.
OVERTIME .. . . . .	1942 : Regs. (58, 64, 74), 129.
(See Part II, page 235)	

Business Undertakings	1942 : 162 (F 164), 186, 210
Declaration of trades	1942 : 375 (F 179).
	1943 : 13.
PALM KERNELS	
Prohibition of Purchase for Export and Removal.	1940 : Order (32).
	1941 : Orders (4, 21, 43, 49, 59, 68, 75, 83), 85.
PASSIVE DEFENCE :	
See " CIVIL DEFENCE "	
PERSONS ENTERING OR LEAVING NIGERIA :	
See ENTERING OR LEAVING, ETC.	
PERSONS IN CUSTODY :	
Photography and Measurement	1942 : 99 (F 137).
PETROLEUM :	
Storage of essential	1942 : Regs. 54.
	1943 : Regs. 50.
PHOTOGRAPHY, CONTROL OF	1942 : 49 (F 66).
Exemptions and Areas	1942 : 54 (F 68).
and see G.D.R. 36	(1942 : Regs. 19).
POLICE ORDINANCE (1930) :	
Special Constables	1941 : Regs. (31).
Supernumerary Police Officers	1942 : Regs. (35).
	1943 : Regs. II.
Administration of Police in Provinces	1942 : Regs. (71).
	1943 : Regs. II.
PORTS AND VESSELS . . . . .	1943 : Regs. 14.
Regulation of vessels	1943 : 92.
PRODUCE, EXPORT, CONTROL OF . . . . .	1942 : Regs. 98.
(See Part II, page 203)	1943 : 63, 81, 84.
	1944 : 1.
Application :	
Benniseed	1943 : 234.
Cassava Starch	1943 : 105.
Cocoa and Palm Kernels	1942 : 235.
Ginger	1943 : 25.
Groundnuts and groundnut oil	1942 : (284).
	1943 : 86.
	1943 : 311.
Palm Oil	
Benniseed :	
Prices	1943 : 247, 272, 294.
Cassava Starch :	
Prohibition of purchase for export	1943 : 115.

PRODUCE, EXPORT, CONTROL OF—*cont'd*

Cocoa :	
Prices and brokerage . . . . .	1942 : (282, 306). 1943 : (23, 29, 175, 332, 343, 345, 373, 380, 392). 1944 : (50), 62, 84.
Cocoa, Standard pack . . . . .	1942 : 276. 1943 : 174, 330.
Cocoa, Destruction . . . . .	1943 : (29), (175).
Cocoa, Prohibition of sale . . . . .	1943 : (39) 173, (278), 331. 1944 : (39, 60) 64.
Cocoa, Resumption of purchase . . . . .	1942 : 277.
Cocoa, Close of main crop buying season (W.P.)	1944 : G.N. 201.
Ginger :	
Minimum price . . . . . and <i>see</i> GINGER	1943 : (26). 1944 : 12.
Groundnuts : -	
Commencement of purchase . . . . .	1942 : 283.
Standard pack . . . . .	1942 : (285) 373. 1943 : 318.
Prices . . . . .	1942 : (286, 338). 1943 : 320, 339, 379. 1944 : 32.
Prohibition of purchase for export . . . . .	1943 : (66), 319. 1944 : 49.
Palm Kernels :	
Standard pack . . . . .	1942 : 260.
Prices and commission . . . . .	1942 : (236, 302). 1943 : (10, 42, 123, 161, 207), (229, 267, 335, 346), (391). 1944 : 14, 31, 48, 53, 66, 100.
Palm Oil :	
Prices and commission . . . . .	1944 : 15, 103.
PRODUCE, PASSAGE OF FRENCH . . . . .	
Declaration of goods . . . . .	1943 : Regs. 82. 1943 : 358.
PROTECTED AREAS:	
and <i>see</i> "CONTROLLED AREA" "SPECIAL AREAS" and G.D.R. 75-78.	
Aerodromes . . . . .	1941 : (1, 79 (G 64)). 1943 : 166, 328. 1944 : 20.

PROTECTED AREAS—*contd.*

Port Harcourt Wharves

Ikoyi Airport

1942 : 88 (F 71).

1942 : 211 (F 71).

PUBLICATIONS :

Control of Newsprint  
(See Part II, page 148)

1941 : Regs. 40.

PUBLIC ENTERTAINMENTS :

Public Safety (Lagos)

1942 : 51 (F 122).

PUBLIC HOLIDAYS :

Overtime (Customs Officers and Sanitary Authorities).

1942 : Regs. 29.

RAILWAY STATIONS :

Control of persons

1942 : 340 (F 72).

REGISTRATION :

Lagos

(See Part II, page 156).

1942 : Regs. 33, 79, 112.

Provinces

(See Part II, page 175).

1942 : Regs. 52.

REQUISITIONING :

and see General Defence Regulations, Part VI  
(Part I, page 78) :

Competent Authorities (General) (Director of Supplies).

1942 : Regs. 56.  
1943 : Regs. 51.

Competent Authorities—General

1941 : G.N. 657 (G 78).

Competent Authorities—Palm nut cracking machines and Palm oil presses (Eastern Provinces).

1943 : (G.N. 980).  
1944 : G.N. 205.

Competent Authorities—Grain (Northern Provinces).

1942 : G.N. 285.

Competent Authorities—Transport

1942 : 311.

Competent Authorities—Ships and Vessels

1941 : 78 (G 78).

Competent Authorities—Other articles

1943 : G.N. 456.

RICE DISPOSAL

1943 : Regs. 86.

ROYALTIES ON METALS

1942 : Regs. 80, 86.  
1943 : Regs. 16.

RUBBER :

Grading and Export.  
(See Part II, page 252)

1943 : Regs. 66.  
1944 : Regs. 12, 16.

RUBBER—*contd.*

Native Courts Application . . . . .	1943 : 382, 384, 386, 388.
	1944 : 17, 61, 97.
Returns . . . . .	1942 : 269 (F 161).
	1943 : 275.

R.W.A.F.F. ORDINANCE . . . . .	1940 : Regs. 48, 53.
Ordinance amended by Regulations (See now Ordinance 24 of 1944)	1941 : Regs. 3, 37, 56.
	1942 : Regs. 87, 113.

Army Council Control, Order . . . . .	1941 : Order 52.
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R.W.A.F.F. RESERVE ORDINANCE :	
Ordinance amended by Regulations . . . . .	1941 : Regs. 36, 39.

SAVINGS BANK (Military Depositors) . . . . .	1944 : Regs. 23
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## SHIPS :

Boarding of, and departure from . . . . .	1940 : G.N. 578 (F 69).
	1943 : 204, 340.

Disembarkation (Shore Leave) Ships Order, 1944.	1944 : 83.
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British, Safety of . . . . .	1942 : Regs. 121.
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Competent Authority . . . . .	1942 : 394 (F 175).
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British, Service in . . . . .	1942 : Regs. 131.
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(See Part, II, page 237)	1944 : Regs. 3.
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Competent Authority . . . . .	1942 : 387 (F 175).
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	1939 : 43 (F 55).
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	1941 : 78 (G 78).
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Requisitioning of  
and see G.D.R. 92, 93.

SPECIAL AREAS . . . . .	1942 : 13 (F 69).
and see "PROTECTED AREAS."	

## SUPPLIES :

Director of . . . . .	1942 : Regs. 56.
(See Part II, page 177).	1943 : Regs. 7.

## Control of :

Cotton piece goods etc. Stocks Return	1943 : 244, 288.
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(Indian) Return of prices . . . . .	1942 : 379 (F 162).
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## Food and Merchandise :

Stocks Return . . . . .	1943 : 245, 289.
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## Groundnuts :

Prohibition of movement . . . . .	1943 : 87.
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## Petroleum Products :

Return of prices . . . . .	1942 : 319.
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## Refrigerators :

Control of Distribution . . . . .	1944 : 7, 74.
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Stock returns . . . . .	1942 : 161 (F 159), 165).
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	1943 : 245.
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SUPPLIES--*contd.*

Textiles :

- Return of prices . . . . . 1942 : 363.
- Prohibition of movement
- Return of stocks of Grey Bafts and cotton shirtings. 1943 : 232, 264.  
1942 : 278.

- TANTALITE AND COLUMBITE . . . . . 1943 : Regs. 76.  
1944 : Regs. 30

- TEMPORARY BUILDINGS
- Lagos . . . . . 1942 : Regs. (73), 84.  
1942 : 163 (F 170).

TEXTILES :

*See* IMPORTATION OF TEXTILES, SUPPLIES, MERCHANDISE, CONTROL OF.

TIMBER SUPPLY :

- Northern Provinces . . . . . 1942 : Regs. 66.

TIN (PRODUCTION AND EXPORT RESTRICTION)

- ORDINANCE :
- Modification of Application . . . . . 1942 : Regs. 100.

TRADING WITH THE ENEMY

- Ordinance amended by Regulations . . . . . 1940 : Regs. 39.  
1942 : Regs. 47.
- Transitional Provisions . . . . . 1944 : Regs. 2.
- Control of Property . . . . . 1939 : Order 25 (27).  
1940 : Order 5.  
1941 : Order 10, (14), 81.  
1942 : Order 1, 11, 14.  
1943 : Order 16.
- Specified Persons . . . . . 1939 : Order (29, 38).  
1940 : Order (2, 33, 45).  
1941 : Order (2, 11, 31, 71, 82).  
1942 : Order (8, 17, 18, 19, 21).  
1943 : Order (6, 20) 30

- Application of Ordinance . . . . . 1940 : Order 28, 43-  
1941 : Order 7, 12, 20, 23, (29), 64, 65.  
1942 : Order 5.  
1943 : Order 23.

- Declaration of Enemy Company . . . . . 1940 : Order 34.

TRADING WITH THE ENEMY—*contd.*

Areas in the occupation of Germany .. .. .	1940 : G.N. 402 (F 47). 1940 : 34 (F 47).
Patents and Trade Mark Fees .. .. .	1941 : (118) (G 53). 1942 : (185) (F 47). 1943 : 140.
Fees .. .. .	1941 : Regs. 93. 1942 : Regs. 46.
General Trading Licence .. .. .	1941 : 104 (G 53).
French Empire Authorisation .. .. .	1944 : Authorisation and Order 1.
Authorisation under section 3 .. .. .	1940 : 14 (F 47).

TRIALS UPON INFORMATION .. .. . 1942 : Regs. 97.

## TYRES AND TUBES :

Motor : <i>See</i> PRICES, CONTROL OF. MAXIMUM PRICES (MERCHANDISE). MERCHANDISE, CONTROL OF.
Bicycle : <i>See</i> MERCHANDISE, CONTROL OF. MAXIMUM PRICES (MERCHANDISE).

## VISITING FORCES :

Arrest and Detention .. .. . 1943 : Order 12.

Declaration .. .. . 1941 : 16 (G 117).

VOLUNTEER CORPS .. .. . 1940 : Regs. (40).  
1941 : Regs. (34).  
1942 : Regs. 81.

and *see* CIVIL AND MILITARY RESERVE.

Establishment .. .. . 1940 : Order 29.

Embodiment .. .. . 1940 : Regs. 37 (F 92).

Disbanding .. .. . 1942 : Regs. 83.

WATCH TOWER PUBLICATIONS .. .. . 1941 : Regs. 53.

WATER RIGHTS .. .. . 1943 : Regs. 54.

## WIDOWS AND ORPHANS PENSIONS ORDINANCE :

Amended by Regulations .. .. . 1941 : Regs. (43).  
1943 : Regs. 24.

## WOLFRAM :

and *see* ROYALTIES ON METALS.

Prices .. .. . 1943 : 63