



WESTERN REGION OF NIGERIA

Local Government Manual

Incorporating

Western Region Local Government Law, 1952 (No. 1 of 1953), Local Government Police Law, 1955 (No. 21 of 1955) and the Parliamentary and Local Government Electoral Regulations, 1955 (W.R.L.N. 266 of 1955)

Issued for the guidance of Local Government Councils

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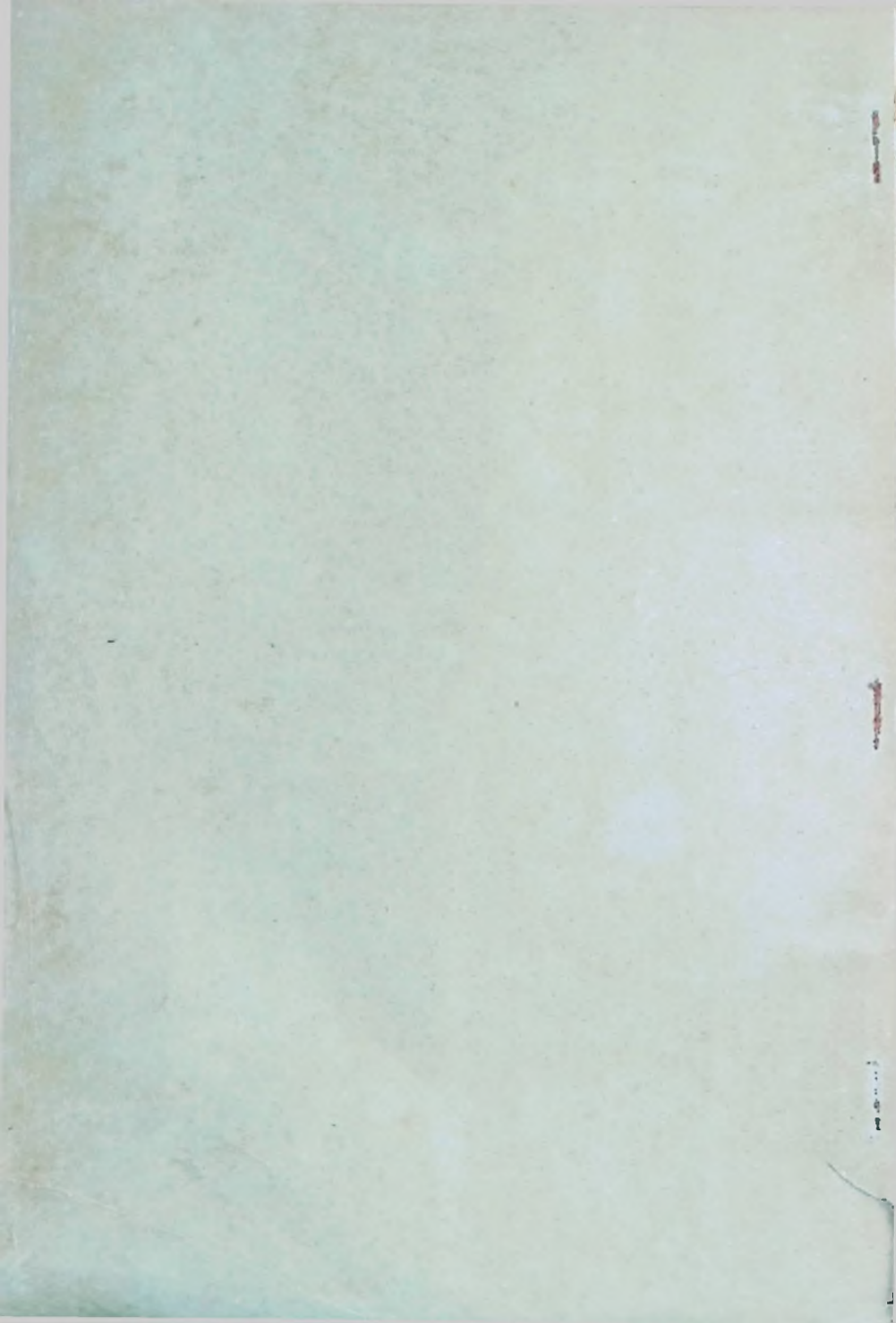
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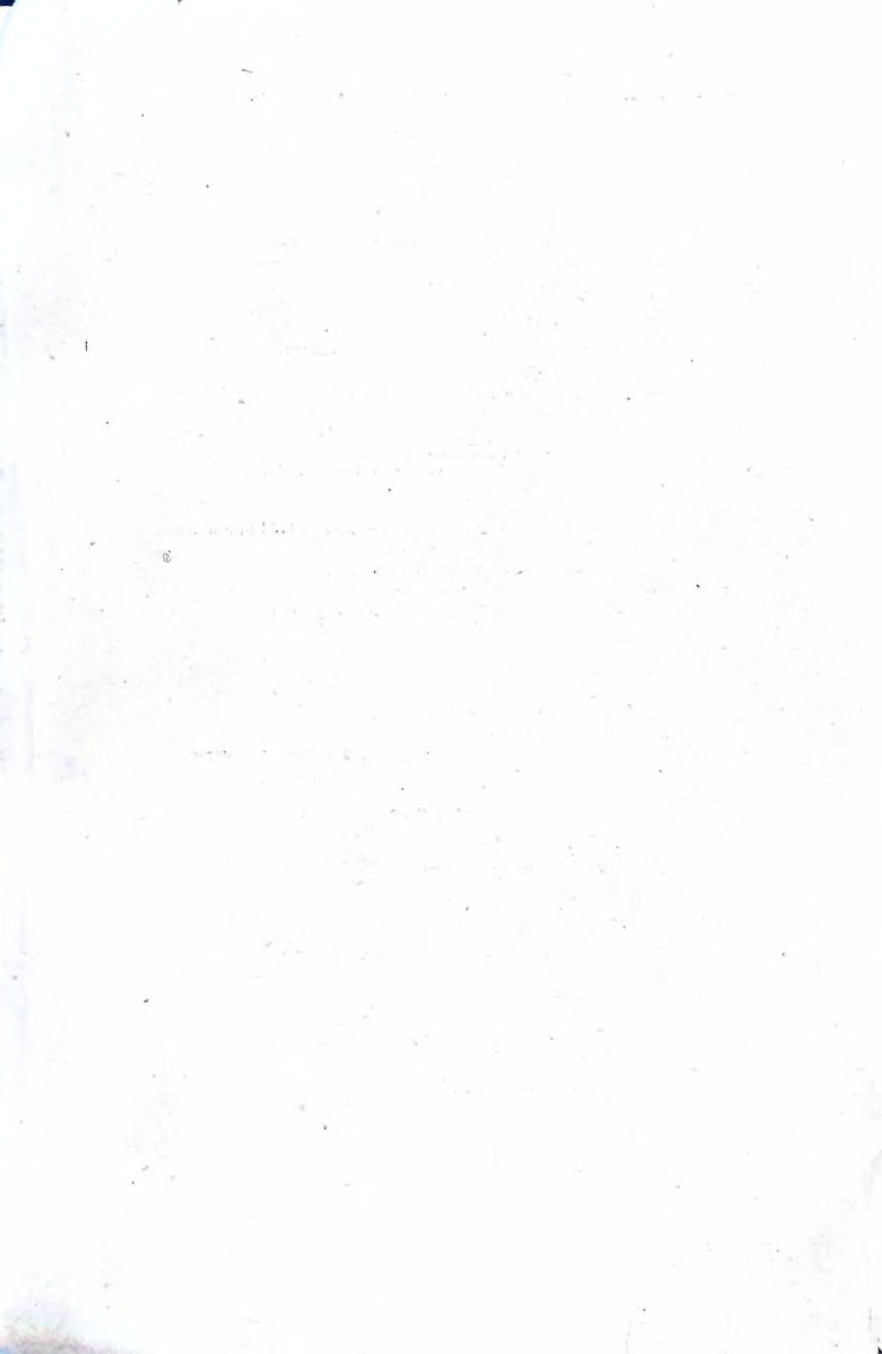
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THE WESTERN REGION LOCAL GOVERNMENT LAW, 1952

PRELIMINARY NOTE

The Western Region Local Government Law, 1952, is printed in this manual with all amendments made up to the first of October, 1955, inserted in the text. The text of the Law is printed in this form for the guidance of local government councils ; it is not in substitution for the Law and the enactments which amend it published in the Supplements to the official Gazettes or the annual volumes of the laws, which remain the only authentic edition of the Law and its amendments for all legal purposes.

Where amendments have been inserted in the text a note has been placed at the bottom of the section affected to indicate the enactment from which they derive.



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A LAW TO MAKE PROVISION FOR LOCAL GOVERNMENT IN THE WESTERN REGION AND FOR PURPOSES CONNECTED THEREWITH.

[26th February, 1953]

Date of
commence-
ment.

PART I.—PRELIMINARY

1. This Law may be cited as the Western Region Local Government Law, 1952. Short title.

2. Definitions— Definitions.

“casual vacancy” means a vacancy in a council occurring otherwise than by reason of the retirement of members of the council in accordance with section 30 of this Law;

“chairman” means the chairman of a council elected or appointed under section 29 of this Law, and includes any person presiding at a meeting of a council in the absence of the chairman by virtue of the provisions of section 40 of this Law.

“chief” means any person recognised as a chief by the Governor.

“council” means any local government council established by Instrument under the provision of this Law.

“councillor” means a member of a council, whether traditional or elected;

“court” includes the Supreme Court, the High Court, a Magistrate’s Court and a Native Court;

“functions” include duties and powers;

“High Court” means the High Court of the Western Region; provided that until that court shall have assumed its functions in accordance with the provisions of the Law by which it is established any reference to the High Court shall be construed as a reference to the Supreme Court of Nigeria;

“Instrument” means the Instrument by which a local government council is established under the provisions of this Law and shall include any Instrument varying or amending such Instrument;

“land” means all land other than Crown Lands and land which is the subject of a lease under the Crown Lands Ordinance;

“local government purposes” mean for exclusive local government use or for carrying out any of the duties imposed by this Law or for the purposes of Parts XV and XVI of this Law or for the provision of any public service (whether partly or wholly provided by the council) or for the preservation and development of natural resources and without derogation from the generality of the foregoing shall include provision for any of the following:—

- (a) water and electricity supplies;
- (b) installations, structures or schemes in connection with sanitation or public health;
- (c) schemes for laying out or planning existing or new towns or villages;
- (d) community centres and places of public assembly under the control of the council;
- (e) schools, colleges, laboratories and training institutions;
- (f) public reading rooms, libraries, and museums;

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- (g) hospitals and dispensaries;
- (h) markets and pounds;
- (i) open spaces and recreation grounds;
- (j) burial grounds;
- (k) grazing grounds and cattle staging posts;
- (l) offices and buildings for council departments;
- (m) housing for council staff;
- (n) experimental and demonstration farms or seed or stock multiplication centres;
- (o) schemes for planned rural development or settlement; and
- (p) native courts and lock-ups;

"member of a council" and "member of a committee" include the chairman and a councillor of that council or committee whether elected, appointed or co-opted;

"the Minister" means the Minister to whom responsibility for local government is assigned in accordance with section 119 of the Nigeria (Constitution) Order in Council, 1954;

(Cap. 140.) "native authority" means a native authority appointed under the Native Authority Ordinance and includes a subordinate native authority;

"officer" includes servant;

"Primary school" and "Secondary school" have the meanings assigned to these terms in the Education Law, 1954;

"Regional Authority" means the Governor in Council;

"traditional member" means a chief appointed or elected by name or by reference to his title as a traditional member of a council as provided in the Instrument.

NOTE: The definition of "casual vacancy" was inserted by Law No. 18 of 1955: the words "or appointed" were inserted in the definition of "chairman" by Law No. 13 of 1955: the definitions of "councillor", "High Court" and "the Minister" were inserted by Law No. 13 of 1955: the words "High Court" were inserted in the definition of "court" by Law No. 13 of 1955: the definition of "Primary School" and "Secondary School" was amended by Law No. 6 of 1955.

Throughout the Law the references to "Lieutenant-Governor" and "Lieutenant-Governor in Council" were altered to "Governor" and "Governor in Council" by Legal Notice No. 131 of 1954.

PART II.—ESTABLISHMENT OF LOCAL GOVERNMENT COUNCILS

Establishment of councils.

3. (1) Subject to the provisions of subsections (3) and (4) of this section the Regional Authority may by Instrument establish such council or councils for the purposes of local government as he may deem necessary or expedient.

(2) (a) Such councils shall be Divisional Councils, District Councils, or Local Councils, as the Regional Authority may determine.

(b) A District Council may be designated by the Regional Authority, in the Instrument relating to the council, as an Urban District Council or a Rural District Council.

(4) Before any council is established under subsection (1) of this section the Regional Authority shall cause to be made such inquiries as he may deem desirable for the purpose of ascertaining the wishes of the inhabitants of the area concerned and may treat any inquiries in that behalf made

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before the commencement of this Law as inquiries made in pursuance of the provisions of this subsection.

NOTE: Subsection (2) was substituted by Law No. 13 of 1955: subsection (3) as originally enacted was deleted by Legal Notice 131 of 1954.

4. (1) Every Instrument shall be prepared in duplicate and shall be signed by the Regional Authority in such manner as the Regional Authority may determine; one copy shall be retained by the Regional Authority and one by the council concerned.

Publication
and con-
struction of
Instrument.

(2) Every Instrument shall be published in the Regional Gazette.

(3) Every Instrument shall be read and construed as one with this Law and shall be of the same force and effect as if it were enacted in this Law:

Provided that in the event of any conflict between the provisions of any Instrument and the provisions of this Law, the provisions of this Law shall prevail.

5. (1) In addition to any other matter which is required by this Law to be inserted in an Instrument, every Instrument establishing a council shall—

Contents of
Instrument.

(a) specify the name and type of council and the date it shall be established;

(b) describe the device of the seal of the council;

(c) define the limits of the area of the authority of the council;

(d) provide for the constitution of the council, the number of councillors and the date for the first election;

(e) define the functions of the council;

(f) provide for the appointment of a president of the council or for the election or appointment of a chairman, or both;

(g) specify the method of the election or the system of the appointment of a chairman of a council;

(h) provide for the election or appointment of councillors or the election of some and the appointment of other councillors of the same council;

(i) specify the method of election, or the system of appointment of traditional members of the council;

(j) specify the qualifications of the persons or bodies of persons entitled to elect or to appoint a chairman or traditional members as the case may be; and

(k) provide for the quorum of the council.

(2) An Instrument may—

(a) provide for the division of the area of the authority of the council into wards; and specify the number of councillors to represent each ward;

(b) subject to the provisions of this Law, specify the system of rating where a council is empowered to levy or collect rates;

(c) require a council to set up a standing committee other than a Finance Committee for any specified purpose;

(d) specify the date or dates for the election of councillors;

(e) provide for the use of a rubber stamp in lieu of a seal until such time as a seal be procured;

(f) require a council to engage and pay adequate staff (including clerks) for any Native Court which is established or situate within the area of its authority, and give directions regarding the disposal of the fees, fines,

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forfeitures, and penalties payable in respect of or as a result of proceedings in such Court; and

(g) generally make such other provision not inconsistent with this Law as is necessary or expedient for the establishment and conduct of the council and the proper performance of its functions.

NOTE: Law No. 18 of 1955 substituted paragraph (i) for that paragraph as originally enacted and amended paragraph (j) by substituting the words "traditional members" for the word "councillors".

Incorporation of councils.

6. Every council established under the provisions of this Law shall be a body corporate having perpetual succession and a common seal and power to hold land and to sue and be sued.

PART III.—POWERS OF THE REGIONAL AUTHORITY

Power to amend Instrument.

7. (1) Subject to the provisions of this section and of section 8 of this Law, the Regional Authority may of his own motion or in his absolute discretion on the application of any person concerned, if he shall think fit, amend the Instrument establishing any council.

(2) The Regional Authority shall not amend an Instrument in any of the following ways, unless he has complied with the provisions of subsection (3) of this section—

(a) change the name of the council;

(b) alter the status of the council;

(c) add to, take away from or impose any conditions upon the exercise of any of the functions of the council; or

(d) alter the constitution of the council, the method of election or appointment of the president or chairman, or the councillors, or the system of rating.

(3) Before making an amendment in any of the respects specified in subsection (2) of this section the Regional Authority shall—

(a) cause to be published in the area concerned not less than thirty clear days' notice of his intention to exercise his powers under this section;

(b) give an opportunity to the council concerned to make representations to him in writing; and

(c) cause such inquiries to be made as he may deem desirable for the purpose of ascertaining the wishes of the inhabitants of the area concerned.

(4) The Regional Authority shall not issue an amending Instrument dissolving a council except in accordance with the provisions of section 9 or 10 of this Law.

NOTE: This section was substituted for section 7 as originally enacted by the amendment contained in Law No. 13 of 1955.

Alteration of the area of the authority of a council.

8. (1) Where the Regional Authority considers, either on the receipt of proposals from the council concerned, or otherwise, that a *prima facie* case exists for any of the following changes, namely:—

(a) an alteration or definition of the boundaries of the area of the authority of a council;

(b) the division of the area of the authority of a council;

(c) the transfer of any part of the area of the authority of a council to another council;

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(d) the union of the area of the authority of a council with the area of the authority of another council;

(e) the formation of a new council in the area of or part of the area of the authority of an existing council;
the Regional Authority shall cause an inquiry to be held under the provisions of section 14 in the locality concerned.

(2) If the Regional Authority is satisfied after holding such inquiry that any such change as aforesaid is desirable, he may by an amending Instrument give effect to such change.

(3) The Regional Authority may by Instrument make such incidental consequential or supplemental provisions with respect to administrative arrangements as may appear to be necessary or proper for the purposes of carrying out such change or for giving full effect thereto and without prejudice to the generality of the foregoing may by such Instrument—

(a) provide for the abolition or establishment, or the restriction or extension of the jurisdiction of any council in or over any part of the area affected by such Instrument;

(b) provide for the name of any altered area;

(c) provide for the adjustment or alteration of the boundaries of any area affected by such change or of the area of the authority of any council wholly or in part situate within such affected area, or for the union of the area of the authority of any councils;

(d) transfer, extend or limit the functions of any council within the area affected;

(e) provide for the constitution and election of a council in any such area or for the amendment, alteration, extension or exclusion of any constitution or system of election of any existing council with respect to such altered area;

(f) provide for the transfer of any writs, process, records or documents relating to or to be executed in any part of the area affected by such change and for determining questions arising from such transfer; or

(g) provide for the adjustment of any property, debt, right or liability affected by such change.

9. (1) If any council shall at any time fail to meet with the minimum frequency required by the provisions of section 34 (1) of Part V of this Law the Regional Authority may cause an inquiry to be held under the provisions of section 14, at which inquiry the council concerned shall be given an opportunity of being heard.

Failure to
hold
meetings.

(2) The Regional Authority upon considering the report of such inquiry may issue an amending Instrument dissolving the council and shall by the same Instrument establish a new council under the provisions of this Law or appoint other fit and proper persons, not being less than five in number, to form a new council for the purposes of this Law.

10. (1) If at any time it shall appear that the revenues of a council are not being properly used in the best interest of the area as a whole, or that the administration of the affairs of the council has failed, or that there has been substantial failure to carry out the provisions of this Law relating to the levy of rates or to act in conformity with the provisions of this Law, the Regional Authority shall cause an inquiry to be held under the provisions of section 14 at which inquiry the council concerned shall be given an opportunity of being heard.

Failure
properly to
apply
revenues, to
levy rates, or
to conform to
statutory
obligations.

(2) The Regional Authority upon considering the report of such inquiry, and if he shall consider it in the best interests of the area as a whole to do so may issue an amending Instrument dissolving the council and shall by the same Instrument establish a new council under the provisions of this Law or appoint other fit and proper persons, not being less than five in number, to form a new council for the purposes of this Law.

Effect of
issue of
amending
Instrument.

11. An Instrument issued under the provisions of sections 7, 8, 9 or 10 shall not unless the contrary intention appears affect the validity of any decision taken or act done by the council existing at the time of the issue of such Instrument and shall not affect any right, privilege, obligation or liability accrued or incurred or existing at the time of the issue of such Instrument.

Failure to
carry out
work or to
make or to
enforce
bye-laws.

12. If any council shall fail to do or carry out any work or thing which it is or may be empowered under the provisions of this or any other Law or Ordinance to do or carry out, or shall fail to make, amend, revoke or enforce any bye-laws on any matters upon which it is empowered to make, amend, revoke or enforce bye-laws, and such failure on the part of the council constitutes, in the opinion of the Regional Authority, a grave danger and menace to the health safety or welfare of the public within or without the area, the Regional Authority may give notice to the council in default, requiring it to take measures within its powers under the provisions of this or any other Law to abate and remove such danger within such time as he may specify; and if the council shall fail to take and properly carry out the required measures, the Regional Authority, upon being satisfied that the council has so failed without reasonable cause, may, notwithstanding the provisions of section 80—

(a) make such bye-laws as may be necessary to abate and remove such danger, and such bye-laws shall, until revoked by the Regional Authority, have the force and effect of law within the area concerned;

(b) authorise any person or persons to do or carry out any works or things and to spend such moneys in so doing or carrying out works or things as to him may seem necessary and such person or persons shall be deemed to have vested in him or them all of the powers of the council in respect of the doing or carrying out of the particular work or thing; and any moneys so expended under the authority of the Regional Authority shall be a debt due to the Regional Authority charged on the revenues of the council concerned.

Revocation
of Instru-
ments.

13. (1) Subject to the provisions of this section the Regional Authority may of his own motion or in his absolute discretion on the application of any persons concerned, if he shall think fit, revoke the Instrument relating to a Council.

(2) Before revoking an Instrument the Regional Authority shall give an opportunity to the council concerned to make representations to him in writing with respect to such revocation:

Provided that an Instrument may be revoked by the Regional Authority at any time before the date appointed for the first election to the council without the council being given an opportunity to make representations as aforesaid.

NOTE: Law No. 18 substituted this section for section 13 as originally enacted.

14. (1) The Regional Authority may cause such inquiries to be held at such times and in such places as he may consider necessary or desirable for the purposes of this Law. Power to hold inquiries.

(2) The Regional Authority may appoint in writing any person to conduct any such inquiry.

(3) A person so appointed may sit with or without assessors and shall submit a report of such inquiry to the Regional Authority.

(4) The Regional Authority or persons appointed by him under this section shall cause a notice of the time and place of the inquiry to be given to the councils and persons appearing to him to be interested.

(5) Where the Regional Authority causes an inquiry to be held the costs of such inquiry shall be defrayed by such council or person as he may direct and the amount certified by him to be paid by such council or person shall be a debt due to the Regional Authority from that council or person.

15. The Regional Authority and any person appointed by him in writing under section 14 shall have the following powers— Powers of Regional Authority or person appointed to hold inquiry.

(a) to procure all such evidence, written or oral, and to examine all such persons as witnesses as the Regional Authority or person appointed by him may think necessary;

(b) to require the evidence of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in a Magistrate's Court;

(c) to summon any person in the Region to attend any inquiry to give evidence or procure any document or other thing in his possession and examine him as a witness or require him to produce any document or other thing in his possession;

(d) to issue a warrant to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the Regional Authority or person appointed by him, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine such a person a sum not exceeding fifty pounds, such fine to be recoverable in the same manner as a fine imposed by a Magistrate's Court;

(e) to enter upon any land, including Crown land, for the purpose of obtaining information or evidence; and

(f) to admit any evidence whether written or oral which might be inadmissible in civil or criminal proceedings.

16. A person called as a witness in any inquiry held under section 14 shall not be excused from answering any question on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege. Obligation of witness at inquiry to answer.

Provided that an answer by a person to a question put by or before the person presiding at the inquiry shall not, except in the case of any criminal proceedings for perjury in respect of such evidence, be in any proceedings, civil or criminal, admissible in evidence.

17. (1) The Regional Authority may by notice in the Regional Gazette appoint in respect of any council or group of councils a Local Government Inspector and such Assistant Local Government Inspectors as may be deemed necessary and may delegate to them such of his functions as he may think fit, except the functions conferred by sections 3, 4, 33, 92, 94, 128 and 217 of this Law. Appointment of Local Government Inspectors and Assistant Local Government Inspectors.

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(2) Any delegation made under the provisions of subsection (1) shall be revocable at will, and no such delegation shall be deemed to prevent the exercise of any delegated function by the Regional Authority.

(3) In the exercise of any function delegated to him under subsection (1) of this section and of any other functions conferred upon him by or under this Law a Local Government Inspector or an Assistant Local Government Inspector shall act on behalf of the Regional Authority and in accordance with any general or particular instructions issued to him by the Regional Authority, but the question whether any, and if so, what instructions have been given by the Regional Authority shall not be enquired into in any court.

NOTE: Law No. 13 of 1955 substituted in subsection (1) the words "in respect of any council or group of councils" for the words "each province", and inserted subsection (3).

Powers of
Local
Government
Inspectors.

18. (1) Local Government Inspectors and Assistant Local Government Inspectors shall, in addition to such powers as may be delegated to them by the Regional Authority, have a right of access to all council and committee meetings and shall at all reasonable times have access to and be entitled to inspect all books, accounts and records of a council, and may advise a council in regard to any of its functions under this Law.

(2) As soon as possible after the end of each financial year a Local Government Inspector shall render to the Regional Authority a report dealing generally with the activities in that year of each council in respect of which he is appointed:

Provided that the Minister may, in respect of any financial year, direct that the provisions of this subsection shall not apply in relation to any council or group of councils.

NOTE: Subsection (2) was substituted for the subsection originally enacted by Law No. 13 of 1955.

PART IV.—COMPOSITION OF COUNCILS AND ELECTIONS

Composition
of councils.

19. (1) Subject to the provisions of subsection (2) of this section a council shall be composed of such numbers of elected and traditional members as may be specified in the Instrument.

(2) The provisions of an Instrument relating to the number of elected and traditional members shall be such that the number of elected members shall be not less than three times the number of traditional members.

(3) In computing the number of traditional members of a council for the purposes of subsection (2) of this section, the president of the council shall be excluded.

NOTE: Subsection (3) was inserted by Law No. 13 of 1955.

Elected
members.

20. Subject to the provisions of this Law, the elected members of a council shall be elected in accordance with regulations made under section 33 of this Law.

NOTE: Law No. 18 of 1955 substituted this section for section 20 as originally enacted.

Traditional
members.

21. Subject to the provisions of this Law traditional members of a council shall be elected or appointed in such manner as may be specified in the Instrument.

22. (1) Elected members of a Divisional Council may be elected by a process of indirect election or a process of direct election as may be specified in the Instrument. Divisional Councils.

(2) An Instrument may make provision for some of the elected members to be elected by a process of indirect election and some elected members to be elected by a process of direct election and in that event it shall specify the number to be elected by each process.

(3) Where it is prescribed by an Instrument that any elected members of a Divisional Council are to be elected by a process of indirect election the following provisions shall apply—

(a) such elected member shall be elected by the members of the District or Local Councils in the area of the Divisional Council;

(b) the councils entitled to elect members and the numbers to be elected by each council shall be specified in the Instrument;

(c) a person shall be qualified to be a candidate at such an election if—

(i) he is a member of the council holding the election; or

(ii) he is qualified to be elected as an elected member of the council holding the election and he was not an unsuccessful candidate at the most recent general election to that council;

(d) the election shall be conducted in the manner prescribed by regulations made under section 33 of this Law for indirect elections to Divisional Councils.

(4) Where it is prescribed by an Instrument that any elected members of a Divisional Council are to be elected by a process of direct election the following provisions shall apply—

(a) such elected members shall be elected by the electors of the respective wards of the Divisional Council specified in the Instrument in the manner prescribed for direct elections by regulations made under section 33 of this Law;

(b) the qualifications for election to a District or Local Council prescribed by section 23 of this Law shall apply in relation to candidates at such elections but as if the references to the District or Local Council area were references to the Divisional Council area.

NOTE: This section was substituted by Law No. 18 of 1955 for the section as originally enacted.

23. (1) A person shall be qualified to be elected as an elected member of a District or Local Council who is a British subject or a British protected person and—

Qualifications of candidates for election to councils.

(a) (i) has been resident in the area of the council for a continuous period of two years immediately preceding the date of the election; and

(ii) has paid to the prescribed authority direct tax or income tax in respect of the prescribed period or was not liable to pay direct tax or income tax in respect of the prescribed period because he was exempt or has paid to the prescribed authority a rate in respect of the prescribed period; or

(b) (i) is on the date of the election of the age of twenty-one years or upwards; and

(ii) is a native of the area of the council,
and no other persons shall be qualified to be so elected.

(2) In this section—

Cap. 54. "direct tax" means tax imposed under the provisions of the Direct Taxation Ordinance;

Cap. 54. "exempt" in relation to tax means exempted in accordance with the provisions of subsection (a) of section 14 of the Direct Taxation Ordinance, or of sub-paragraphs (i), (ii) or (iv) or paragraph (a) to the proviso to subsection (1) of section 25 of the Income Tax Ordinance or exempted from all the provisions of the Income Tax Ordinance in accordance with subsection (4) of section 9 of that Ordinance;

Cap. 92. "income tax" means tax imposed under the Income Tax Ordinance;
"native" in relation to the area of a council means a person who was born in, or whose father was born in, that area;

"prescribed authority" means in relation to direct tax the tax collection authority appointed for the area of the council, in relation to income tax the Commissioner of Income Tax and in relation to a rate the rating authority for the area of the council;

"prescribed period" means the two financial years preceding the date of the election;

"rate" means a rate imposed under the provisions of this Law.

NOTE: Law No. 18 of 1955 substituted this section for section 23 as originally enacted.

Disquali-
fication of
candidates.

24. (1) Notwithstanding the provisions of section 23 no person shall be entitled to be elected as, or to remain, a member of a council, who—

(a) has, in any part of Her Majesty's dominions within a period of five years immediately before the date of election, been sentenced to death, or been serving imprisonment for a term exceeding two years, or been convicted of any offence involving dishonesty and been sentenced to imprisonment therefor, and has not been granted a free pardon.

(aa) is, under any law in force in Nigeria, found or declared to be of unsound mind or adjudged to be a lunatic;

(b) has within five years before the day of election been surcharged under the provisions of this Law to an amount exceeding one hundred pounds;

(c) is disqualified by virtue of the provisions of any law or regulations for the time being in force in Nigeria relating to offences connected with elections;

(d) holds any paid office or other place of profit (other than that of chairman) in the gift or disposal of the council or of any committee thereof;

Provided that—

(i) where authority has been given to any person by the Regional Authority under paragraph (d) of subsection (2) of section 26 of this Law to retain his seat, the office or place of profit concerned shall, during the continuance of such authority, be deemed in relation to that person to be not a paid office or place of profit for the purposes of this paragraph;

(ii) a traditional office or customary title in respect of which a payment is made by a council to a chief shall be deemed not to be a paid office or place of profit in the gift or disposal of that council for the purposes of this paragraph;

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(e) has not, at the date of election paid all sums which were due from him three months or more before such date in respect of any rate levied by or on behalf of the council.

(2) Notwithstanding the provisions of section 23, no person shall be entitled to be elected or appointed as a member of a council without the consent, in writing, of the Regional Authority, who has, within a period of ten years immediately before the date of election or appointment, been an unsuccessful candidate for any office or title of chief in or associated with the area of such council.

(3) For the purpose of subsection (2), the term "unsuccessful candidate" shall mean any candidate, claimant, pretender or contestant for any office or title of chief, other than the person expressly recognised as the holder of such office or title by the person or body entitled to accord such recognition, who has been a party in a dispute within the provisions of subsection (2) of section 2 of the Appointment and Deposition of Chiefs Ordinance or any Law or Ordinance. Cap. 12.

NOTE: Paragraph (aa) in subsection (1) was inserted by Law No. 13 of 1955: the proviso to paragraph (d) in subsection (1) was substituted by Law No. 13 of 1955: subsections (2) and (3) were inserted by Law No. 8 of 1953.

25. A person shall be disqualified for being elected or appointed to be a member of a council if he is a party to any subsisting contract with the council concerned for and on account of the public service, and has not published within one month before the day of election to the electors in the area concerned a notice setting out the nature of such contract and his interest therein or informed the person or body of persons by whom he is to be appointed as the case may be: Disqualification for office by reason of non-disclosure of contract with council.

Provided that a person shall not be disqualified for being a councillor by reason only of his holding the office of returning officer for that council unless he has directly or indirectly by himself or his partner received any profit or remuneration in respect of that office.

26. (1) Every member of a council shall, without prejudice to his re-election or re-appointment in accordance with the provisions of this Law, cease to be a member of the council at the expiration of his term of office under section 30 of this Law, or previously thereto if his seat becomes vacant under the provisions of this Law. Tenure of office of members of council.

(2) The seat of a member of a council shall become vacant—

(a) upon his death; or

(aa) upon a dissolution of the council; or

(b) if he is absent from four consecutive ordinary meetings of the council without good cause or without having obtained from the chairman, before the termination of any such meeting, permission to be absent or to remain absent therefrom:

Provided that the provisions of this paragraph shall not apply to a traditional member of a council; or

(c) if, being a chief and a traditional member, he ceases to be a chief:

Provided that in such case he shall be eligible for re-appointment if he again becomes a chief; or

(d) if, not being authorised by the Regional Authority to retain his seat, he is appointed to, or to act in, any office or place of profit in the gift or disposal of the council;

(e) if by writing addressed to the chairman he resigns his seat; or

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(f) if he becomes subject to any of the disqualifications specified in section 24 of this Law.

(3) Any person whose seat in a council has become vacant may, if qualified, again be elected or appointed as a member of a council from time to time.

NOTE: Law No. 13 of 1955 inserted paragraph (aa) and substituted paragraph (b) for that paragraph as originally enacted.

Decision
of questions
as to
member-
ship.

27. All questions which may arise under section 26 of this Law as to the right of any person to remain a member of a council shall be referred to and determined by the Minister.

NOTE: Law No. 13 of 1955 substituted this section for section 27 as originally enacted.

President of
council.

28. (1) A council may have a president to be named in the Instrument, who may preside, and may avail himself of the advice and assistance of the chairman, at any meeting of the council.

(2) The president shall be an *ex officio* member of the council.

(3) Notwithstanding that there is no president for the time being of a council, the council may perform and exercise all its duties, functions and powers sitting with a chairman as provided in section 29 of this Law.

Chairman of
council.

29. (1) Every council shall have an elected chairman.

(2) The chairman of a council shall be elected annually by the council from among the elected and traditional members thereof and shall be eligible for re-election:

Provided that if a majority of the total membership of a council so desire the Regional Authority may appoint the president of the council to be the chairman of the council.

(3) Whenever a casual vacancy occurs in the office of chairman, an election to fill the vacancy shall be held at the next meeting of the council held after the date on which the vacancy occurs. A person elected to fill such casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired and he shall then retire, but shall be eligible for re-election.

(4) No person shall be elected as chairman without his consent to be so elected.

(5) A chairman of a council, at any time during his term of office, may resign or may be removed from his office by resolution carried by three-fourths of the total membership of the council.

Term of
office of the
members of
council.

30. (1) Unless otherwise provided in the Instrument the term of office of the elected and traditional members shall be three years and the whole number of such members of the council shall retire—

(a) in the case of District and Local Councils on the 15th day of April; and

(b) in the case of Divisional Councils on the 30th day of April; in every third year, and their places shall be filled by newly elected or appointed members who shall come into office on that date:

Provided that the Instrument may specify that every year on the respective days of April one-third (or as near as may be) of the elected members shall retire, the names of those required to retire after each of the first two years being decided by lot.

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(2) Any person about to retire under the provisions of this section may, if qualified, seek re-election or be re-appointed for a further term of office.

(3) No person shall be elected or appointed to be a member of a council without his consent.

31. Whenever a casual vacancy occurs among the members of the council the chairman shall forthwith report the vacancy to the Minister in writing. Vacant seats to be reported.

32. (1) Where a casual vacancy has occurred among the members of a council, a new member to fill such vacancy shall, within sixty days from the date of the occurrence of the vacancy, be elected or appointed, as the case may be, in the same manner as the person whose place he is to take was elected or appointed: Filling of casual vacancies.

Provided that, in the case of a vacancy among the elected members of a District or Local Council, if the vacancy occurs within a period of less than six months before the next general local election, the vacancy shall not be filled.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected or appointed would ordinarily have retired, and he shall then retire.

(3) In this section "general local election" means, in relation to a council, an election to fill the vacancies on the council caused by the retirement of members of the council in accordance with the provisions of section 30 of this Law.

NOTE: Subsection (3) was inserted by Law No. 13 of 1955.

33. (1) Subject to the provisions of this Law, the Governor-in-Council may by regulation make provision for the election of persons as elected members of Divisional, District or Local Councils including (without prejudice to the generality of the foregoing power) the following matters— Regulations as to elections.

(a) the registration of electors;

(aa) the qualifications and disqualifications of electors;

(b) the ascertainment of the qualifications of persons who submit themselves for election;

(c) the holding of elections, direct or indirect;

(d) the division of the area of authority of any council for any purposes connected with election;

and any regulations made under this subsection may provide for different methods of election in respect of different kinds of council or in respect of different parts of the Region.

(2) The Governor-in-Council may by regulation make provision for—

(a) the disqualification of any person for membership of a council by reason of his holding or acting in any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register; and

(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, not exceeding a fine of two hundred

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pounds or imprisonment for two years, including disqualification for membership of a council, or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(3) (a) The Governor-in-Council may by regulation provide that—

(i) in any case in which an election of elected members of a council is carried out by a process of indirect election, a person shall not be qualified to be elected as a member of that council at such election unless he is a member of such electoral body as may be prescribed by such regulations;

(ii) in any case in which an election of elected members of a council is carried out by a process of direct election, a person shall not be qualified to be elected as a member of that council at such election unless he is registered as an elector for the purposes of that election.

(b) In this sub-section "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members of a council.

(4) The Governor-in-Council may by regulation provide for determining whether any person has become an elected member of a council and for determining any question which may arise as to the right of any person to remain an elected member of a council other than questions required to be referred to and determined by the Minister in accordance with section 2 of this Law.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 33; paragraph (aa) was inserted by Law No. 18 of 1955. Subsidiary legislation made under this section and in force on 1st September, 1955, is the Western Region (Local Government) (Elections) Regulations, 1953, (Regulations 1 of 1953) as amended by Western Region Legal Notices 1 of 1954 and 101 of 1955; these regulations will cease to have effect upon the commencement of all parts of the Parliamentary and Local Government Electoral Regulations, 1955, which will then be, in so far as it provides for elections to local government councils, the subsidiary legislation in force under this section.

PART V.—MEETINGS AND PROCEEDINGS OF COUNCILS

Number of meetings.

34. (1) A council shall in every year hold at least four (or such greater number as the Regional Authority may direct) ordinary meetings for the transaction of general business.

(2) Such meetings shall be held on such days as the council may by Standing Order determine.

Convening of meetings.

35. (1) The president or the chairman of a council may call a meeting of the council at any time either on his own motion or upon requisition of one-third of the members of the council.

(2) If the president or the chairman of a council refuses to call a meeting of the council after a written requisition so to do signed by one-third of the members of the council has been presented to him, or if, without so refusing, such president or chairman does not, within ten days after such requisition has been presented to him, cause to be published, in accordance with the provisions of section 36 of this Law, a notice calling a meeting not later than ten days after such publication, the persons presenting the requisition may forthwith, on such refusal or on expiration of ten days, as the case may be, call a meeting of the council.

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(3) A meeting of the council for the purpose of electing a chairman shall be called by the clerk to the council within fourteen days of the date upon which, after a general local election, the newly elected members take office, and within fourteen days of the date when any vacancy in the chairmanship occurs.

(4) The date of the first meeting of a council after the commencement of this Law shall be prescribed by the Instrument.

36. (1) Except as provided in subsection (2) of this section a notice shall be published, at least ten clear days before a meeting of a council, other than the first meeting of such council after the commencement of this Law, at the offices or regular place of meeting of the council, stating the time and place of the meeting and the business proposed to be transacted thereat. Notice of meetings.

(2) The president or the chairman of a council may call an emergency meeting upon giving forty-eight hours notice thereof published in the manner specified in subsection (1) of this section.

(3) Every such notice shall be signed by the president or the chairman except when the meeting is called under subsection (2) or subsection (3) of section 35 of this Law, when the notice shall be signed by the members calling the meeting or by the clerk to the council, as the case may be.

37. All meetings of a council shall be held within the area of authority of such council unless the Instrument otherwise provides. Meetings to be within council area.

38. A summons to attend the meeting of any council specifying the business proposed to be transacted thereat shall be delivered to, or left at or sent by post to the usual place of residence of, every member of such council: Summons to councillors to attend.

Provided that want of service of the summons on any member shall not affect the validity of a meeting.

39. Except with the approval of the person presiding and at least three-quarters of the members present at the meeting, no business shall be transacted at a meeting of a council other than that specified in the summons relating thereto. Business to be transacted at meeting.

40. (1) Except when the president of a council is presiding under the provisions of section 28 of this Law, the chairman of the council shall, if present, preside at meetings of the council. Chairman to preside at meetings.

(2) If the chairman is absent from a meeting of the council at which he is entitled to preside, such member as the members of the council present shall choose, shall preside.

41. No business shall be transacted at a meeting of a council unless there is present such quorum as shall be specified in the Instrument. Quorum.

42. Every meeting of a council shall be open to the public: Meetings to be public.

Provided that this section shall not apply to any committee appointed by a council nor to a committee of the whole council.

43. (1) Subject to the provisions of this Law and of the Instrument, all acts of a council and all questions coming or arising before a council shall be done and decided by a majority of the members present and voting thereon at a meeting of the council. Decision on question.

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(2) The person presiding shall have an original vote and, in the event of an equality of votes, shall have a second or casting vote.

Breaches of
order at
meetings.

44. (1) At any meeting of a council, if a member of the council shows disregard for the authority of the person presiding, or abuses the standing orders of the council by persistently and wilfully obstructing the business of the council or otherwise, the person presiding shall direct the attention of the meeting to the incident mentioning by name the person concerned, and may suspend such person from the exercise of his functions as a member of the council for the remainder of the meeting.

(2) In the case of grave disorder arising in any meeting of a council, the person presiding may, if he thinks it necessary so to do, adjourn the meeting without question put, or suspend any meeting for a time to be specified by him.

(3) The person presiding at any meeting of a committee of a council shall have, and may exercise in relation to such committee, the like powers as are conferred upon a person presiding in relation to a council by subsections (1) and (2) of this section.

Minutes.

45. (1) Minutes of the proceedings of every meeting of a council or of a committee thereof shall be regularly entered in books kept for that purpose, and shall be read, and confirmed or amended, as the case may require, and signed by the person presiding at the same or next ensuing meeting of the council or committee, as the case may be, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) The names of members of a council or of a committee thereof present at a meeting of the council or committee, as the case may be, shall be recorded in the minutes.

(3) Until the contrary be proved, a meeting of a council or of a committee thereof, in respect of the proceedings whereof a minute has been made and signed as provided in subsection (1) of this section, shall be deemed to have been duly convened and held and all members present at the meeting shall be deemed to have been qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

Minutes to
be open to
inspection.

46. The minutes of the proceedings of a council shall at all reasonable times be open to inspection, and any person may obtain a copy thereof or an extract therefrom upon payment of such fee as may be specified by the council.

Vacancy,
etc., not to
invalidate
proceedings.

47. The proceedings of a council or committee thereof shall not be invalidated by any vacancy among its members, or the want of qualification of any member.

Standing
Orders.

48. (1) Subject to the provisions of this Law, a council may make Standing Orders for the regulation of its proceedings and business and may amend or revoke such Standing Orders.

(2) If it appears to the Minister that it is expedient for the good administration of the business of a council that any Standing Order which the council has power to issue, should be made, he may, by notice in writing addressed to council, make such Standing Order.

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(3) If it appears to the Minister that any Standing Order made by a council is invalid or that it is contrary to the interests of the public in the good administration of the council's business, he may, by notice in writing addressed to the council, amend or revoke such Standing Order.

(4) A Standing Order or any amendment to a Standing Order made by the Minister shall have the same effect as if it had been made by the council.

(5) A council shall send two copies of its Standing Orders and of any amendments thereto to the Local Government Inspector appointed in respect of the council, and shall send one copy of such Standing Orders and amendments to the Minister.

NOTE: This section was substituted for the section originally enacted as section 48 by Law No. 13 of 1955.

49. A council may by resolution make provision for the payment of reasonable out-of-pocket expenses of the members of such council or of a committee thereof when engaged on the business of the council. Councillors' expenses.

50. If a member of a council or any committee thereof has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the council or the committee at which the contract or other matter is the subject of consideration, he shall at the meeting disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter and, if the person presiding so directs, he shall withdraw from the meeting during such consideration or discussion: Disability of members for voting on account of interest.

Provided that this section shall not apply to an interest in a contract or other matter which a member of a council or committee may have as a ratepayer or an inhabitant of the area.

51. (1) The president or the chairman of a council may invite any person to attend, and to speak upon any matter, at any meeting of a council, but no such person shall vote upon any matter. Rights of certain persons to attend and take part, but not to vote, at meetings.

(2) The Minister may, by writing under his hand, empower any person to attend any meeting or meetings of a council or committee thereof, and any person so empowered may attend such meeting or meetings and may take part in the proceedings thereat, and, if he so requests, his advice on any matter shall be recorded in the minutes of the meeting, but he shall not vote upon any matter.

NOTE: In subsection (2) the word "Minister" was substituted for the words "Local Government Inspector" by Law No. 13 of 1955.

PART VI.—COMMITTEES

52. (1) A council may appoint a committee for any such general or special purpose as in the opinion of the council would be better regulated and managed by means of a committee and may delegate to a committee so appointed with or without restrictions or conditions, as it thinks fit, any function exercisable by the council either with respect to the whole or any part of the area of the authority of the council, except the power of making bye-laws, levying a rate or issuing a precept or borrowing money. Appointment of committees.

(2) The number of the members of a committee appointed under this section, their term of office, and the area within which the committee is to exercise its authority shall be specified by the council.

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(3) A committee appointed under this section may include persons who are not members of the council:

Provided that—

(a) at least two-thirds of every such committee shall be members of the council:

(b) no such person shall be appointed a member of a committee who was an unsuccessful candidate at the most recent general election to the council.

(4) No person other than a member of the council shall be appointed to be a member of a committee appointed under the provisions of subsection (3), except with his own consent.

(5) Nothing in this section shall authorize the appointment of an education committee by a council which is a local education authority for the purposes of the Education Law, 1954, or shall apply to an education committee appointed under that Law.

NOTE: Law No. 18 of 1955 substituted subsection (3) of this section; subsection (5) was inserted by Law No. 6 of 1955 (the Education Law, 1954).

For the appointment of education committees by local education authorities see Part IV of the Education Law, 1954.

Finance
Committees.

53. (1) Every Divisional and District Council shall appoint a Finance Committee consisting of such number of members of the council as they think fit for regulating and controlling the finance of the council and shall fix the term of office of the members of the committee.

NOTE: Subsection (2) as originally enacted was deleted by Law No. 13 of 1955.

Town,
village,
or area
committees.

54. (1) Subject to the provisions of this Law and of the Instrument, and with the prior approval of the Regional Authority, a council may appoint such town, village, or area committees within the area of its authority as it may deem necessary or expedient, and may delegate to a town, village, or area committee so appointed, with or without restrictions or conditions, as it thinks fit, any function exercisable by the council with respect to the area of authority of the town, village, or area committee, except the power of making bye-laws, approving annual estimates, levying a rate or issuing a precept, or borrowing money.

(2) The number of members of a town, village, or area committee appointed under this section, their term of office and method of selection, and the area within which the committee is to exercise its authority, shall be specified by the council.

Standing
orders for
committees.

55. (1) Subject to the provisions of this Law and of the Instrument, a council appointing a committee (including any town, village, or area committee) and councils which concur in appointing a joint committee, as provided for in Part XIV of this Law, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee. Subject to any such standing orders the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.

(2) Standing orders made under this section shall not be inconsistent with the standing orders of the council concerned made under section 48 of this Law.

56. Every committee appointed under the provisions of this part of this Law shall report its proceedings to the council or councils appointing such committee. Committees to report.

PART VII.—FUNCTIONS OF COUNCILS

57. (1) It shall be the duty of every council established under this Law to discharge the functions conferred by this Law or any other Law or Ordinance and generally to maintain order and good government within the area of its authority; and for these purposes, a council may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents do all such things as are necessary or desirable for the discharge of such functions; Duty to discharge functions.

(2) Any function conferred upon the council shall be exercisable over all persons within the area of its authority save as is otherwise expressly provided in this Law or in the Instrument.

58. (1) It shall be the duty of every council together with the individual members thereof to the best of their ability to prevent the commission of any offence within the area of its authority by any person. Prevention of crime.

(2) A council or town, village or area committee or any individual member thereof, knowing of the occurrence of any act which is likely to result in a serious breach of the peace within the area of the authority of the council shall report the matter to the nearest police officer, court officer, or justice of the peace immediately, and failure to report such an act shall be an offence and shall render any individual member of the council, or town, village, or area committee concerned to a fine not exceeding one hundred pounds.

(3) Any member of a council or of a town, village, or area committee within the area in which he resides shall, if called upon by a superior police officer, or a justice of the peace to do so, take any action necessary for the prevention of the commission of any offence, and failure to take such action shall be an offence and shall render the individual liable to a fine not exceeding one hundred pounds.

NOTE: Law No. 13 of 1955 substituted references to justices of the peace for references to Local Government Inspectors and Assistant Local Government Inspectors which occurred in the section as originally enacted.

59. (1) A council may order any person who is not a member of a native community living in the area of its authority, and who fails, when so required by the council to produce reasonable proof to the council that his means and legitimate labour are sufficient for the adequate support of himself and his dependents, to leave such area within such time after the order has been communicated to him, not being less than fourteen days, as the council may direct: Powers of a council to order stranger to leave its area.

Provided that any person so ordered to leave such area may within fourteen days of the order being communicated to him appeal against he order to a magistrate's court, but the court shall not set aside the order unless such person satisfies the court that his means and legitimate labour are sufficient for the adequate support of himself and his dependents.

(2) Any person who fails to obey an order made under this section, or who, having left the area which he was directed by the order to leave, returns to such area without the consent of the council, shall be liable to a fine of twenty-five pounds or to imprisonment for six months, or to both such fine and imprisonment.

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Declaration
and
modification
of local
customary
law.

60. (1) A council may, and where the Regional Authority so requires, shall, record in writing a declaration of what in the opinion of the council is the local customary law relating to any subject either as applying throughout the area of the authority of such council or in any specific part thereof or so affecting specified persons or classes of persons in such area or in any part thereof, and submit such declaration to the Regional Authority.

(2) A council may, if in the opinion of the council it is expedient for the good government and welfare of the inhabitants of the area of its authority, submit for the consideration of the Regional Authority a recommendation for the modification of any local customary law, whether or not a declaration has been recorded and an order made under the provisions of this section in respect of such local customary law, relating to any subject either as applying throughout the area of its authority or in any part thereof or as affecting certain specified persons or classes of persons or any part thereof.

(3) If the Regional Authority is satisfied that such declaration accurately records the local customary law with respect to the subject to which it relates, or that such modification is expedient and that such local customary law or modification is not repugnant to justice, equity or good conscience, nor incompatible either in its terms or by necessary implication with any Ordinance or Law, he may by order direct such declaration or such modification to be the local customary law in respect of the subject to which it relates and to be in force in the area concerned.

NOTE: This section as originally enacted contained references only to local customary law with respect to land tenure : it was amended by Law No. 8 of 1953 to refer to customary law with respect to any subject.

Power to
accept gifts.

61. A council may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area of its authority or any part thereof, and may execute any works (including works of maintenance and improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Fees.

62. (1) Subject to the prior approval of the Regional Authority, a council may charge fees for any service or facility provided by the council or for any licence or permit issued by such council under the provisions of this Law or of any regulations or bye-laws made thereunder.

(2) Subject to the prior approval of the Regional Authority, a council may for good cause authorise the remission of any fees or other charges imposed under the provisions of this Law or any regulations or bye-laws made thereunder.

Power to
contract.

63. (1) A council may enter into any contract necessary for the discharge of any of its functions under this or any other Law:

Provided that a council shall not enter into any contract to the value of two thousand pounds or upwards without the prior approval of the Regional Authority.

(2) Any contract made by a council shall be made in accordance with the standing orders of the council and, in the case of contracts for the supply of goods and materials or for the execution of works to the value of two hundred and fifty pounds and upwards, such standing orders shall—

(a) require that notice of the intention of the council to enter into the contract shall be published and tenders invited; and

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(b) regulate the manner in which such notice shall be published and such tenders given.

(3) A person entering into a contract with a council shall not be bound to enquire whether the standing orders of the council which apply to the contract have been complied with or, in the case of a contract to the value of two thousand pounds or upwards, whether the prior approval of the Regional Authority has been obtained, and all contracts entered into by a council, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with or that the approval of the Regional Authority has not been obtained.

64. A council may insure all or any of its property against risks of Insurance.
any type.

65. A council may, from time to time, by resolution authorise the writing off, as an irrecoverable debt in regard to which no further proceedings need be taken, of any sum due or payable to the council from or by any person, on the ground of the poverty of such person or for other sufficient cause: Writing-off of irrecoverable arrears of revenue.

Provided that no such sum shall be written off as an irrecoverable debt without the prior approval of the Regional Authority if it exceeds one hundred pounds in any one case, or if, by so writing it off, the total sum written off in any financial year will exceed the sum of two hundred and fifty pounds.

66. A council may from time to time by resolution authorise the writing off of deficiencies of cash or stores: Writing-off of deficiencies of cash and stores.

Provided that no such deficiency shall be written off without the prior approval of the Regional Authority if it exceeds one hundred pounds in value in any one case, or if, by so writing it off, the total value of such deficiencies written off in any financial year will exceed the value of two hundred and fifty pounds.

NOTE: The amounts specified in sections 65 and 66 in respect of which irrecoverable arrears of revenue and deficiencies in cash and stores may be written off without the prior approval of the Regional Authority were altered by Law No. 13 of 1955.

67. (1) A council may—

(a) build, acquire, provide or hire and furnish buildings within the area of the authority of such council to be used for the purpose of transacting the business of the council and for public meetings and assemblies; Provision of offices, etc., by councils.
or

(b) combine with any other council for the purpose of building, acquiring, providing or hiring and furnishing any such buildings; or

(c) contribute towards the expense incurred by any other council in building, acquiring, providing or hiring and furnishing any building within the area of the authority of such council suitable for use for any of the aforesaid purposes.

(2) A council may build, provide or hire and maintain quarters or houses for any officer or employee of the council.

68. A council may publish newspapers or periodicals and may provide information services. Newspaper and publications.

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Local
Government
Associations.

Power to
make grants
to other
councils.

Duty of
District or
Local
Council to
inspect area
for detection
of nuisances.
(Cap. 183.)

Functions.

Agriculture.

Animals.

Buildings.

69. A council may contribute to Local Government Associations and incur expenditure incidental to the holding of meetings thereof.

69A. A council may make grants to any other council for the purposes of any of the functions of the last-named council.

NOTE: This section was inserted by Law No. 13 of 1955.

70. It shall be the duty of a District Council, or, where no District Council has been established, of a Local Council to cause to be made from time to time inspection of the area of its authority with a view to ascertaining what nuisances exist, calling for abatement under the provisions of the Public Health Ordinance, and to ensure that the provisions of that Ordinance to abate the same are enforced.

71. The Regional Authority may by Instrument declare that, subject to such limitations and conditions as he may impose, a council either shall perform or may perform all or any of the following functions in respect of the area for which it is established—

- (1) provide services for the improvement of agriculture, and control diseases, pests or weeds, ordering if necessary the destruction of any tree, crop or plant.
- (2) control methods of husbandry, including the clearing of land by burning;
- (3) prohibit, restrict or regulate the movement in or through the area of the council of any livestock;
- (4) establish, maintain and control pounds, seize and impound any stray animal, and provide for the payment of compensation for damage done by such animal;
- (5) prohibit cruelty to animals, and any specified acts of cruelty to animals;
- (6) prohibit, restrict and regulate the keeping of livestock of any description;
- (7) prevent and control the outbreak or the prevalence of any disease among animals;
- (8) provide services for the improvement of livestock;
- (9) prescribe the conditions subject to which the erection and construction, demolition, re-erection and construction, conversion and re-conversion, alteration, repair, sanitation and ventilation of public and private buildings and structures may be undertaken and carried out;
- (10) provide for building lines and the layout of buildings;
- (11) make advances upon such conditions as shall be thought fit for the purpose of enabling ratepayers to build or to buy dwelling houses;
- (12) prepare and undertake and otherwise control schemes for improved housing layout and settlement;
- (13) prescribe the conditions to be satisfied by a site for any building or for any class of building;
- (14) prohibit the construction of any new building unless and until the plans thereof have been submitted to, and approved by, the council;

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- (15) provide for the demolition of dangerous buildings if necessary at the expense of the owner, or occupier, and provide for the recovery of such expenses;
- (16) prohibit or regulate the use in any defined area of any inflammable material in the construction or repair of any building;
- (17) build, equip and maintain social centres, public libraries, communal feeding centres, restaurants, catering and other rest houses, or buildings designed and used for public purposes;
- (18) build, equip, maintain and let shops;
- (19) prohibit or regulate the making of borrow pits or other excavations;
- (20) control and regulate the siting of advertisements and hoardings or other structures designed for the display of advertisements;
- (22) grant sums of money towards the establishment, equipment or maintenance of any Primary School, Secondary School, or other educational institution; Education.
- (23) grant and maintain scholarships or bursaries to suitable persons to attend any school or other educational institution in Nigeria or elsewhere;
- (25) grant sums of money towards the establishment or maintenance of any public library, museum or to any association existing for the promotion of arts, and crafts, or recreation and sport;
- (26) establish and maintain tree nurseries, forest plantations and forest reserves and sell the produce thereof; Forestry.
- (27) prevent and control soil erosion;
- (28) provide for the fencing of land and for the maintenance and repair of such fences; Land.
- (29) require any person to cultivate land to such extent and with such crops as will secure an adequate supply of food for the support of such person and of those dependent upon him;
- (30) prohibit, restrict, regulate or license the manufacture, distillation, sale, transport, distribution, supply, possession, and consumption of palm wine and any kind or description of fermented liquor usually made by the natives Nigeria or in the adjacent territories; Liquor.
- (31) build, equip, open, close and maintain markets and prohibit the erection of stalls in places other than markets; Markets.
- (32) regulate and control markets including the fixing of and collection of stallages, rents and tolls;
- (33) fix the days and hours during each day on which a market may be held and prevent the sale and purchase of goods in markets on any day or at any hours except those fixed;
- (34) safeguard and promote public health including the prevention of and the dealing with any outbreak or the prevalence of any disease; Public Health.
- (35) build, equip, and maintain, or grant sums of money towards the establishment, equipment or maintenance of any hospital, maternity home, dispensary, asylum for the aged, destitute or infirm or for orphans or asylums and settlements for lepers;

- (36) exterminate and prevent the spread of tsetse fly, mosquitoes, rats, bugs and other vermin;
- (37) establish and operate ambulance services;
- (38) establish, install, build, maintain, and control drains, latrines, public lavatories and wash places and any sewage systems;
- (39) establish, maintain, and carry out sanitary services for the removal and destruction of and otherwise dealing with nightsoil and all kind of refuse;
- (40) provide, erect and maintain a public water supply, regulate or prohibit the sinking of wells and provide for the closing of wells;
- (41) prevent the pollution of the water in any river, stream, water-course, water hole or drain and prevent the obstruction of any river, stream or water-course;
- (42) build, manage, license and control slaughter houses;
- (43) regulate the slaughter of and provide for the inspection of animals intended for the food of man;
- (44) regulate the preparation and sale of meat;
- (45) establish, maintain and control cemeteries and burial grounds;
- Public Order. (46) prohibit any act or conduct which in the opinion of the council is likely to cause a riot or any disturbance or a breach of the peace;
- (47) prohibit, regulate or restrict the carrying and possession of weapons;
- (47a) prohibit, restrict and regulate the migration of persons from or to the area of the council;
- (48) prevent fires and control grass or bush fires;
- (49) establish and maintain fire brigades and provide for the use and custody of any appliance for the extinguishing of fires;
- (50) prohibit or regulate gambling;
- (51) license and regulate guides, porters and carriers;
- (52) control the movement of beggars in streets and public places;
- (53) suppress brothels, disorderly houses, and take measures to prevent prostitution;
- (54) prohibit, restrict or control the hawking of wares;
- (55) regulate and control public collections in streets and public places;
- (55a) regulate and control drumming and public musical entertainments (including licensing drummers or performers at public musical entertainments);
- Registration of persons. (56) provide for the registration of persons residing within the area of the authority of the council or in any part thereof;
- (57) require the marriage, birth or death of any person within the area of the authority of the council to be reported to or registered with the council and to appoint registration offices and registrars for such purposes;
- Roads, streets, etc. (58) make, alter, divert and maintain roads, streets, paths, culverts, bridges, street-drains and water-courses;

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- (59) provide or arrange for lighting in public places;
- (60) regulate all traffic in the area;
- (61) license bicycles and vehicles other than motor vehicles including motor bicycles;
- (62) establish, provide and maintain parks for motor and other vehicles;
- (63) require persons to carry lights during certain hours in certain areas;
- (64) establish, acquire and maintain transport services by land or water including ferries;
- (65) regulate or prohibit the planting, cutting, tapping or destruction of any trees or vegetation growing along any street, road or path or in any public place;
- (66) provide that the owner or occupier of any land or tenements maintain clear and keep free from vegetation the roads, streets or paths adjoining their land or tenements;
- (67) regulate the naming of roads and streets and the numbering of houses;
- (68) prescribe the conditions under which any offensive trade or industry may be carried on; Trade and industry.
- (69) engage in any form of trade or industry;
- (70) fix the maximum price which may be demanded in the sale by retail for any article of food in any market;
- (71) establish, erect, maintain and control public weighing machines and other instruments of measurement;
- (72) protect, preserve and prohibit the removal from any place of any African antique work of art; Various matters.
- (72a) regulate child betrothals;
- (73) establish, control and manage recreation grounds, open spaces and parks;
- (74) provide for the maintenance of any traditional office or customary title which is on the date of the commencement of this Law receiving such maintenance, or which is recognised by a vote of three-quarters of the total membership of the council in the area;
- (75) provide for the licensing of any suitable building or other place for the performance of stage plays, cinematograph films or other public entertainment and to prescribe the conditions under which such plays, films or entertainments may be shown;
- (76) prescribe the duties of any person employed by the council in connexion with any function of such council;
- (77) prohibit, restrict or regulate the capture, killing or sale of fish or any specified kind of fish;
- (78) erect, extend or alter any pier subject to the provisions of the Piers Ordinance;
- (79) provide welfare services for children and young persons (including the establishment, equipment or maintenance of remand

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- homes, approved schools and clubs) and grant sums of money to Associations existing for the benefit and welfare of children and young persons;
- (80) provide for the preservation, development or exploitation of natural resources;
 - (81) provide for the establishment and administration of schemes of planned rural development or settlement;
 - (81a) regulate native marriages (including dowry) and the dissolution of such marriages;
 - (82) provide for the control of the movement, isolation and treatment of persons suffering from leprosy or any infectious or contagious disease;
 - (83) provide for the building, equipping or maintenance of rural postal agencies and rural postal services which have been approved by the Director of Posts and Telegraphs;
 - (84) clean and improve waterways.

Nothing in this section should be deemed to confer on any council authority to perform any act which would constitute a contravention of the terms of any law or ordinance.

NOTE: Paragraphs (21) and (24) as originally enacted were deleted by Law No. 6 of 1955; paragraph (47a) was inserted by Law No. 8 of 1953; paragraph (55a) was inserted by Law No. 13 of 1955; paragraph (72a) was inserted by Law No. 8 of 1953; paragraph (79) was substituted by Law No. 13 of 1955; paragraph (81a) was substituted by Law No. 2 of 1954; paragraph (83) was inserted by Law No. 2 of 1954; paragraph (84) was inserted by Law No. 13 of 1955.

For the functions of councils with respect to education see, in addition, Part IV of the Education Law, 1954.

Health Officer deemed to be officer of council for purposes of bye-laws. (Cap. 183.)

Delegation of functions by Divisional Councils to District Councils.

Report by Divisional Council in certain cases.

Power to enforce functions of councils.

72. Any person who fulfils the duties of Health Officer under the provisions of the Public Health Ordinance for any area in which a council is established shall be deemed to be an officer of such council for the purposes of giving effect to and enforcing any bye-laws relating to public health made by such council.

73. (1) A Divisional Council may, with the concurrence of the council concerned and with the prior approval of the Regional Authority, delegate to any District Council within the area of its authority, with or without restrictions or conditions, any of its functions under this Law except any function excluded by the Instrument from the operation of this section.

(2) Where functions are delegated under this section to a District Council, the District Council in the discharge of those functions shall act as agent for the Divisional Council.

74. If it appears to a Divisional Council that any other council within the area of its authority has made default in the performance of any function conferred upon it by an Instrument which specifies that it is the duty of such council to perform such function, the Divisional Council shall report such fact to the Minister.

75. (1) If the Regional Authority, on the advice of the Minister, is satisfied that any council has made default in the performance of any function conferred or imposed upon it by or under this Law or any other

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Law or Ordinance for the time being in force, he may make an order declaring the council to be in default and may, by the same or any other order—

(a) for the purpose of removing the default direct the council to perform such of its functions in such manner and within such time or times as may be specified in the order; or

(b) transfer to such person or body as he may deem fit such of the functions of the council in default as may be specified in the order.

(2) If a council with respect to which an order has been made under paragraph (a) of subsection (1) of this section fails to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Regional Authority may make an order under paragraph (b) of that subsection.

(3) Where an order has been made under paragraph (b) of subsection (1) of this section, the Regional Authority may, by the same or any other order, dissolve the council or suspend the council for such time as he may think fit from the performance of such of its functions as may be specified in such order.

(4) Nothing in this section shall apply in relation to any function conferred or imposed upon a council under the provisions of the Education Law, 1954.

NOTE: For the references to Local Government Inspector in sections 74 and 75 as originally enacted there were substituted references to the Minister by Law No. 13 of 1955; subsection (4) of section 75 was inserted by Law No. 6 of 1955.

76. Where any functions of a council are transferred to any person or body under the provisions of subsection (11) of section 75 of this Law, the expenses incurred by such person or body in discharging those functions shall be a debt due from the council in default of such person or body, as the case may be.

Expenses in respect of transferred functions.

PART VIII.—BYE-LAWS

77. (1) A council may make bye-laws for the carrying into effect and for the purposes of any function conferred upon it by virtue of this Law or any other Law and may in such bye-laws specify a fine not exceeding fifty pounds or in default of payment imprisonment not exceeding six months for any breach of any such bye-law, and, in the case of a continuing offence, a further penalty not exceeding five pounds for each day on which the offence is continued after written notice of the offence has been served on the offender.

Bye-laws.

(2) The Regional Authority may by Instrument declare that subject to such limitations and conditions as he may impose, a council may make bye-laws relating to the use and alienation whether upon devolution by will or otherwise of interests in land of any description whatever within the area of the authority of the council and without derogation from the generality of these provisions specially in respect of any or all of the following matters—

(i) the control of any or all powers of alienation of land or of any interest therein to strangers or to persons other than strangers;

(ii) the control and use of communal land and of family land either generally or specifically and with special reference to the cultivation thereof and the type of crops which may be grown thereon;

(iii) the control of mortgaging with special reference to the approval of the mortgagee and the use to which the land may be put when mortgaged;

(iv) the control of the borrowing of money or money's worth secured upon standing crops;

(v) making the purchaser at any sale, whether such sale is by order of any court whatsoever or not, subject to the approval of the council or of a specified individual or individuals and providing, in the case of a sale by a court, that the land shall again be sold if the vendor is not approved under the bye-laws;

(vi) for the recording or filing of documents relating to the alienation of land or interest therein;

(vii) for the control either generally or specifically of the size or extent of communal land or family land over which any individual or group of persons may exercise rights or be permitted to exercise rights; and

(viii) the regulating of the allocation of communal land or family land and specifying the person or persons who may allocate such communal land subject to such special or general directions as the council may require.

In this subsection—

"land" means all land including everything attached to the earth in the Western Region other than land which is for the time being—

(a) freehold land the tenure of which is regulated exclusively by English law;

(b) Crown land;

(c) land subject to any interest conferred by any Instrument approved under the provisions of the Native Lands Acquisition Ordinance or any Ordinance or Law replacing those provisions;

(Cap. 144.)

(d) land vested for any interest in a body corporate which is established by any Ordinance or Law and is empowered to acquire and hold land;

(e) land which is the subject of a right of occupancy granted by the Governor in accordance with the Land and Native Rights Ordinance;

(Cap. 105.)

(f) land within the area of a planning authority established under the provisions of the Nigeria Town and Country Planning Ordinance or any Ordinance or Law replacing those provisions;

(Cap. 155.)

(g) land held under a title which has been registered in accordance with the provisions of the Registration of Titles Ordinance;

(Cap. 197.)

"stranger" means any native of Nigeria or native foreigner who is not eligible by local customary law to inherit land or the use of land within the area of jurisdiction of the council making the bye-law.

(3) A bye-law may make provision for the payment of such fees or charges as shall to the council seem fit.

(4) A council may authorise the remission of any fee or charge imposed under the provision of any bye-law.

(5) Any bye-law made by a council under the provisions of this section shall be read and construed subject to the provisions of this and any other Law or Ordinance.

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(6) A bye-law made by a District or Local Council shall not be inconsistent with any bye-law made by a Divisional Council which is in force within the area of authority of such District or Local Council.

NOTE: Subsection (2) was inserted by Law No. 8 of 1953 and the definition of "land" therein was substituted by Law No. 2 of 1954.

78. (1) Bye-laws shall be made under the common seal of the council and shall not have effect until they are approved by the Regional Authority who, before approving, may amend the same. Method of making bye-laws.

(2) No bye-law shall be made by a council unless reasonable notice, in such manner as the Regional Authority may approve, of the intention of the council to make such bye-law has been given to the inhabitants of the area to be affected thereby.

(3) The Regional Authority may approve or refuse to approve any bye-law submitted and may, upon the date of its approval, fix the date on which the bye-law is to come into operation.

(4) The provisions of subsections (3) and (4) of section 19 of the Interpretation Ordinance shall have no application to any bye-law made under the provisions of this Law. (Cap. 94.)

78A. (1) The Minister may by order make adoptive bye-laws for the carrying into effect and for the purposes of any function which is or may be conferred on a council by or under the provisions of this Law or any other Law, and may in such order provide that the adoption of such bye-laws may be either as a whole or in such parts as may be therein specified. Adoptive bye-laws.

(2) Subject to the provisions of this section and of any order made by the Minister under subsection (1), a council may adopt any bye-laws published as aforesaid which relate to any function of the council.

(3) The following provisions shall apply with respect to the adoption of any bye-laws by a council—

(a) the adoption shall be by resolution passed at a meeting of the council;

(b) reasonable notice of the intention to adopt the bye-law in the manner approved for the purposes of subsection (2) of section 78 of this Law shall be given to the inhabitants of the area affected;

(c) notice of the resolution shall be published in the Gazette and shall be conclusive evidence of the resolution having been passed;

(d) the adoption of the bye-laws shall take effect from the date of the publication of the notice in the Gazette;

(e) bye-laws adopted in accordance with the provisions of this section shall have the same force and effect as if they have been made by the council and may be revoked by resolution of the council published in accordance with paragraph (c) of this subsection;

(f) bye-laws adopted in accordance with the provision of this section may be amended by the adoption of any amendment made thereto by the Minister;

(g) the approval of the Regional Authority shall not be required.

(4) The provisions of subsections (1) and (2) of section 19 and of section 20 of the Interpretation Ordinance shall apply in relation to any bye-laws contained in an order made by the Minister under this section. (Cap. 94.)

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(5) Any adoptive bye-laws adopted by a council shall, notwithstanding the revocation of such adoptive bye-laws or any part thereof by the Minister remain of full force and effect.

(6) Any amendment by the Minister of adoptive bye-laws shall not be of force within the area of any council by which such adoptive bye-laws have been adopted unless and until such amendment shall have been adopted in accordance with the provisions of subsections (2) and (3) of this section.

(7) The provisions of sections 79 and 82 shall not apply in relation to bye-laws adopted under this section.

NOTE: This section was inserted by Law No. 13 of 1955.

Publication. 79. Bye-laws shall be published in such manner as the Regional Authority may approve.

Regional Authority may make bye-laws. 80. The Regional Authority may at any time after having given to a council reasonable notice and having considered the representations of the council thereon, make or amend any bye-law which such council is empowered by this Law to make, or revoke any bye-law made by such council.

Copy of bye-law to be deposited at council offices. 81. (1) A copy of every bye-law when approved by the Regional Authority shall be deposited at the offices of the council by whom the bye-law was made, and shall at all reasonable times be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum as the council may determine.

(2) A Divisional Council shall send a copy of every bye-law made by such council and approved by the Regional Authority to every other council to whose area the bye-law applies.

(3) Any council which receives a copy of a bye-law under the provisions of this section shall deposit such copy at its offices.

(4) The copy so deposited shall be open to inspection by the public without payment.

Evidence of bye-laws. 82. A copy of a bye-law purporting to be made by a council, upon which is endorsed a certificate purporting to be signed by the chairman or other officer of such council authorised in that behalf, stating—

(a) that the bye-law was made and published by the council in the prescribed manner;

(b) that the copy is a true copy of the bye-law;

(c) that on a specified date the bye-law was duly approved by the Regional Authority and came into operation on a specified date; shall be admitted in evidence in any court without further proof and such certificate shall be evidence of the facts stated therein without further proof, and without proof of the handwriting or official position of the person purporting to sign the certificate.

Power of a District or Local Council to enforce bye-laws made by a Divisional Council. 83. A District or Local Council authorised in that behalf by any bye-law made by a Divisional Council shall have power to enforce such bye-law within the area of its authority.

PART IX.—OFFICERS AND STAFF

Power to engage staff. 84. (1) Subject to the provisions of subsection (2) and of any regulations made under section 92 of this Law a council shall appoint a secretary or clerk to the council and may appoint such other officers and employ such

other persons as it shall think necessary for the efficient discharge of the functions of the council, and may, subject as aforesaid, dismiss any person so appointed or employed.

(2) A council shall not appoint, engage or employ—

(a) a secretary, clerk to the council or treasurer, or

(b) any person at a salary of three hundred and fifty pounds per annum or above,

without the approval in writing of the Regional Authority.

(3) A person employed under the provisions of subsection (2) shall not be dismissed without the approval in writing of the Regional Authority.

(4) It shall be the duty of such council as the Regional Authority may by Instrument direct to engage and pay adequate staff (including clerks) for any Native Court which is established or situate within the area of its authority.

(5) Subject to the provisions of subsection (2) and of any such regulations as aforesaid a council may pay to any officer or person so employed such reasonable remuneration as it may determine.

85. (1) Subject to the approval of the Regional Authority, a council may agree with any one or more councils, whether situated in the same area or not, on the joint employment of any staff or appointment of any officer.

Joint
appoint-
ments.

(2) Where, due to shortage of staff or other reasonable cause, the Regional Authority deems it expedient so to do, he may require any two or more councils to concur in the joint employment of any staff or appointment of any officer and, if any such council fails to employ or appoint any person when required to do so under this section, the Regional Authority may exercise, on behalf of such council, the powers of employment and appointment conferred on a council by this Law.

(3) A council shall not agree with any other council to engage, employ or dismiss any person whose total salary under such agreement shall be three hundred and fifty pounds per annum or above without the approval in writing of the Regional Authority.

86. (1) Without prejudice to other powers of terminating the employment of any officer, an officer shall normally retire from the service of a council when he attains the age of sixty years, and unless a council by resolution in a particular case, or with regard to any particular class of officers otherwise determine, all officers shall retire on attaining that age.

Age of
retirement.

(2) An officer of a council may retire, or may be called upon by the council to retire, on his attaining the age of forty-five years.

87. Any officer of a council who is in any wise concerned or interested directly or indirectly by himself or his partner (otherwise than as a minority shareholder in a company) in any contract or work made with or executed for the council shall be incapable of holding any office or employment under this Law.

Officers not
to be
interested in
contract.

88. (1) Notwithstanding the other provisions of this Part the council may, with the approval of the Governor, appoint to any office in its service a Government officer seconded to the service of the council for that purpose, for such period and on such terms and conditions as the Governor and the Regional Authority may approve.

Appointment
of seconded
Government
officers.

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(2) The Governor shall not be obliged to consult with the Executive Council in the exercise of his powers under subsection (1).

Security may be demanded by council of its officers and others.

89. A council may in the case of any officer in its employment, other than a Government officer appointed under the provisions of section 88, whether under this or any other Law or Ordinance whether employed jointly with another council or not, or in the case of a person not in its employment, but who is likely to be entrusted with the custody or control of money or property belonging to the council, either require him to give, or itself take, such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the council may think sufficient.

Accountability of officers.

90. (1) Every officer employed by a council, whether under this or any other Law or Ordinance, shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the council directs, make out and deliver to the council or as it directs, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connexion with his office, showing the amount due from or to each.

(2) Every such officer shall pay all money due from him to the council or otherwise as such council may direct.

(3) If any such officer—

(a) refuses or wilfully neglects to make any payment which he is required by this section to make; or

(b) after three days' notice in writing signed by the chairman of the council or by three members thereof, and given or left at his usual or last known place of residence, refuses or wilfully neglects to make out or deliver to the council, or as it directs, any account or list which he is required by this section to make out and deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the council or as it directs;

a magistrate's court having jurisdiction where the officer is or resides may, on complaint, by order require him to make such payment or delivery or to give such satisfaction.

(4) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against under the provisions of this section for the same cause.

Power of interdiction.

91. Subject to the provisions of any regulations made under section 92 a council may interdict any officer, other than a Government officer appointed under section 88, or employee of the council from the duties and emoluments of his office or employment for incapacity, neglect or misconduct pending the decisions of the council as to his removal and, in the event of his removal such officer or employee shall be deemed to have been removed from office or employment as from the date of interdiction.

Staff regulations.

92. (1) The Regional Authority may make regulations, to be known as Staff Regulations, for all or any of the following purposes relating to officers and employees or to any class or grade of officer or employee in the employment of councils established under this Law—

(a) establishing a body to advise the Regional Authority on staff matters, which shall be known as the Local Government Service Commission, and prescribing the powers and duties of such body;

- (b) maintaining discipline;
- (c) regulating appointments, remuneration, promotion, termination of appointments, dismissals and leave;
- (d) regulating the payment of allowances, the grant of advances, and the terms and conditions of service generally; and
- (e) such other matters relating to departmental procedure and the duties and responsibilities of officers and employees, as the Regional Authority considers can be best regulated by such regulations.

(2) Any such regulations in so far as they relate to discipline may in particular, provide for—

(a) withholding or deferring of increments, or reduction in rank or salary either permanently or for a stated period; and

(b) the deduction from salary due or about to become due of such sum as may be appraised in respect of damage to property of the council by misconduct or breach of duty on the part of an officer.

NOTE: For regulations made under this section see Western Region Legal Notice No. 62 of 1955.

93. (1) The Regional Authority may make regulations as to the pensions and gratuities which are to be paid, whether as of right or otherwise, to officers and persons who have been employed by a council or councils, to the legal personal representatives, estates or dependants of officers who die while so employed, and to the widows and children of deceased persons who have been so employed. Pensions Regulations.

(2) Without prejudice to the generality of subsection (1) of this section regulations made under this section may contain such provision as appears to the Regional Authority to be necessary or expedient in relation to a person who transfers to or from employment with a council from or to employment with another council or with the Government.

NOTE: This section was substituted by Law No. 18 of 1955 for the section originally enacted.

94. (1) Notwithstanding the provisions of section 93 of this Law, the Regional Authority may establish and maintain any scheme for the payment of pensions and gratuities to officers and persons who have been employed by any council which elects to participate in such scheme, to the legal personal representatives, estates or dependants of officers and persons who die while so employed, or to the widows and children of deceased persons who have been so employed, and any such scheme may, with the approval of the Regional Authority, be altered, varied, amended or wound up from time to time, due regard being had to the existing rights of any officer or person coming within the scope of any such scheme. General pension schemes.

(2) Where any such scheme as is mentioned in subsection (1) of this section has been established, any council may by resolution, which shall be irrevocable except with the consent of the Regional Authority, elect to participate in such scheme and thereupon—

(a) any scheme having similar objects previously maintained by the council under section 93 of this Law shall be merged in the scheme maintained under this section in such manner as may be prescribed by regulations made under this section; and

(b) such council shall be liable to make such contributions to, and the officers and persons employed by such council shall be entitled to such

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benefits under, such scheme as may be prescribed by regulations made under this section.

(3) The Regional Authority may make regulations for the maintenance, control and management of any scheme established under this section.

Persons
employed
may be
required to
contribute.

95. It shall be lawful for a council to require any officer or person employed by it to make contributions under the provisions of any pensions scheme established under section 93 or 94 of this Law.

Gratuities
and
allowances.

96. A council may, subject to the approval of the Regional Authority, grant gratuities and allowances to officers and persons who have been employed by the council and who are not qualified for benefit under the provisions of section 93 or 94 of this Law, or to the legal personal representatives, estates or dependants of such officers and persons.

Gratuities,
etc., not
liable to
attachment.

97. No pension or gratuity or other allowance granted in pursuance of the provisions of this Part of this Law, and no rights acquired by any officer or person in respect of contributions made in pursuance of provisions for the grant of pensions to widows and children of deceased officers and employees, shall be assignable or transferable, or liable to be attached or sequestered or levied upon, for or in respect of any debt or claim whatsoever:

Provided that the provisions of this section shall not affect the right of the council or the Government to recover from any sums due or payable to or in respect of any officer or employee any amount owing to the council or the Government by such officer or employee.

Protection of
councillors,
officers and
employees.

98. No matter or thing done and no contract entered into by a council, and no matter or thing done by any member, officer or employee of a council or other person whomsoever acting under the direction of a council, shall, if the matter or thing was done or the contract was entered into *bona fide* for the purposes of this Law, subject any member, officer or employee of the council, or any person acting under the direction of the council, personally to any action, liability, claim or demand whatsoever.

PART X.—GENERAL FINANCIAL PROVISIONS

Declaration
of revenue
and funds of
councils.

99. (1) The revenue and other funds of a council are hereby declared to be as follows—

(a) All sums of money or funds as are granted to a council by the Regional Authority under the provisions of section 221.

(b) Revenue accruing to a council from the following sources—

- (i) moneys derived from any rate imposed by the council by virtue of the provisions of this Law;
- (ii) moneys derived from licences, permits, dues, charges or fees specified by any bye-laws made by a council;
- (iii) moneys payable to a council under the provisions of any other Law or Ordinance;
- (iv) receipts derived from any public utility concern, or any service or undertaking belonging to or maintained by a council either in whole or in part;
- (v) rents derived from the letting or leasing of any building or land belonging to a council;
- (vi) grants-in-aid out of the general revenue of Nigeria, or of the Western Region, or other public revenue;

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- (vii) any particular public revenue which may lawfully be assigned to a council;
- * (viii) any sums of money which may lawfully be assigned to a council by any public corporation;
- (ix) interest on the invested funds of a council;
- (x) such sums of money as are payable to a council in satisfaction of a precept issued by the council on a rating authority in accordance with the provisions of section 129;
- (xi) any amount of money transferable to a council under the provisions of section 20 of the Direct Taxation Ordinance ;
- (xii) to such extent as the Regional Authority may by the Instrument direct, the fees, fines and penalties payable in respect of or as a result of proceedings in native courts within the area of the authority of a council and the proceeds of the sale of any forfeitures ordered by such native courts;
- (xiii) such sums of money as may be granted to a council by any other council.

(2) In addition to the revenue and funds specified in subsection (1) such sums of money as are payable to a Local Council by a rating authority in satisfaction of a precept issued by such Local Council under the provisions of section 131 shall form part of the revenue and funds of such council.

(3) Any other moneys lawfully derived by a council from any other source whatever not hereinbefore specifically mentioned shall be and form part of the revenue and funds of such council.

(4) All revenues of a council shall be paid into the general funds of the council and shall be applied to the administration, development and welfare of the area over which its authority extends and to the welfare of the inhabitants thereof.

100. Subject to the provisions of this Law, a council may incur all expenditure necessary for, and incidental to, the carrying out of any functions conferred upon it under this or any other Law or Ordinance, or by the Instrument. Expenditure.

101. (1) A council may from time to time raise loans within Nigeria of such amounts, from such sources, in such manner, upon such conditions and for such purposes in fulfilment of their lawful functions as the Regional Authority may approve. Power to borrow.

(2) Such loans shall be secured upon the property and the revenues of the council.

(3) Where any interest or any payment of capital due on any loan remains unpaid for three months after a demand therefor has been served on the council in writing by the person entitled thereto, the Regional Authority may—

(a) order that a rate necessary to produce the sum due shall be levied upon and collected from the ratepayers of the area of the authority of the council either immediately or at such date as he shall order, and for the purpose of raising such sum the Regional Authority shall in addition have the same power as the council concerned, of making and levying a general or special rate or of issuing a precept; or

(b) order the sale of any property including land on which the loan is secured.

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(4) The power of the Regional Authority under this section of making and levying a general or special rate may be exercised at any time.

NOTE: For the powers of a council which is a local education authority to raise loans for the purposes of its functions under the Education Law, 1954, see section 86 of that Law.

Overdrafts. 102. It shall be lawful for a council to obtain advances from banks by overdraft upon the credit of such council:

Provided that no such overdraft shall at any time in any circumstances exceed the income of such council in the preceding financial year.

Investment of funds. 103. A council may invest all or any portion of the moneys of the council in such manner as may be approved by the Regional Authority.

Financial year. 104. The financial year for each council shall begin on the 1st day of April in one year and end on the 31st day of March in the year next following.

Accounts to be kept and to be made up yearly. 105. (1) Every council shall keep proper accounts and other records in relation thereto and immediately after the end of each financial year shall cause its accounts for that year to be brought to a balance and a balance sheet prepared with respect thereto together with a statement or abstract of such accounts.

(2) A Divisional Council or District Council shall keep a separate account for any rate which may be made and levied by it at the request of a Local Council.

NOTE: The reference to a Divisional Council in subsection (2) was inserted by Law No. 13 of 1955.

Deposit and suspense accounts. 106. A council may make advances and loans and operate deposit and suspense accounts within such limits and upon such conditions as shall be approved in writing by the Regional Authority, and such approval may be given either generally or with respect to any particular council or with respect to the councils in any particular area.

Financial Memoranda. 107. The Regional Authority may issue written instructions (to be called Financial Memoranda), not inconsistent with any of the provisions of this Law, for the better control and management of the financial business of councils, and for the regulation of the procedure of Finance Committees; and such instructions may be issued either generally or with respect to any particular council or with respect to the councils in any particular area and shall be observed and obeyed by the council or councils with respect to which such instructions have been issued.

Estimates. 108. (1) Every council shall submit to the Regional Authority, at such time and in such manner as the Regional Authority may direct, a detailed estimate of its revenue and expenditure for the next ensuing financial year.

(2) The Regional Authority shall consider such estimate as is submitted and may either approve or disapprove such estimate as a whole or disapprove of any item or items contained therein, and shall notify the council accordingly:

Provided that if such estimate is not approved or disapproved by the Regional Authority before the commencement of the financial year for which such estimate is prepared, the council may by resolution authorise expenditure, in accordance with such estimate, on such items as had received

approval in the Estimates for the previous financial year so long as the total expenditure so authorised by resolution does not exceed twenty-five per centum of its revenue for the preceding year.

(3) Where the Regional Authority approves the estimate as a whole, the council may incur the expenditure, collect the revenue, and generally put into operation the provisions of the approved estimate, but where the estimate is disapproved as a whole, no expenditure shall be incurred, no revenue collected nor shall any of the provisions of the estimate be put into operation without the prior approval of the Regional Authority.

(4) Where the Regional Authority disapproves of any item or items of expenditure or revenue in an estimate submitted for approval, the remainder of any such estimate excluding such item or items so disapproved shall be deemed to be an approved estimate, but the council shall not incur any expenditure or collect revenue, as the case may be, in respect of the item or items disapproved.

(5) Where the Regional Authority has disapproved of an estimate as a whole or has disapproved of any item or items in an estimate and subsequently approves such estimate or such item or items, or subsequently approves an amended or varied estimate or amended or varied item or items then such estimate or such item or items shall, unless the Regional Authority otherwise directs, be deemed to be and to have been an approved estimate or an approved item or items from the beginning of the financial year to which such estimate or item or items relate.

(6) Subject to the provisions of any Financial Memoranda relating thereto, a council may by resolution authorise the expenditure of money appropriated for any one purpose in an approved estimate on any other purpose therein contained, but no such expenditure shall be incurred for any purpose in respect of which provision has not been made in such approved estimate without the prior consent of the Regional Authority, and no expenditure shall in any case be so incurred in respect of any purpose where the item in the estimate relating thereto has been disapproved by the Regional Authority.

(7) Where it appears to a council in any financial year that expenditure for any specified purpose is desirable and no, or insufficient, provision therefor has been made in the estimate for such year, a council may submit a supplementary estimate to the Regional Authority for approval and the provisions of subsections (3), (4), (5) and (6) of this section shall apply to such supplementary estimate.

(8) Notwithstanding the provisions of section 99 of this Law, to arrive at the estimated revenue, for the purpose of this section, of a council which is a rating authority, any sum payable by such council to any other council in satisfaction of a precept shall first be deducted.

(9) The Regional Authority may direct that any council shall have authority to control its own finances, in which case the council shall forward to the Regional Authority any estimate or supplementary estimate of revenue or expenditure required to be submitted in accordance with the foregoing provisions of this section, but the power of approval or disapproval of such estimate or supplementary estimate or of any item thereof, shall not, during the continuation of such direction, be exercised by the Regional Authority.

NOTE: Subsection (9) was inserted by Law No. 13 of 1955.

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PART XI.—RATES AND RATING

Rating
authority.

109. For the purposes of this Law, the rating authority for an area shall be such Divisional or District Council as the Regional Authority may by instrument direct and, subject to the provisions of sections 101 and 139 of this Law, or except as may be otherwise specifically provided in any other Law or Ordinance, no authority other than the rating authority shall have power to make or levy any rate in the area of the authority of such council, notwithstanding any customary law to the contrary.

NOTE: Law No. 13 of 1955 amended this section so that it refers only to Divisional or District Councils.

Duty to
make
sufficient
rates.

110. Every council shall make such rates or issue such precepts as will be sufficient to provide for such part of the total estimated expenditure to be incurred by the council during the period in respect of which the rate is made or precept is issued as is to be met out of moneys raised by rates, including in that expenditure any sums payable to any other council under precepts issued by that council, together with such additional amount as is, in the opinion of the council, required to cover expenditure previously incurred, or to meet contingencies or to defray any expenditure which may fall to be defrayed before the date on which the money to be received in respect of the next subsequent rate or precept will become available.

System of
rating and
liability for
the payment
of rates
where the
Assessment
Ordinance
applies.
(Cap. 16.)

111. (1) In any area in which the Assessment Ordinance applies a rating authority shall have power to impose an annual rate on any tenements within its area which are assessed in accordance with that Ordinance and such rate shall be a uniform amount per pound of the assessed value of such tenements.

(Cap. 105.)

(2) The following persons shall be liable for the payment of the rate—

(a) in respect of all land which is "native lands" for the purposes of the Land and Native Rights Ordinance, the occupier of any tenement not exempt from the rate;

(b) in respect of all other tenements, the owner and occupier of every such tenement not exempt from the rate but the same shall be deemed to be an owner's rate, and as between the occupier and the owner of any tenement, shall, in the absence of any agreement to the contrary, be borne by the owner, and the amount thereof, if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use or may be deducted from any rent due or to become due in respect of the tenement.

(Cap. 16.)

(3) In this section—

"assessed value" in relation to any tenements means the value at which such tenements are for the time being assessed in the current valuation list;

Cap. 16.)

"current valuation list" means a valuation list prepared in accordance with the Assessment Ordinance and for the time being in force;

"owner", "occupier" and "tenement" have the meanings assigned to them respectively in section 2 of the Assessment Ordinance.

NOTE: Law No. 13 of 1955 amended subsection (1) to refer to assessed value instead of annual value and substituted subsection (3) for that subsection as originally enacted.

112. (1) (i) In any area to which the Assessment Ordinance does not apply, if it is so stated in the Instrument by which it is established, a rating authority may with the approval of the Regional Authority impose an annual rate on any tenements within the area of its authority which are assessed in accordance with the regulations made under section 128 of this Law and such rate shall be a uniform amount per pound of the assessed value of such tenements.

System of rating where Assessment Ordinance does not apply. (Cap. 16.)

(ii) The following persons shall be liable for the payment of the rate—

(a) in respect of all land which is "native lands" for the purposes of the Land and Native Rights Ordinance, the occupier of any tenement not exempt from the rate; (Cap. 105.)

(b) in respect of all other tenements, the owner and occupier of every tenement not exempt from the rate but the same shall be deemed to be an owner's rate, and as between the occupier and the owner of any tenement, shall, in the absence of any agreement to the contrary, be borne by the owner, and the amount thereof if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use or may be deducted from any rent due or to become due in respect of the tenement.

(iii) In this subsection—

"assessed value" in relation to a tenement means the value at which the tenement is, for the time being, assessed in accordance with regulations made under this Part;

"occupier", and "owner" have the meanings assigned to them, respectively, by section 2 of the Assessment Ordinance; (Cap. 16.)

"tenement" means any land with buildings which is held or occupied as a distinct or separate holding or tenancy or any wharf or pier, but does not include any land without buildings.

NOTE: Law No. 13 of 1955 amended subsection (1) (i) to refer to assessed value instead of annual value and substituted paragraph (iii) for that paragraph as originally enacted.

(2) (i) In any area to which the Assessment Ordinance does not apply, a rating authority, if it is so stated in the Instrument by which it is established, may make and levy an annual rate upon the annual income of any person who, or community which, is liable for the payment of tax within the area of its authority under the provisions of the Direct Taxation Ordinance and such rate shall be at such amount per pound of the income of the person assessed as the rating authority may direct provided that the rates per pound shall be uniform throughout the area of the rating authority; (Cap. 16.)

(Cap. 54.)

Provided that any person who is taxed in respect of any cattle in lieu of any other tax under the provisions of section 10 of the Direct Taxation Ordinance, shall not for that reason be liable for the payment of rates under this subsection. (Cap. 54.)

(ii) In addition, such rating authority may by resolution make and levy an annual rate upon any other person who, or class of persons which, is taxable within the area of its authority by virtue of the provisions of the Direct Taxation Ordinance, and such rate shall be a uniform amount per person; (Cap. 54.)

Provided that the amount of such rate shall not exceed the lowest amount of rate payable by any person rated under the provisions of subparagraph (i) of this subsection.

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(iii) The annual income of any person who is rateable under the provisions of this subsection shall be deemed to be the annual income of such person ascertained under the provisions of section 7 of the Direct Taxation Ordinance, for the purposes of taxation under that Ordinance.

(Cap. 54.)

(Cap. 16.)

(3) In any area to which the Assessment Ordinance does not apply, a rating authority if it is so stated in the Instrument by which it is established may make and levy an annual rate upon any person or class of persons over the age of sixteen years ordinarily resident within the area of its authority.

Assessment
committees.

113. A rating authority may appoint such assessment committee or committees as it thinks fit for the purpose of assessing the liability of any person or persons for payment of any rate levied or to be levied under this Law.

Different
systems of
rating.

114. (1) An Instrument relating to a council which is a rating authority may authorise that Council—

(a) to apply different systems of rating to different parts of the area of its authority; and

(b) to apply different systems of rating to different descriptions of property.

(2) Except as provided in subsection (1) of this section a rating authority shall not, at any time, apply more than one system of rating within its area.

NOTE: This section was substituted by Law No. 13 of 1955 for section 114 as originally enacted.

Publication
of rate.

115. (1) Notice of every rate shall be given by the rating authority within ten days after the passing of a resolution making such rate, and the rate shall not be valid unless notice thereof is duly given in manner for the time being required by law.

(2) Notice may be given in such manner as the rating authority may resolve and may if the rating authority think fit be given either by affixing a copy of the resolution or a notice at any time within the said period of ten days in such public or conspicuous places or situations within the area of its authority as it deems necessary, or by publishing a copy of the resolution or a notice in one or more newspapers circulating in the area of the authority of the rating authority, and different methods of publication may be used as respects different parts of the area of the authority of the rating authority.

General and
special rate.

116. (1) For the purpose of raising revenue a rating authority may make and levy a general rate.

(2) In addition to a general rate a rating authority may make and levy a special rate for the purposes of raising revenue for any special purposes, or from any particular part of the area of its authority. Such rate shall be termed a "special rate".

Date and
place of
payment of
rate.

117. When a rating authority has given notice of a rate in accordance with the provisions of section 115 of this Law, it shall be the duty of every person liable for such rate to pay the amount thereof to a rate collector or other person duly appointed or authorised by the rating authority to collect and receive the same at such time and at such place as may be specified by the rating authority from time to time.

118. (1) Notwithstanding any other provision of this Law the following tenements shall be exempt from assessment and rating under this Law—

Exemptions from assessment and rating.

- (i) all lands and buildings appropriated exclusively for the purposes of public worship;
- (ii) cemeteries and burial grounds;
- (iii) charitable and educational institutions;
- (iv) any tenements specifically exempted by the Regional Authority by notice in the Regional Gazette.

(2) The rating authority may reduce or remit payment of any rate on account of the poverty of any person liable to the payment thereof.

119. (1) The claim for the amount of any rate payable under the provisions of this Law shall be prior to all other claims against the person liable to pay the same, except claims by the Crown or the Government.

Claim for amount of rate.

(2) If any person fails to pay any rate for which he is liable on or before the date on which it is payable the rating authority may recover the same as a civil debt with costs and interest at the rate of ten per centum per annum from the day when such rate ought to have been paid until the date of payment.

120. (1) Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuses to pay any rate payable by him under this Law on or before the date on which it is payable, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a term not exceeding one year.

Penalty for refusal to pay rates and wilful misrepresentation.

(2) Any person who wilfully misrepresents in any way his rateable capacity shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

121. Any person who without lawful justification or excuse, the proof of which shall lie on the person charged, incites any person to refuse to pay any rate payable by him under this Law on or before the day on which it is payable or who incites or assists any person to misrepresent in any way his rateable capacity, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Penalty for inciting a person to refuse to pay rates, etc.

122. Any person who—

(a) not being authorised under this Law or by the council concerned or by a rate collector so to do, collects or attempts to collect any rate under this Law;

Penalty for unauthorised collection of rates.

(b) collects or attempts to collect any rates other than the rates described in this Law or authorised by any other Law;

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

123. Any person who may be required so to do shall give all such information as may reasonably be required of him by any rating authority, rate collector, assessment committee, or appraiser appointed under this Law, with a view to obtaining information for the assessment or collection of the rate.

Duty to give information.

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Penalty for refusing to give information.

124. Any person having been required to give information under the provisions of section 123 who shall neglect or refuse to give such information or who shall wilfully mislead or attempt to mislead any rating authority or rate collector or their agents in any matter connected with the collection of the rate shall be liable to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

Appointment of rate collectors.

125. (1) A rating authority may, in writing, appoint any council or any suitable person to be a rate collector in respect of any specified area.

(2) It shall be the duty of every rate collector—

(a) to furnish orally or in writing to the rating authority a nominal roll of all rateable persons or tenements as the case may be in the area to which he has been appointed;

(b) to collect and receive from each person liable for the payment of rates in the area to which he has been appointed the rates payable by each such person;

(c) to pay all amounts so collected to the rating authority; and

(d) to report to the rating authority the name of any person who has failed to pay the amount due from him for rates.

Penalty in respect of offences by rate collector.

126. Any rate collector or individual member of a rate collector who—
(a) fails to deposit with the rating authority any sum of money collected by him as rates;

(b) demands from any community or any person an amount in excess of the duly assessed rates;

(c) renders false returns, whether orally or in writing, of the number of the ratepayers or the amounts of rates collected or received by him;

(d) fails to carry out any duty imposed upon him, either individually or as a member of a rate collector,
shall be guilty of an offence and shall be liable to a fine of one hundred pounds or to imprisonment for two years or both such fine and imprisonment.

Legal proceedings.

127. Proceedings either to enforce the payment of any rate payable under the provisions of this Part or for the imposition of penalties under the provisions of this Part may be taken either by the rating authority or by a rate collector as the case may be, before any court of competent jurisdiction.

Regulations relating to rates and rating.

128. (1) The Regional Authority may make regulations—

(a) prescribing the procedure for the appointment of assessment committees under section 113 of this Law and the procedure, powers and duties of such committees;

(b) prescribing the method of assessment of property or possessions for the purposes of any rate to be levied under this law;

(c) providing for the hearing of appeals against any such assessment.

(2) Regulations made under this section shall provide that the assessment of the properties of any body directly incorporated by any Ordinance or Law shall be in accordance with the provisions of that Ordinance or Law, and in so far as provision is not made therein, in accordance with the provisions of the Assessment Ordinance.

(Cap. 16.)

NOTE: Law No. 13 of 1955 inserted subsection (2) and deleted paragraph (d) of the section as originally enacted.

For provisions relating to the rating of statutory corporations see section 54 of the Electricity Corporation of Nigeria Ordinance, 1950, and section 118 of the Ports Ordinance, 1954.

PART XII.—PRECEPTS

129. (1) Except where it is itself the rating authority a Divisional Council shall have power to issue precepts for the purpose of meeting liabilities in respect of expenditure for which the whole of the area of the authority of the council is liable or for the purpose of meeting liabilities in respect of expenditure for which only part of the area of its authority is liable. Divisional council may precept.

(2) A precept issued by a Divisional Council for the purpose of meeting liabilities in respect of expenditure for which the whole area of its authority is liable shall be addressed to all the rating authorities situate in the area of the authority of such Divisional Council.

(3) A precept issued by a Divisional Council for the purpose of meeting liabilities in respect of expenditure for which part only of the area of its authority is liable shall be addressed to such rating authorities as are situate within the area chargeable with such expenditure.

(4) A precept issued by a Divisional Council shall be expressed as a lump sum and shall be satisfied by the rating authority to which it is addressed.

(5) Where a Divisional Council issues a precept to more than one rating authority under the provisions of this section the sum required from a rating authority shall bear to the total sum required by the Divisional Council the same proportion as the taxable population within the area of the rating authority, as assessed by the Regional Authority, bears to the taxable population within the area of authority of the Divisional Council as assessed by the Regional Authority:

Provided that the Regional Authority may, in any particular case, direct that a Divisional Council may issue precepts to rating authorities under which the total sum required is to be met by such rating authorities in such proportions as may be specified in the direction instead of in the proportions specified in this subsection.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 129.

130. (1) Except where it is itself the rating authority a District Council shall have power to issue precepts for the purpose of meeting liabilities in respect of expenditure for which the whole of the area of the authority of the council is liable or for the purpose of meeting liabilities in respect of expenditure for which part only of the area of its authority is liable. District council may precept.

(2) A precept issued by a District Council shall be addressed to the Divisional Council within whose area of authority it is situated.

(3) A precept issued by a District Council shall be expressed as the rate to be levied on behalf of such council and shall be satisfied by the Divisional Council to which it is addressed.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 130.

131. (1) Subject to the provisions of section 132 a Local Council shall have power to issue precepts for the levying of rates to the rating authority in the area of the authority in which it is situate to meet all liabilities falling to be discharged by such Local Council. Local Council may precept.

(2) Any precept issued by a Local Council shall be satisfied by the rating authority.

The Western Region Local Government Law, 1952

Precepts by
Local
Council.

132. (1) Any precept issued by a Local Council shall be passed by the council by a resolution of three-fourths of the Councillors present and voting at a meeting of the council, and be approved by the Local Government Inspector unless the Instrument by which the council is established otherwise provides.

(2) A precept may be issued by a Local Council for the purposes of meeting liabilities in respect of expenditure for which the whole of the area of the authority of the council is liable or for the purpose of meeting liabilities in respect of part of the area of its authority.

(3) A precept issued by a Local Council shall be so issued as to secure that any rate is levied—

(a) in the case of a rate to meet liabilities in respect of expenditure for which the whole area of the authority of the council is chargeable, on the whole of the area of the authority of such Local Council; and

(b) in the case of a rate to meet liabilities in respect of expenditure for which part of the area of the council is chargeable, on that part of the area of the authority of the council chargeable therewith.

(4) A precept issued by a Local Council shall indicate the purpose for which the precept is issued, and may indicate the ratepayers or classes of ratepayers upon whom the rate is to be levied by the rating authority.

(Cap. 16.) (5) In an area in which the Assessment Ordinance applies a precept issued by a Local Council shall not require the rating authority to make and levy in any one year—

(a) a general rate in excess of ten per centum of the annual value of any rateable tenement; and

(b) a special rate in excess of ten per centum of the annual value of any rateable tenement.

(Cap. 16.) (6) In an area in which the Assessment Ordinance does not apply a precept issued by a Local Council shall not require the rating authority to make and levy in any one year a general rate in excess of—

(a) ten per centum on the annual value of any rateable tenement, rated under the provisions of subsection (1) of section 112; or

(b) threepence in the pound of a rateable income rated under the provisions of paragraph (i) of subsection (2) of section 112;

(c) the lowest sum of money payable by a ratepayer under paragraph (b) rated under the provisions of paragraph (ii) of subsection (2) of section 112; or

(d) a capitation rate of four shillings per person rated under the provisions of subsection (3) of section 112.

(Cap. 16.) (7) In addition to the provisions of subsection (6) in an area to which the Assessment Ordinance does not apply a Local Council may issue precepts to the rating authority requiring it to make and levy a special rate in any one year not in excess of the amounts of rate specified in subsection (6).

(8) The Rating Authority from time to time may increase, reduce, revoke or alter the amounts of rate specified in subsections (5) and (6) of this section.

Precepts may
include
general and
special con-
tributions.

133. A precept issued by a council may include as separate items a contribution for purposes for which the whole area of its authority is chargeable and a contribution for special purposes.

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134. (1) A council shall on issuing a precept inform the rating authority of the purpose for which such precept is issued and give such other information as is reasonably necessary to enable the rating authority to satisfy such precept and to ascertain if the precept shall be satisfied by a general rate or by a special rate.

Matters to be contained in precepts.

(2) A precept shall state the date or dates on or before which payment are required to be made.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 134.

135. Unless otherwise stated in the Instrument, any precept issued by a council shall be served on the rating authority concerned before the 1st day of December in the year preceding the financial year in which the demand is to be satisfied, or before such other date as the Regional Authority may direct.

Time of service of precept.

136. It shall be the duty of a rating authority to furnish to every council concerned such information as may be required by such council in order to enable it to issue precepts upon such rating authority.

Rating Authority to furnish information to councils concerned.

137. For the purposes of estimating and ascertaining the amount due under a precept the cost of collection and losses in collection shall not be considered.

Amount due under precept

NOTE: Law No. 13 of 1955 deleted subsections (1) and (2) of the section as originally enacted.

138. Where the amount due under a precept or any part of that amount is not paid on or before the date specified in the precept for payment, the council by which the precept was issued may, if it thinks fit, require the rating authority to pay interest at five per centum per annum on that amount or part of that amount and any interest so payable shall be paid by the rating authority to the council by which the precept was issued in like manner as if it were due under the precept.

Interest on unsatisfied precepts.

139. Where a council fails to pay the amount or any part of the amount due under a precept on or before the date specified in the precept for payment, the Regional Authority may, on application by the council by which the precept was issued, exercise any of the powers conferred upon him by section 75 of this Law.

Power to enforce precepts.

PART XIII.—AUDIT

140. (1) The accounts kept by a council in accordance with section 105 of this Law, together with all books, vouchers, papers and moneys relating thereto shall be made available by the council at all times for inspection by an auditor to be appointed in respect of the council by the Minister.

Inspection and audit of accounts.

(2) Such accounts shall be audited at such intervals as the Minister may direct and, for that purpose, a council shall prepare and submit to the auditor statements or abstracts containing such particulars and relating to such periods as the Minister may specify.

(3) For the avoidance of doubt it is hereby declared that the Minister may appoint a Local Government Inspector or any member of the staff of the Ministry of Local Government to be an auditor in respect of any council.

(4) The Minister may exempt any Local Council from the requirements of this section.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 140.

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Liability for payment of remuneration of auditors.

141. Payment shall be made by a council in respect of the remuneration and expenses of any auditor appointed under this Law, including the staff of such auditor, to such amount as the Regional Authority shall determine.

Powers and duties of auditor.

142. (1) An auditor appointed by the Minister at every audit held by him may—

(a) disallow any item of expenditure which is contrary to law or Financial Memoranda issued under section 107 of this Law, or is unsupported by proper records or accounts, or which he considers unreasonable;

(b) surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;

(c) surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;

(d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;

Provided that no item of expenditure incurred by a council shall be disallowed by the auditor, if it has been sanctioned by the Regional Authority

(2) It shall be the duty of any such auditor—

(a) to certify the amount due from any person upon whom he has made a surcharge; and

(b) to certify at the conclusion of the audit his allowance of the accounts, subject to any disallowances or surcharges which he may have made.

NOTE: Law No. 13 of 1955 substituted paragraph (a) of subsection (1) for that paragraph as originally enacted.

Special relief.

143. Notwithstanding any of the provisions of the last preceding section, no liability to surcharge shall be incurred by an officer or servant of the council who can prove to the satisfaction of the auditor that he acted in pursuance of, and in accordance with, the terms of a resolution of the council or of a committee duly appointed by the council, or on the written instructions of any senior officer of the council.

Auditor may take evidence.

144. (1) For the purpose of any examination under the provisions of this Part, the auditor may take evidence and examine witnesses, upon oath or affirmation (which oath or affirmation the auditor is hereby empowered to administer), and may, by summons under his hand, require all such persons, as he may think fit, to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers, including the minutes of the proceedings of the council or of any committee thereof, as he may consider necessary for such examination.

(2) Any person who, when so required, without reasonable excuse—

(a) neglects or refuses to comply with the terms of such summons;

(b) having appeared, refuses to be examined on oath or affirmation or to take such oath or affirmation; or

(c) having taken such oath or affirmation, refuses to answer such questions as are put to him;

shall be guilty of an offence and shall be liable, on conviction therefor for every such neglect or refusal, to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months.

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145. Every sum certified by the auditor to be due from any person shall be paid by that person to the treasury of the council concerned within sixty days after it has been so certified or, if an appeal with respect to that sum has been made, within thirty days after the appeal is finally disposed of or abandoned or fails by reason of the non-prosecution thereof. Payment of sums due.

146. (1) Any sum which is certified by the auditor to be due and has become payable shall, on complaint made or action taken by or under the direction of the Regional Authority, be recoverable as a civil debt. Recovery.

(2) In any proceedings for the recovery of such a sum, a certificate signed by the auditor shall be conclusive evidence of the facts certified, and a certificate signed by the chairman of the council concerned or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the sum certified to be due has been paid since the date of the certificate.

(3) Unless the contrary is proved, a certificate purporting to be signed by the auditor, or by the chairman of the council or other officer whose duty it is to keep the accounts, shall be deemed to have been signed by such auditor, chairman or other officer, as the case may be.

147. (1) Any person who is aggrieved by a decision of the auditor on any matter with respect to which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, where the disallowance or surcharge or other decision relates to an amount not exceeding two hundred pounds appeal to the Regional Authority and may in any other case appeal either to the Regional Authority or to the High Court. Appeals.

(2) The High Court or Regional Authority on such appeal shall have power to confirm, vary or quash the decision of the auditor, and to remit the case to the auditor with such directions as the High Court or Regional Authority thinks fit for giving effect to the decision on appeal, and if the decision of the auditor is quashed, or is varied so as to reduce the amount of the surcharge to one hundred pounds or less, the appellant shall not by reason of the surcharge be subject to the disqualification imposed by section 24 (b) of this Law.

(3) Where an appeal is made to the Regional Authority under the section, he may at any stage of the proceedings state in the form of a special case for the opinion of the High Court any question of law arising in the course of the appeal, but save as aforesaid the decision of the Regional Authority shall be final.

NOTE: Legal Notice No. 76 of 1955 substituted references in this section to the High Court for references to the Supreme Court.

148. Every council shall render to the Regional Authority an annual financial statement, duly certified by the auditor, in such form as the Regional Authority may direct and unless the Regional Authority shall otherwise direct shall before the first day of September in each year publish the same at its own offices, and in any other manner customary in the area. Annual statements of account.

NOTE: The requirement that the annual statement of accounts should be published at the treasury of the Divisional Council was deleted by Law No. 13 of 1955.

PART XIV.—ASSOCIATIONS OF COUNCILS

Establishment of joint committees to operate joint services.

149. (1) Where two or more councils desire to make provisions for the joint operation of services of any kind (which term shall include police, prisons, a treasury and any other service which a single council may lawfully (operate) and have provided therefor by joint estimates, they may, with the approval of the Minister, jointly and severally establish a committee for the purpose (hereinafter referred to as a "joint committee"), to consist of a person or persons appointed in manner agreed between the councils concerned, and, subject to the provisions of sections 151, 154, and 155, jointly and severally delegate to such joint committee all or any of their functions in respect of the operation of such services.

(2) Where the Regional Authority deems it expedient so to do, he may require any two or more councils to establish a joint committee for the purpose of the joint operation of services of any kind and, subject to the provisions of sections 151, 154, and 155, require such councils to delegate to such joint committee all or any of their functions in respect of the operation of such services.

(3) Nothing in this section shall authorize the establishment of a joint committee for the purpose of any service for which provision is made in the Education Law, 1954, by a Council which is a local education authority appointed under that Law.

NOTE: Law No. 13 of 1955 amended subsection (1) to confer the power of approval on the Minister instead of on the Local Government Inspector. Subsection (3) was inserted by Law No. 6 of 1955.

With regard to joint committees for police purposes see now the Local Government Police Law, 1955.

Appointment, removal and remuneration of members of joint committees.

150. (1) The Instrument establishing the joint committee shall contain provision for the appointment and removal of members of the joint committee, and for the duration of their appointments.

(2) The members of a joint committee shall be deemed to be employed, for the purpose of the joint committee, by the councils concerned jointly, and shall receive such remuneration as may be jointly determined by the councils concerned.

Functions which may be delegated.

151. The Instrument establishing a joint committee may delegate to it with or without restrictions or conditions any powers or functions of the councils concerned relating to the purpose for which the joint committee is formed except the power of making bye-laws, or levying a rate or issuing a precept or borrowing money.

Joint committees may sue and be sued.

152. The establishment of a joint committee shall be notified in the Regional Gazette, and thereupon the joint committee may sue, and be sued as such, and the provisions of section 205 to 205c shall apply, *mutatis mutandis*, to civil legal proceedings by or against the joint committee.

NOTE: The words "to 205c" were added by Law No. 8 of 1955.

Joint committees to be bodies corporate.
Exercise of delegated powers.

153. Every joint committee shall be a body corporate by the name designated in the instrument establishing such committee, and shall have perpetual succession and a common seal and may sue and be sued.

154. A joint committee shall exercise the powers delegated to it subject to such joint directions, whether general or particular, as it may from time to time receive from the councils concerned but so long as the delegation remains in force none of the councils concerned shall itself exercise any of the delegated powers, with the exception of the powers referred to in section 58.

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155. (1) A council which has delegated any of its powers to a joint committee shall not revoke or modify the delegation without the prior consent of the Minister, which shall be subject to such conditions as to financial or other matters as the Minister may deem just, and, without prejudice to the generality of the foregoing, the Minister may direct that such revocation or modification shall not take effect until the last day of a financial year, as defined in section 104.

Revocation or modification of delegated powers.

(2) Any such revocation or modification shall be notified in the Regional Gazette.

NOTE: Law No. 13 of 1955 amended subsection (1) by substituting references to the Minister for references to the Local Government Inspector.

156. (1) Where the management of one or more existing police forces or prisons or other services is delegated to a joint committee, the joint force or service shall be deemed to have been constituted by the joint committee.

Services operated by joint committees and employees of joint committees.

(2) All persons employed in any service which is operated by a joint committee shall, from the date of the delegation to the joint committee of power to operate the service, be deemed to be employed by the joint committee:

Provided that for the purpose of computing seniority of service, any period of service spent in the employment of any of the councils concerned shall be deemed to be service in the employment of the joint committee and *vice versa*.

[PART XV—POLICE, containing sections 157 to 167, was repealed by the Local Government Police Law, 1955.]

PART XVI.—PRISONS

168. (1) A council with the approval of the Regional Authority may by order declare any building within the area of its jurisdiction to be a prison under this Law and by the same or any subsequent order declare the district or place for which any such building shall be used for the purposes of a prison and may likewise order that any building declared a prison under this Law shall cease to be a prison.

Council may by order constitute or take over a prison.

(2) A council with the approval of the Regional Authority may by order take over any native authority prison existing within the area of its authority.

169. Every prison shall include the grounds and buildings within the prison enclosure.

Extent of prison.

170. Any prisoner may be confined in a prison constituted under this Law who—

Who may be confined in a prison.

(a) is awaiting trial before any native court or who has been convicted by such court;

(b) has been committed to custody by the High Court, or any magistrate's court, when the Governor-General or the Governor in Council, in exercise of the powers conferred upon him by section 26 of the Prisons Ordinance, has so ordered.

171. A council with the approval of the Local Government Inspector may within the area of jurisdiction of the council and of any one native court declare any one building, part of a building, or collection of buildings together with the enclosure, if any, relating thereto to be a lock-up and such declaration shall be made known within the area of the council in such manner as is customary.

Council may by order constitute a lock-up.

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Period of
detention in
a lock-up.

172. Subject to such regulations as may be made by the Governor under section 180, a prisoner who is awaiting trial or who has been convicted or who has been adjudged a debtor, may be detained in a lock-up for a period not exceeding fourteen days.

Prison and
lock-up
officers.

173. The council shall appoint—

(a) for each prison a head warder, a prison clerk and such number of warders and wardresses as shall be necessary for the proper administration of the prison; and

(b) for each lock-up such officers as may be necessary.

Superinten-
dence and
visitation of
prisoners.

174. (1) The Director of Prisons shall have the general superintendence of prisons established under this Law, shall advise the councils thereon, and shall submit to the Regional Authority an annual report on the administration of the prisons and such other reports as the Regional Authority or the Director of Prisons may consider necessary.

(2) The Chief Justice, Members of the Executive Council, Judges of the High Court, the Commissioner of Police, and officers of or above the rank of field officer in the Royal West African Frontier Force shall *ex officio* be visitors of all prisons established under this Part of this Law.

(3) In addition to the *ex officio* visitors hereinbefore mentioned a magistrate shall be an *ex officio* visitor in respect of each prison within the district in which he is officiating as a magistrate and there shall also be appointed by the Local Government Inspector not less than five other persons to be visitors in respect of any or all such prisons within the particular province or the Colony, as the case may be.

(4) The Local Government Inspector shall appoint one or more of such visitors to be a visiting committee for each prison, but the appointment of such committee shall not interfere with the general right of visitation on the part of the visitors.

(5) For the purposes of this section the expression "prison" includes a lock-up.

NOTE: Law No. 8 of 1953 inserted subsection (1) of this section, which was further amended by Law No. 2 of 1954.

Prisoners
in legal
custody of
head warder.

175. Subject to such regulations as may be made by the Regional Authority under section 180 relating to prisoners under sentence of death, every prisoner shall be deemed to be in the custody of the head warder.

Provisions in
the case of
lunacy of
prisoners.

176. (1) The head warder shall report to the council and also to a medical officer or to an Assistant Local Government Inspector any prisoner who appears to be of unsound mind. If the prisoner shall be certified by a medical officer to be of unsound mind, the Local Government Inspector, after consultation with the council constituted for the area within which the prison is situated, shall by order in writing under his hand authorise the removal of the prisoner to a lunatic asylum to which the Lunacy Ordinance applies and which may have been appointed by the Governor for that purpose.

(2) Any prisoner removed as aforesaid shall remain in such asylum until the term of imprisonment to which he is subject determines or until it shall be certified by a medical officer that he has become of sound mind in which latter case he shall by order of the Local Government Inspector be redelivered into the custody of the aforesaid head warder.

(Cap. 121.)

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(3) Where a prisoner has been removed to a lunatic asylum in accordance with the provisions of subsection (1) and it has been certified by a medical officer that he has become of unsound mind and his term of imprisonment is about to determine, it shall be the duty of the head warden to give information on oath to a magistrate as in the terms of Form B in the Schedule to the Lunacy Ordinance for the purpose of the adjudication of such person as a lunatic as from the date of the determination of his sentence. (Cap. 121.)

177. (1) The head warden, upon receiving the order of a court directing him to bring up a prisoner before the court at the time and place stated therein, shall obey such order and may, for the purpose of carrying out such order, cause the prisoner to be removed to another prison established under this Law or under the Prisons Ordinance. Prisoners to be brought before a court. (Cap. 177.)

(2) If the prisoner shall be remanded, committed for trial, imprisoned, or detained by such court, he shall be so dealt with either in the prison whence he came, or in such other prison as such court may direct.

178. A Local Government Inspector or any officer who may have been authorised in that behalf by a Local Government Inspector may order any person imprisoned under the sentence of any court for an offence committed by him to be removed from the prison in which he is confined to any other prison within the meaning of this Law, and whenever any prisoner is removed to any other prison than that named in the warrant or order under which he may have been imprisoned, the said warrant or order, together with an order of removal, either endorsed on the warrant or order, or separate therefrom, shall be sufficient authority for the removal of such prisoner to the prison named in the order of removal, and his detention therein, and for carrying out the sentence described in the warrant or order of imprisonment, or any part thereof which may remain unexecuted. Removal of prisoners in other cases.

Provided that where a prisoner who has been committed to custody by the High Court or a magistrate's court and is confined in a prison authorised by the Governor-General or the Governor by Order in Council made under section 26 of the Prisons Ordinance as being a prison in which persons so committed to custody may be detained, such prisoner shall not be transferred to another prison except one so authorised. (Cap. 177.)

179. (1) The Regional Authority and, subject to the provisions of any Law or Ordinance for the time being in force, a council subject to the approval of the Regional Authority may, in respect of a prison established within its jurisdiction make rules for all or any of the following purposes:— Rules.

(a) relating to prison staff—

- (i) the engagement, discharge and service of members of a prison staff;
- (ii) the titles or grades of which a prison staff shall consist;
- (iii) the uniform or equipment of a prison staff;
- (iv) the prevention of negligence or abuse on the part of members of a prison staff, and the maintenance of discipline;
- (v) the efficient discharge of their duties by members of a prison staff;
- (vi) generally for ensuring the proper administration of and control over prison staff;

(b) relating to prisoners—

- (i) the return of a discharged prisoner to his ordinary place of abode and the necessary and proper precaution to ensure such return;

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- (ii) the release of prisoners on the day preceding such holidays or other days as may be specified in the rules;
- (iii) the regulation of the work or labour of convicted persons;
- (iv) the remission of sentences for good conduct;
- (v) the discipline of the prisoners.

(2) Where a council has with the approval of the Regional Authority made rules in respect of any of the matters referred to in subsection (1), any regulations made by the Regional Authority in respect of the same matters shall cease to have effect in respect of the prisons to which such council rules apply.

Power to
make
regulations.

180. (1) The Regional Authority may make regulations in respect of prisons to which this Part applies for any or all of the following purposes—

(a) for regulating the legal custody of prisoners under sentence of death;

(b) for the removal of prisoners in case of infectious disease and the removal of sick prisoners to a hospital outside the prison and the custody of prisoners so removed;

(c) the grant of licences to prisoners to be at large, the conditions of such licence and the penalties and procedure upon a breach of such conditions;

(d) the health and diet of the prisoners;

(e) the length of time and the conditions under which a person awaiting trial or a judgment debtor may be kept in custody in a lock-up;

(f) notwithstanding the particularity of the powers hereinbefore set forth, generally for regulating the management of prisons and matters affecting the health and treatment of prisoners therein.

(2) Regulations made under this section may be applied to prisons generally or to prisons in any specified area as may be provided therein.

(3) Unless and until regulations are made under this section or rules are made by councils with the approval of the Regional Authority under section 179, the Native Authority Prisons Rules, 1938, shall be deemed to have been made under and in accordance with the provisions of this section, and shall hereafter be cited as the Native Authority Prisons Regulations, 1938, and shall apply to all prisons constituted under this Law, but upon the making of regulations by the Regional Authority under this section or rules by a council under section 179 the aforesaid Native Authority Prison Regulations, 1938, shall cease to apply to any prison to which the said subsequently made regulations or rules apply.

Rules 10
of 1938.

NOTE: The references in this Part as originally enacted to the Supreme Court and to orders under section 26 of the Prisons Ordinance were amended by the Adaptation of Lates (No. 3) Order, 1955.

PART XVII.—POWERS TO ACQUIRE AND DISPOSE OF LAND

Power to
acquire land
by agree-
ment.

181. A council may, for the purpose of any of its functions under this or any other Law or Ordinance, acquire by agreement whether by way of purchase, lease, exchange, gift, or by virtue of any native law or custom obtaining within the area of jurisdiction of such council, or otherwise howsoever, any land within the area of the council.

Power to
grant
leases.

182. (1) A council may grant leases of any land vested in it :

Provided that a council shall not grant a lease of any such land for a term exceeding one year without the authority of the Regional Authority.

(2) For the purposes of subsection (1) of this section the Regional Authority may authorise a council to grant leases for a term exceeding one year either generally or in relation to any part of the lands vested in the council or may give such authority in relation to a particular transaction.
NOTE : Law No. 13 of 1955 substituted this section for section 182 as originally enacted.

183. A council may with the consent of the Regional Authority—

- (a) sell any land vested in it which is not required for the purpose for which it was acquired or is being used; or
- (b) mortgage any land vested in it; or
- (c) exchange any land which may be vested in it for other land, either with or without receiving any money for equality of exchange; or
- (d) grant, lease, sell or exchange any land which may be vested in it to any other council established by Instrument under this Law.

Power to
sell land.

184. There shall be vested in such council as the Regional Authority may direct all land or any interest therein or rights thereover of what nature or tenure soever belonging to, held by, or purporting to belong to or be held by, any native authority previously having jurisdiction in the area concerned.

185. (1) A council may within five years of being established prepare and deposit in its office a list of properties showing—

Vesting in
councils of
native
authority
lands.

- (a) the land which has been vested in it by virtue of section 184; and
- (b) the estate or interest so vested.

(2) Any list of properties so deposited shall describe the lands therein giving the situation and boundaries as accurately as may be practicable. Such list shall be accompanied by plans on which shall be delineated as accurately as practicable the boundaries of the land affected.

(3) A council which has deposited a list in accordance with subsection (2) of this section shall notify the fact of the deposit in the Gazette and shall give notice of such deposit in the manner customary in its area of authority.

Council may
deposit plan
of land
claimed.

(4) If any person shall dispute the rights or interests over land vested in a council in accordance with subsection (1) hereof, the matter shall in default of agreement be determined by a court or an arbitrator appointed in the manner provided by section 195.

(5) After the expiration of one year from the notification by a council in the Gazette in accordance with subsection (3) of this section all land vested in such council in accordance with subsection (1) in respect of which there shall be no dispute shall be deemed to be vested in such council for the estate or interest claimed, free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever.

NOTE: The period of five years specified in subsection (1) was substituted for the period of two years by Law No. 13 of 1955. Subsection (3) was substituted by Law No. 13 of 1955 for that subsection as originally enacted. Subsection (5) was inserted by Law No. 8 of 1953 and amended by Law No. 13 of 1955.

186. (1) Where a council has deposited a list of properties in accordance with section 185 and published a notice in the Gazette in accordance with subsection (3) of that section, it may, after the expiration of two years from the publication in the Gazette of such notice file in the appropriate office of the Land Registry—

Council
may file
documents
in Land
Registry.

- (a) a certificate signed by the Commissioner of Lands—

- (i) stating that a plan was deposited in accordance with the provisions of subsection (2) of section 185;

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- (ii) specifying the rights or interests claimed by the council in respect of which no dispute has arisen; and
- (iii) specifying the rights or interests of which the council has been adjudged the owner in accordance with subsection (4) of section 185; and

(b) a plan or plans showing the boundaries of the land referred to in the certificate.

(2) Where a council has filed a certificate and plan in accordance with subsection (1) of this section, the proceedings of the council under section 185 shall not be questioned on the grounds that the council has failed to comply with any of the provisions of that section.

NOTE: Law No. 13 of 1955 substituted this section for the section originally enacted as section 186.

Power of
councils to
acquire land
compulsorily.

187. A council may, with the consent of the Regional Authority previously obtained, acquire compulsorily any lands within the area of its jurisdiction required for local government purposes either absolutely or for a term of years or for such time as it may be required for local government purposes.

Preliminary
investigation.

188. (1) Whenever it appears to any council that any land within the area of its jurisdiction is likely to be needed for any local government purpose it shall be lawful for any council in this behalf and for their servants and workmen to do all or any of the following things—

- (a) to enter upon and survey and take levels of any land in such locality;
- (b) to dig or bore under the sub-soil;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such purpose;

(d) to clear set out and mark the boundaries of the land proposed to be acquired and the intended line of the work (if any) proposed to be made thereon: provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

(2) As soon as conveniently may be after any entry made under subsection (1) the person so authorised as aforesaid shall pay for all damage done and in the case of dispute as to the amount to be paid either such person or the person claiming compensation may refer such dispute to the native court having jurisdiction in the area.

Notice to be
given.

189. (1) When a council decides that any lands shall be acquired for local government purposes and the Regional Authority has given his consent thereto, the council shall give notice to the persons interested or claiming to be interested in such lands or to such of them as shall after reasonable enquiry be known to the council.

(2) The notice to be given under subsection (1) hereof may be in the Form A in the First Schedule hereto or to the like effect and shall specify—

- (a) the purpose for which the land is being acquired; and
- (b) whether the land is being acquired absolutely or for a term of years or for such time as it may be required for the purpose aforesaid.

(3) If under the provision of section 197 the council shall decide to allocate other land to the person entitled to the lands acquired the notice shall state in addition to the matters specified in Form A the fact that other land is to be allocated to the persons entitled and the situation of such land.

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(4) All notices required to be served in accordance with subsection (1) hereof shall be displayed at the office of the council by whom such lands are acquired and upon the land to be acquired and shall be made known in such manner as is customary in the area of the authority by which the notice is issued.

190. (1) The council may by such notice aforesaid or by any subsequent notice direct the persons aforesaid to yield up possession of such lands after the expiration of the period specified in the notice which period shall not be less than six weeks from the service of such notice.

Power to take possession.

At the expiration of such period the council and all persons authorised by it shall be entitled to enter into and take possession of such lands accordingly.

(2) A duplicate of such notice shall be served on the occupier or occupiers of such lands.

191. (1) Any lands acquired as aforesaid by a council shall vest in such council at the date of the entry of the council into possession thereof for the estate or interest specified in the notice published in accordance with section 189 against all persons free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever.

Vesting of lands acquired.

(2) Upon the entry of a council into possession all leases and all rights of occupancy in respect of the lands acquired which are existing at the time of entry shall be deemed to be terminated but without prejudice to any lessees or occupiers rights in any compensation payable under section 198.

192. (1) If for six months after the service of a notice under section 189 (2) no objection to the offer made in such notice shall have been lodged with the council and no other claim shall have been made the amount specified in such offer shall be paid forthwith to the person specified in the notice in full discharge of any claim for compensation.

Claims by persons on whom notices served.

(2) If an objection is lodged within the prescribed time any question as to the amount of compensation payable in respect of the land acquired and any questions as to the apportionment of such compensation among the persons having an interest in the land shall in default of agreement be determined by the native court or an arbitrator in manner hereinafter mentioned.

193. (1) All persons not served with a notice in accordance with section 189 claiming any interest in any lands acquired shall within six months of the publication of the notice acquiring the land notify the council either in writing or by attending personally at the office of the council of—

Claims by persons not served.

(a) the interest of the claimant in the said land; and

(b) the amount of compensation claimed.

(2) No person claiming after the expiration of the period of six months shall be entitled to recover compensation by way of land or money.

194. If the person who may have lodged any claim and the council shall not agree as to the amount of the compensation by way of land or money to be given for the estate or interest in such lands belonging to such person, or if such person has not given satisfactory evidence of such claim or if separate and conflicting claims are made in respect of the same lands the amount of compensation due, if any, and every such case of disputed interest or title shall be settled by a court or an arbitrator in manner hereinafter provided.

Matters of dispute to be referred.

Tribunal for
settlement of
disputes.

195. (1) All matters which shall be referred to a court for determination in accordance with sections 192 (2) and 194 shall be determined by a native court upon which courts necessary jurisdiction is hereby conferred or at the option of the claimant concerned, by an arbitrator appointed in manner hereinafter provided.

(2) When a matter is referred to a native court the steps to be taken for the appearance of the parties the proceedings in court and the right of appeal shall be the same as if it were a suit for determination by that court between two persons normally subject to the jurisdiction of that native court.

(3) If any claimant shall require that the matter shall be referred to an arbitrator, such arbitrator shall be appointed by agreement between the council and the person claiming compensation. In the absence of such agreement or in the event of the person claiming compensation failing to nominate an arbitrator within one month of being called upon by the council the arbitrator shall be appointed by the Regional Authority upon the application of the council.

(4) The award of an arbitrator under the provisions of this section shall be final.

Written
report of
Government
officer to be
evidence.

196. (1) The written report of any officer of the Public Works, Lands Survey, Agriculture, Forestry, or Railway Departments as to the value of the lands or of any buildings or trees or crops thereon shall be evidence thereof.

(2) Any such officer may on giving three days notice in writing to the occupier enter upon any such lands or into any buildings thereon for the purposes of ascertaining the value of such land and the buildings, trees, and crops thereof.

(3) Any party having an interest in such lands or the court or an arbitrator may require the attendance of such officer as a witness.

(4) The report of such officer may be proved by a copy thereof under his hand, and proof of the signature on such copy shall not be required unless the court sees reason to doubt the genuineness thereof.

Council may
offer alter-
native land.

197. (1) If there shall be any land subject to the disposition of the council available for allocation the council may allocate to the persons entitled to the land acquired land equivalent in value and interest to the holdings of such persons over the land acquired.

(2) In addition to any land allocated in accordance with subsection (1) thereof the person entitled to the land acquired shall be entitled to compensation for the value at the date of acquisition of the land of his unexhausted improvements and for the inconvenience caused by his disturbance.

Rules for
assessment of
compensation.

(Cap. 185.)

198. If no land shall be allocated to the person entitled to the land acquired under the provisions of section 197 the court or an arbitrator shall in estimating the compensation to be given for any land or any estate or interest therein act on the principles laid down for the assessment of compensation in the Public Lands Acquisition Ordinance from time to time.

Council may
withdraw
from
completing
acquisition.

199. Nothing in this Law shall be taken to compel a council to complete the acquisition of any land unless it shall have entered in possession or has failed within one month of the judgment of the arbitrator to intimate to the person entitled to the land that it does not intend to proceed to acquire the land:

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Provided however that the owner of the land and all persons entitled to any interest therein shall be entitled to receive from the council all such costs as may have been incurred by them by reason or in consequence of the proceedings to acquire the land.

200. The payment to any person to whom any compensation shall be paid or the payment into court of any compensation upon the decision of a court shall discharge a council from seeing to the application or being answerable for the misapplication thereof.

Council not responsible for application of compensation.

201. (1) A council may after entering into possession of any land acquired under the provisions of this Law file in the appropriate office of the Land Registry of Nigeria a copy of the notice published in accordance with section 189 together with—

Documents may be filed in Land Registry and effect thereof.

- (i) a plan on which is delineated as accurately as may be practicable the boundaries of the land affected; and
- (ii) a certificate signed by the Commissioner of Lands—
 - (a) that the approval of the Regional Authority has been given; and
 - (b) that notice was published as required by section 189; and
 - (c) that notice was served upon the persons required to be served under this Law.

(2) After the date of the filing of such documents the proceedings previous thereto shall not be questioned or defeasible by reason of any irregularity or error or defect in the notice or want of notice, or of any other irregularity, error or defect.

NOTE: Law No. 13 of 1955 substituted the reference in this section to the Commissioner of Lands for a reference which appeared in the original section to the Local Government Inspector.

202. (1) Any lands vested in a council by virtue of the provisions of section 191 shall, subject to the provisions of subsection (2) hereof, remain so vested notwithstanding that the particular purpose for which the land was acquired shall have failed.

Divesting of land no longer required.

(2) (i) If in the opinion of a council any land acquired for such term as it may be required for a council purpose is no longer required for the purpose for which it was acquired the council shall give notice to the persons entitled to the reversion of the land.

(ii) Such notice shall be in Form B in the First Schedule hereto and shall be published once in the Regional Gazette and displayed at the office of the council.

(iii) From the date of the publication of the notice in the Regional Gazette the land shall cease to be vested in the council.

203. Every person who shall wilfully hinder or obstruct any person duly authorised by a council from entering upon or taking possession of or using any land in pursuance of the provisions of this Law; or who shall molest, hinder or obstruct such person when in possession of such lands shall be liable on summary conviction before any court to a fine of twenty-five pounds or to imprisonment for three months.

Penalty for obstructing authority.

204. The fact that a notice has been served upon any person under section 189 shall not be taken as an admission by a council that the person on whom such notice has been served or any other person has any estate or interest in the land or any part of the land specified in the notice or ~~debar~~ the council from alleging in any proceedings under this Law or otherwise that such land is subject to the disposition of the council.

Notice not to be admission that land not council land.

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Service of notices.

205. Every notice required by this part of the Law to be served on any person may be served—

(a) by delivering the same to such person or by delivering the same at the abode where such person ordinarily resides to some adult members or servant of his household; or

(b) if the abode where such person ordinarily resides is not known by forwarding the same by registered post addressed to such person at his last known place of abode or business; or

(c) if the name of such person is not known or if service cannot with reasonable diligence be effected under paragraph (a) or (b) of this section, by fixing the same on a conspicuous part of the premises in respect of which the notice is issued.

Notice of suit to be given to council by intending plaintiff.

205a. (1) No suit shall be commenced against a council until one month at least after written notice of intention to commence the same has been served upon the council by the intending plaintiff or his agent.

(2) Such notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

Limitation of suits against council.

205b. When any suit is commenced against any council for any act done in pursuance or execution or intended execution of any Law or Ordinance or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Law or Ordinance, duty or authority, such suit shall not lie or be instituted unless it is commenced within six months next after the act, neglect or default complained of, or in the case of a continuance of damage or injury, within six months after the ceasing thereof.

Mode of service on council.

205c. The notice referred to in section 205A of this Law and any summons, notice or other document required or authorised to be served on a council in connection with any suit by or against such council, shall be served by delivering the same to, or by sending it by registered post addressed to, the chairman of the council at the principal office of the council.

Provided that the court may with regard to any particular suit or document order service on the council to be effected otherwise, and in that case service shall be effected in accordance with the terms of such order.

Appearance of council in legal proceedings.

205d. In any prosecution by or on behalf of a council and in any civil cause or matter in which a council is a party the council may be represented by any councillor, officer or employee duly authorised in that behalf by the council.

NOTE : Sections 205A, 205B, 205C, and 205D were inserted by Law No. 8 of 1953.

Trial of persons.

PART XVIII.—LEGAL PROCEEDINGS, NOTICES, ETC.

206. Save as is otherwise expressly provided, any person accused of an offence against this Law or any regulations or bye-laws made thereunder may be tried by any court, including any native court of competent jurisdiction.

Preservation of jurisdiction of native courts in certain matters.

207. No native court shall be precluded from trying an offence under this Law by reason of the fact that such offence, if committed, was a breach of an order, resolution, bye-law, direction or rule issued or made by any member of the court as a member of a council or by reason of the fact that the proceedings have been instituted by or on behalf of any member of the court as a member of or agent for a council.

208. Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of a council, such property may be described as the property of the council.

Description of property.

209. Where in any proceedings under this Law any person is summoned or otherwise dealt with as the occupier of any tenement or building and such person shall allege that he is not the occupier, the proof of such allegation shall be upon such person.

Onus of proof in certain cases.

210. In any proceedings instituted by or against a council it shall not be necessary to prove the corporate name of the council or the constitution and limits of its area.

Name of council, etc., need not be proved.

211. Subject to the provisions of this Law, any member of a council, officer or servant of a council duly authorised in writing for the purpose by the council, may at all reasonable times, enter into or upon any land, buildings or premises within the area in which such council is established for the purpose of carrying out any inspection, inquiry or the execution of works under the provisions of this Law or of any bye-law or regulation in force made by a council having jurisdiction in the area.

Powers of entry.

212. Save as in this Law is otherwise expressly provided, the publication of any notice or other document required by this Law to be published shall be deemed to be duly made if it is fixed, for a reasonable time, in some conspicuous place on or near the outer door of the office of the council during office hours, and also in some other conspicuous place or situation within the area of the authority of the council.

Publication of notices.

213. Subject to the provisions of this section, any notice, order or other document required or authorised by this or any other Law or Ordinance to be served by or on behalf of a council, or by an officer of the council, on any person shall be deemed to be duly served—

Service of notice by the council.

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

(i) sent by registered post; or

(ii) delivered at the registered office, or at the principal office or place of business, of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name of the style under which its business is carried on, and is either—

(i) sent by registered post; or

(ii) delivered at that office;

(c) where the person to be served is a public body, a local or native authority, or a corporation, society or other body, if the document is addressed to the chairman, clerk, president, secretary, treasurer or other principal officer of that body, authority, corporation or society at its principal office and is either—

(i) sent by registered post; or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served, and is either sent to him by registered post or delivered at his residence or place of business.

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(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1) of this section; or

(b) if the document so addressed or a copy thereof so addressed is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the council may by notice in writing require the occupier of the premises to state the name and address of the owner thereof; and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be guilty of an offence and shall be liable in respect of each offence to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a term not exceeding three months.

(5) In this section the word "document" means any notice, order or other document which is required or authorised to be served as specified in subsection (1) of this section.

Instruments
executed or
issued by
council.

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

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

PART XIX.—MISCELLANEOUS

Obstruction
of officers,
etc.

215. Any person who—

(a) wilfully obstructs any member of a council or any officer or servant of a council in the execution of his duty as such;

(b) being the occupier of any premises, prevents the owner of such premises from complying with any of the requirements of a council; shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Penalty for
unqualified
person
sitting or
voting.

216. (1) Any person who—

(a) having been elected or appointed as a member of a council but not having been, at the time when he was elected or appointed, qualified to be so elected or appointed, sits or votes in the council; or

(b) sits or votes in a council after his seat therein has become vacant or he has become disqualified from sitting or voting therein, knowing or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding five pounds for every day upon which he so sits or votes.

(2) Such penalty shall be recoverable by action in the High Court at the suit of any person entitled to vote at an election of an elected member of the council.

NOTE : Law No. 13 of 1955 substituted subsection (2) for that section as originally enacted.

217. A council may exercise any powers and may perform any duties for the time being vested in or imposed upon any Government officer which the Regional Authority may by order declare to be transferred to such council.

Transfer to council of powers and duties of Government officers.

218. (1) The Regional Authority may, by notice in the Regional Gazette, depute any person by name or office to exercise or perform on his behalf, subject to such conditions, exceptions and qualifications as may be specified in the notice, such of the powers and duties conferred upon him by this Law as may be so specified other than the powers conferred by sections 3, 4, 33, 94 and 217 of this Law, and thereupon or from the date specified in the notice the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid.

Delegation of powers by Regional Authority.

(2) The Regional Authority may, in the like manner, revoke any such notice, and may exercise any powers or perform any duties conferred upon him by this Law notwithstanding the delegation by him of such powers or duties.

NOTE : Law No. 13 of 1955 deleted the restriction on the delegation of powers under sections 92 and 128 which appeared in subsection (1) as originally enacted.

For delegations in force under this section on September 1st, 1955, see Western Region Legal Notice No. 14 of 1954.

219. It shall be the duty of every council to furnish the Regional Authority with such information as he may require in relation to his functions under this Law.

Supply of information to Regional Authority.

220. Save as is otherwise expressly provided, nothing in this Law shall affect prejudicially any estate, right, power, privilege or exemption of the Crown.

Crown rights.

221. Upon the establishment of a council all sums of money, streets, open places, lands, buildings, waterworks, bridges, piers, ferries, vehicles, goods and all other property whatsoever vested in, belonging to, held by, or purporting to belong to or to be held by any local authority or native authority formerly constituted within the area of the authority of such council shall be transferred to and vest in such council as the Regional Authority may direct, in such proportions and upon such terms and conditions as the Regional Authority may determine.

Property of local and native authorities to vest in council as directed by Regional Authority.

Provided that the provisions of this section shall not apply to any lands, buildings or other property held by a local authority or a native authority solely or mainly for the purposes of its functions as a local education authority under the Education Law, 1954.

NOTE : The proviso to this section was inserted by Law No. 6 of 1955.

For the transfer of property referred to in the proviso see section 16 of the Education Law, 1954.

222. (1) Upon the establishment of a council upon a direction by the Regional Authority given on that behalf whereof notice in writing shall be given to all interested parties, the rights, interests, obligations and liabilities of any local authority or native authority formerly constituted within the area of the authority of such council under any contract or instrument whatsoever (including contracts of service) subsisting immediately before

Subsisting contracts etc., of local and native authorities and pending proceedings, etc.

the date of such direction shall be deemed to be and by virtue of this provision shall be assigned to the council specified in such direction as from such date as may be so specified; and any such contract or instrument in respect to which such direction as aforesaid is given shall be as of full force and effect against or in favour of the council so specified, and shall be enforceable as fully and effectually, as if, instead of the local authority or native authority concerned, the council so specified had been named therein or had been a party thereto.

(2) Any proceeding or cause of action, pending or existing, immediately before the date specified in any direction given pursuant to the provisions of subsection (1) of this section, by or against any such local authority or native authority as is referred to in such subsection in respect of any right, interest, obligation or liability under any such contract or instrument as is specified in such direction may be continued and enforced by or against the council specified in such direction, as it might have been against the local authority or native authority concerned, if this Law had not been passed.

(3) For the purposes of this section the term "obligations and liabilities" shall include the obligation and liability of any such local or native authority as is referred to in subsection (1) to pay any retiring allowance to any person who was formerly an officer of or in the employment of such local or native authority, granted in pursuance of its customary practice or under the provisions of any Superannuation Scheme for Native Administration Servants.

Notices,
regulations,
etc., made by
local and
native
authorities
to remain
enforceable.

223. (1) Any notice, order, rule, regulation or bye-law made by any local or native authority by virtue of the provisions of any Ordinance shall remain effective and in force until such time as it is revoked or replaced by a bye-law or notice made or issued under the provisions of this Law by any council established in the area of such local or native authority and which has the power to make or issue such bye-law or notice.

(2) Any such notice, order, rule, regulation or bye-law made by such local or native authority may be enforced by such council as though made by such council.

(3) Any licence, registration or permit issued, made or granted under the provisions of any Ordinance shall continue in force for the period specified in such licence, registration or permit unless the same is sooner suspended or cancelled under or in pursuance of any bye-law, lawfully made under the provisions of this Law.

(4) For the purposes of this section the Regional Authority, subject to the provisions of section 80, shall have the power to revoke, vary or amend any notice, order, rule, regulation or bye-law made by any local or native authority.

(Cap. 94.)

(5) The provisions of subsection (2) of section 19 of the Interpretation Ordinance shall have no application as regards this Law.

Native
courts.

224. (1) It shall be the duty of such council as the Regional Authority may direct, to maintain, repair and equip any native court, office, lock-up or other building required for or used in connection with the establishment and running of such court which is situate within the area of its authority and to acquire or provide land for and to build any such court, office, lock-up or other building when requested to do so by the Local Government Inspector.

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(2) Notwithstanding the provisions of section 84 a Local Government Inspector may require such council to remove any clerk employed in a native court from any particular court, who in his opinion is unsatisfactory, and upon the receipt of such request the council shall cause such clerk to be removed from such court forthwith and it shall be the duty of the council to engage or transfer another clerk to such court forthwith.

225. It shall be the duty of a council to pay such sitting fees to any member of a native court which is situated within its area as are laid down from time to time by the Regional Authority.

Native Court
sitting fees.

226. Notwithstanding any provision in the Native Courts Ordinance, or in any warrant issued thereunder, all fees, fines and penalties payable in respect of or as a result of proceedings in any native court in the area of the authority of a council and the proceeds of sale of any forfeiture ordered by such native court shall be paid to and form part of the revenue of such council as the Regional Authority may direct.

Native
Court fees,
fines, etc.
(Cap. 142.)

227. (1) Upon the establishment of a council the Ordinances set out in the first column of the Second Schedule shall cease to have effect in the area of such council to the extent set out in the second column thereof until the Instrument by which such council is established is revoked under the provisions of section 13.

Certain
Ordinances
not to have
effect.

(2) Such revocation shall not affect—

(a) anything lawfully done or suffered under this Law,

(b) any right, privilege, obligation or liability which has lawfully accrued or been incurred under this Law,

(c) any penalty, forfeiture or punishment lawfully incurred in respect of any offence committed against this Law,

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such Instrument had not been so revoked.

228. Upon the revocation of an Instrument establishing a council under the provisions of section 13—

Property,
subsisting
contracts and
pending pro-
ceedings of
council upon
revocation of
Instrument.

(a) all sums of money, streets, open places, lands, buildings, water-works, bridges, piers, ferries, vehicles, vessels, goods and all other property whatsoever vested in, belonging to, held by or purporting to belong to or to be held by the council concerned shall be transferred to and vest in such council as the Regional Authority may direct;

(b) the rights, interest, obligations and liabilities of such council under any contract or instrument whatsoever subsisting immediately before the date of the said revocation shall be deemed to be and by virtue of this section shall be assigned to such council as the Regional Authority may direct and any such contract or instrument shall be as of full force and effect against or in favour of such council and shall be enforceable as fully and effectually as if, instead of the council concerned the council as directed by the Regional Authority had been named therein and had been a party thereto;

(c) any proceeding or cause of action, pending or existing, immediately before the date of such revocation by or against such council in respect of any right, interest, obligation or liability under any such contract or instrument as is referred to in paragraph (b) of this section may be con-

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tinued and enforced by or against such council as the Regional Authority may direct as it might have been against the council concerned, if such revocation had not been effected.

Provided that nothing in this section shall apply to any assets or liabilities, of whatever nature, held or incurred by the council solely or mainly for the purposes of its functions as a local education authority under the provisions of the Education Law, 1954.

NOTE : The proviso to this section was inserted by Law No. 6 of 1955.

For the transfer of assets and liabilities referred to in the proviso see section 16 of the Education Law, 1954.

Regulations.

229. The Regional Authority may make regulations with respect to the following matters—

- (a) the collection of rates and the form of any precept, demand note, valuation list, or any other document;
- (b) the submission of reports and returns;
- (c) the display and publication of notices;
- (d) generally for the proper and orderly conduct of the business of a council;
- (e) the form of conditions in any contract of service;
- (f) the borrowing of money by councils;
- (g) the provision of machinery for negotiating conditions of service, salaries and wages between councils, their staffs, officers and employees; and
- (h) generally for the better carrying out of the provisions of this Law.

FIRST SCHEDULE

WESTERN REGION LOCAL GOVERNMENT LAW, 1952

Form A

Notice is hereby given that the following lands (describe lands, giving measurements and showing boundaries whenever practicable) have been acquired for local government purposes to wit:.....
by the.....Council and the Regional Authority has given his consent thereto.

* The amount of compensation offered to.....
in respect of the interest..... as claimed
in the said land, is the sum of.....

Any person claiming to have any right or interest in the said land is required within six weeks from the date of this notice to send toCouncil a statement of his right and interest and of the evidence thereof, and of any claim made by him in respect of such right or interest.

* And notice is also hereby given that the.....
Council intends to enter into possession of the said lands at the expiration of.....weeks from the date of this notice and is hereby directed to yield up possession of the said lands before expiry of such period.

Any person who shall wilfully hinder or obstruct any person authorised by the council from taking possession of the said lands is liable under the provision of the Law above-mentioned on conviction to a fine of twenty-five pounds or to imprisonment for three months.

The Western Region Local Government Law, 1952

* The.....Council will allocate the following land
(describe land, giving measurements and showing boundaries whenever
possible) to.....

The.....day of.....195 .
.....Council

* Delete if not applicable.

Form B

Notice is hereby given that the following lands (describe lands, giving
measurements and showing boundaries wherever practicable) which were
acquired for so long as they might be required for the purpose of a
.....are no longer
required for the said purpose by the.....Council.

The.....day of.....195 .
.....Council

SECOND SCHEDULE
(Section 227)

<i>Ordinance</i>	<i>Section or Part</i>
1. The Markets Ordinance (Cap. 127)	The whole Ordinance
2. The Native Authority Ordinance (Cap. 140)	The whole Ordinance
3. The Public Health Ordinance (Cap. 183)	Sections 17, 18, 41, 42, and 43
4. The Townships Ordinance (Cap. 216)	The whole Ordinance

The Local Government Police Law, 1955

A LAW TO MAKE PROVISION WITH RESPECT TO LOCAL GOVERNMENT
AND NATIVE AUTHORITY POLICE.

[1st September, 1955]

Date of
commence-
ment.

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

Enactment.

PART I.—PRELIMINARY

1. This Law may be cited as the Local Government Police Law, 1955. Short title.

2. In this Law—

Interpreta-
tion.

“Commissioner of Police” means the Commissioner of the
Nigeria Police for the Region ;

“contributing local government authority” in relation to a joint
committee means a local government authority by which or in
respect of which the joint committee is established ;

“force” means a force established under this Law or to which this
Law applies and includes a joint force ;

“local government authority” means a local government council
established under the Local Government Law or a native authority
established under the Native Authority Ordinance ;

Cap. 140.

“the Local Government Law” means the Western Region Local
Government Law, 1952 ;

Law No. 1 of
1953.

"the Minister" means the Minister to whom responsibility for local government police is assigned in accordance with section 119 of the Nigeria (Constitution) Order in Council, 1954 ;

"the Region" means the Western Region ;

"Superintendent-General" means the Superintendent-General of Local Government Police Forces.

PART II.—FORCES ESTABLISHED BY LOCAL GOVERNMENT AUTHORITIES

Power to establish a force.

3. A local government authority with the approval of the Minister may by order establish a force which shall consist of such number of fit and proper persons as the Minister may approve.

Existing forces.

4. (1) All forces established in the Region under section 158 of the Local Government Law or section 67 of the Native Authority Ordinance and existing at the commencement of this Law shall be deemed to have been duly constituted from the time when such force was first established and the provisions of this Law shall hereafter apply to every such force.

(2) A force which—

(a) was established by a native authority which before the commencement of this Law ceased to exercise jurisdiction ; and

(b) is at the date of commencement of this Law maintained by a local government council, shall be deemed to have been duly taken over by that council in accordance with the provisions of section 158 of the Local Government Law from the time when such council was established.

(3) Rules made under section 165 of the Local Government Law or section 74 of the Native Authority Ordinance shall, if in force immediately before the commencement of this Law, continue in force and have effect as if they had been made under section 26 of this Law and may be amended or revoked accordingly.

PART III.—JOINT COMMITTEES AND JOINT FORCES

Local government authorities may appoint joint committees.

5. (1) A local government authority in any province may concur with any one or more other local government authorities in the same province in establishing a joint committee for the purpose of the joint operation of a police force.

(2) A joint committee shall be established by Instrument made by the contributing local government authorities.

(3) An Instrument shall be subject to the approval of the Minister and, when approved, shall be published in the Gazette.

Minister may establish joint committee.

6. (1) If it appears to the Minister that it is expedient in the interests of efficiency, or for any other reason, that the forces of any two or more local government authorities having jurisdiction within the same province shall be operated jointly, he may require such authorities to establish a joint committee for the purpose in accordance with the provisions of the preceding section.

(2) If the local government authorities fail within six months to comply with a requirement of the Minister in accordance with sub-section (1) of this section, the Minister may by order establish a joint committee in respect of the authorities concerned.

7. Every instrument made by local government authorities under section 5 and every order made by the Minister under section 6 shall make provision for the following :—

Instruments and orders relating to joint committee.

(a) the appointment by the contributing local government authorities of members of the committee and their tenure of office ;

(b) the selection and tenure of office of a chairman of the committee ;

(c) the establishment of a joint force for the areas of the contributing local government authorities, and the transfer to that force of members of the forces of the authorities ;

(d) the transfer to the joint committee of such property, rights and liabilities of the local government authorities (being property, rights and liabilities held or incurred for police purposes) as may be determined by or under the Instrument or order, or the use by the joint committee or joint force of any such property.

3. Where a joint committee is established the employment of the joint force for the purposes of assisting in the maintenance of law and order and the prevention of crime shall, subject to any directions under section 14, be subject to the control of such committee.

Employment of joint forces.

9. (1) Every joint committee shall be a body corporate by the name specified in the Instrument or order by which it is established and shall have perpetual succession and a common seal and may hold land, and sue and be sued.

Further provisions relating to joint committees.

(2) The provisions of the Local Government Law, set out in the Schedule, shall apply in relation to a joint committee as they apply in relation to a local government council.

(3) A joint committee may make, vary and revoke standing orders—

(a) for the proceedings of the joint committee, the manner of transaction of its business, and the quorum and method of voting at a meeting ;

(b) the custody and use of the common seal and the manner in which documents, cheques and other instruments shall be signed on behalf of the committee.

10. (1) An Instrument or order made under section 5 or 6 may be amended or revoked by a subsequent Instrument or order, as the case may be.

Amendment and revocation of instruments, etc.

(2) Without prejudice to the generality of sub-section (1) of this section, provision may be made by any such subsequent Instrument or order—

(a) for the exclusion of any contributing local government authority or the inclusion of new local government authorities ;

(b) for the dissolution and winding up of the joint committee ;
 (c) for the transfer or re-transfer to such forces as may be determined by the subsequent Instrument or order of members of the joint force ;

(d) for the transfer or re-transfer to such authorities as may be determined by the subsequent Instrument or order of any officer, property, rights or liabilities of the joint force.

(3) The provisions of sub-section (3) of section 5 shall apply to an amending Instrument.

Transitory provisions.

11. When by any Instrument or order made under this Part any members of a force or any property, rights or liabilities are transferred to any joint committee or local government authority—

(a) such members of a force shall be deemed to have been duly appointed as members of the force to which they are transferred and to have duly made a declaration as such, and shall hold in that force the same ranks respectively as they held immediately before the date of transfer in the force from which they are transferred ;

(b) any proceedings which were pending by or against a local government authority or joint committee with respect to any such property, rights or liabilities may be carried on thereafter with the substitution for such local government authority or joint committee of the local government authority or joint committee to whom the property, rights or liabilities are transferred.

Governor-in-Council may direct enquiry.

12. (1) The Governor in Council may cause such inquiries to be held into the administration of the affairs of a joint committee as he may consider necessary or desirable.

(2) If upon considering the report of an inquiry conducted under this section the Governor in Council shall be of the opinion that it is in the best interests of the area so to do, he may by order direct that the functions of the committee shall be performed by such persons as are specified in the order.

(3) Where an order is made under sub-section (2) of this section—

(a) the members of the committee shall vacate their seats on the committee ;

(b) the persons specified in the order shall exercise and perform all the powers and duties conferred and imposed upon the committee.

(4) The provisions of sections 14, 15 and 16 of the Local Government Law shall apply in relation to an inquiry under this section as they apply to an inquiry under that Law.

(5) The provisions of this section shall be without prejudice to the powers conferred by section 10.

PART IV.—THE SUPERINTENDENT-GENERAL

The Superintendent-General.

13. (1) The Governor may appoint a person to be Superintendent-General of Local Government Police Forces.

(2) The Superintendent-General shall, in the discharge of his functions under this Law, be subject to the control of the Governor.

(3) In the exercise of the powers conferred upon him by this section the Governor shall act in his discretion.

14. (1) The Superintendent-General may, with the approval of the Governor, give directions of a general character to a local government authority or a joint committee with respect to the training and employment of its force and such local government authority or joint committee shall ensure that the directions are complied with.

Powers of Superintendent-General.

(2) The Superintendent-General or any person appointed by him in writing shall have the right to attend any meeting of a local government authority or its committees during the transaction of business relating to a force or any meeting of a joint committee, and to take part in the proceedings thereat and, if he so requests, his advice on any such matter shall be recorded in the minutes of the meeting, but he shall not be entitled to vote thereat.

(3) The Superintendent-General shall at all reasonable times have a right of access to and be entitled to inspect—

(a) the books, accounts, and records of a joint committee;

(b) the premises in the occupation or use of a force.

(4) A local government authority and a joint committee shall furnish to the Superintendent-General such information and returns relating to a force maintained by it in such form and within such time as he may require.

15. The Superintendent-General shall cause inspections to be made of the forces established under this Law at such intervals as appear to him to be appropriate and shall cause a special inspection of any such force to be made whenever he considers it desirable.

Inspection of forces.

16. (1) Every local government authority and joint committee shall afford to the Superintendent-General all reasonable facilities for performing the duties and exercising the powers conferred on him by or under this Law.

Facilities for Superintendent-General.

(2) Any person who without reasonable excuse hinders, delays or obstructs the Superintendent-General in the performance of his duties or the exercise of his powers shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment not exceeding one year.

17. The Superintendent-General may suspend or dismiss any member of a force and a person so suspended shall not exercise or perform the powers or duties of his office without the consent of the Superintendent-General.

Suspension and dismissal of member of a force.

18. (1) The Superintendent-General may depute any person, by name or office, to exercise or perform on his behalf, subject to such conditions, exceptions and qualifications as he may specify, such of the powers and duties as are conferred on him by this Part, and thereupon or from the date specified the person so deputed shall have and exercise such powers and perform such duties subject as aforesaid.

Superintendent-General may delegate powers.

(2) Any delegation made under the provisions of sub-section (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Superintendent-General.

Orders
placing
Superintend-
ent-General
under
Commis-
sioner.

19. (1) The Governor-in-Council may by order provide that in the exercise of any of the powers or duties conferred or imposed upon the Superintendent-General by this Law which are specified in the order, the Superintendent-General shall be subject to the command and superintendence of the Commissioner of Police.

(2) Where an order under sub-section (1) is in force the Commissioner of Police may give such orders and instructions to the Superintendent-General and to any delegate of the Superintendent-General with respect to the powers and duties therein mentioned as he thinks fit and the Superintendent-General and any such delegate shall comply with such orders and instructions.

PART V.—GENERAL

General duty
of a force.

20. It shall be the duty of a force to assist in the maintenance of order and the prevention of crime within the area in respect of which it is established.

Members of
a force to
have certain
functions of
police
officers.

21. (1) In the area for which a force is established a member of that force shall have all the powers, privileges and rights and be subject to all the duties conferred or imposed upon a police officer by any Ordinance (other than the Police Ordinance) or any Law in force in the Region at the date of the commencement of this Law.

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

Declaration
by members
of force.

22. Every member of a force shall upon appointment make and sign the following declaration :—

"I do solemnly and sincerely declare that I will obey all lawful orders of the members of the force placed over me and subject myself to all Laws, Ordinances and Rules relating to the force now in operation or which may hereafter from time to time be in operation".

Consent to
appointment
of chief
officer.

23. A local government authority or a joint committee shall not appoint any person to be the chief officer of a force without the consent in writing of the Superintendent-General.

Chief officer
may attend
meetings.

24. The chief officer of a joint force shall have the right to attend any meeting of the joint committee by which it is maintained and to take part in the proceedings thereat, but he shall not be entitled to vote.

Rules.

25. Subject to the provisions of this Law, the Governor-in-Council may make rules, in respect of any force, for all or any of the following purposes :—

(a) the ranks, titles and grades of which the force shall consist and the organisation and training of the force ;

- (b) the establishment, engagement, discharge and period of service of members of the force ;
- (c) the uniform and equipment of the force ;
- (d) promotion and discipline, including the definition of disciplinary offences, and the regulation and carrying out of punishments ;
- (e) the efficient discharge of their duties by members of the force ;
- (f) the conferring of honorary ranks in the force upon persons who are not members thereof ;
- (g) the pensions, gratuities or other like benefits which shall or may be granted to persons who are or have been members of the force or to the widows, children, dependants or personal representatives of such persons.

26. (1) A local government council may acquire land compulsorily subject to and in accordance with Part XVII of the Local Government Law for the purposes of their functions under this Law. Compulsory acquisition of land.

(2) A local government council which is a contributing local government authority may be authorised by the Governor-in-Council to purchase compulsorily any land within its area which is required for the purpose of the functions of a joint committee.

(3) Where authority has been given under sub-section (2) of this section—

(a) the land in respect of which it is given may be compulsorily acquired by the local government council in accordance with Part XVII of the Local Government Law as if the consent of the Regional Authority had been given ;

(b) the local government council shall, upon repayment by the joint committee of the compensation paid and any incidental expenses incurred by the council in the acquisition, convey or assign such land to the joint committee.

27. (1) Where in any area one or more local government councils are established under the provisions of the Local Government Law and the provisions of the Native Authority Ordinance cease to apply, the Minister may, by order, make provision for the transfer to any such council of a force established by a native authority which had jurisdiction in the area. Transitional provisions upon the establishment of a Council.

(2) Where in any area a local government council is established under the Local Government Law and there is in force with respect to that area an Instrument or order made under Part III that Instrument or order shall continue in force, but the Minister may—

(a) in the case of an Instrument, give directions to the contributing local government authorities and to the local government council with respect to the amendment or revocation of the Instrument or the making of a new Instrument and, in default of compliance with

such directions within the time specified therein, may by order revoke the Instrument and make any provision which he is empowered to make under section 7 or 10 ;

(b) in the case of an order, amend or revoke the same or make a new order in accordance with Part III as he sees fit.

Repeals,

28. Part XV of the Local Government Law and Part VIII of the Native Authority Ordinance are hereby repealed.

Section 9.

THE SCHEDULE

PROVISIONS OF THE LOCAL GOVERNMENT LAW WHICH APPLY TO JOINT COMMITTEES

<i>Section</i>	<i>Section</i>
63	104
64	105
65	106
66	107
67	140
84 (1), (2), (3) and (5)	141
86	142
88	143
89	144
90	145
91	146
92	147
93	205A
94	205B
95	205C
96	205D
97	208
100	210
102	213
103	214

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

M. A. MACAULEY,
Clerk of the Western House of Assembly

**Parliamentary and Local Government
Electoral Regulations, 1955**

THE PARLIAMENTARY AND LOCAL GOVERNMENT ELECTORAL REGULATIONS, 1955

The Parliamentary and Local Government Electoral Regulations, 1955, is printed in this manual with all amendments made up to the first of October, 1955, inserted in the text. The text of the regulations is printed in this form for the guidance of local government councils ; it is not in substitution for the regulations and the subsidiary legislation which amend it published in the Supplements to the official *Gazettes* or the annual volumes of the laws, which remain the only authentic edition of the regulations and its amendments for all legal purposes.



W.R.L.N. 266 of 1955

THE NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1954 THE WESTERN REGION LOCAL GOVERNMENT LAW, 1952 THE PARLIAMENTARY AND LOCAL GOVERNMENT ELECTORAL REGULATIONS, 1955

Date of commencement: Parts I to V and Part XI: 15th August, 1955

Remainder: by notice

In exercise of the powers conferred upon him by section 37 of the Nigeria (Constitution) Order in Council, 1954, and section 33 of the Western Region Local Government Law, 1952, the Governor, after consultation with the Executive Council, hereby makes the following regulations:—

1. (1) These regulations may be cited as the Parliamentary and Local Government Electoral Regulations, 1955.

Short title
application
and
commence-
ment.

(2) These regulations shall apply to the election of Elected Members of the House of Assembly and to the election of elected members of local government councils established under the Local Government Law.

(3) Parts I to V inclusive and Part XI shall come into force on the 15th day of August, 1955. Parts VIII and X shall come into force on the first day of October, 1955, and Parts VI, VII and IX on a day to be appointed by the Governor by notice in the *Gazette*.

2. In these regulations—

Interpre-
tation.

'constituency' means a constituency established by regulation 7;

'Division' means an area declared to be a Division by proclamation of the Governor in accordance with paragraph (b) of subsection (1) of the Nigeria (Constitution) Order in Council, 1954, and includes an area deemed to have been so declared by virtue of section 199 of the said Order;

'Divisional Council', 'District Council', and 'Local Council' mean, respectively, a Divisional Council, a District Council (including an Urban or Rural District Council) and a Local Council established under the Local Government Law;

'the Electoral Commissioner' means any person who holds the office of Electoral Commissioner established for the Region and includes any person appointed to act in that office;

'the Gazette' means the official Gazette of the Region;

'Governor' means the Governor of the Region;

'House of Assembly' means the Western House of Assembly;

'local government election' means an election to return an elected member of a local government council;

'local government council' means a council established under the Local Government Law;

'the Local Government Law' means the Western Region Local Government Law, 1952;

'parliamentary election' means an election to return an Elected Member of the House of Assembly;

'the Region' means the Western Region;

'registration area' means a registration area constituted under regulation 9;

'ward' in relation to a local government council means a ward established by the Instrument relating to the council.

PART II—APPOINTMENT AND SUPERVISION OF OFFICERS

Registration
Officer and
Electoral
Officer.

3. (1) For each constituency there shall be—

(a) a Registration Officer; and

(b) an Electoral Officer,

who shall be appointed by the Electoral Commissioner.

(2) A Registration Officer or an Electoral Officer may be appointed by name or by reference to an office, and shall hold office until his appointment is revoked.

(3) In the case of a constituency which is coterminous with the area of a divisional council or of a district council the Electoral Commissioner shall, unless he considers it inexpedient, appoint as Registration Officer the Secretary of the Divisional Council or the District Council as the case may be.

(4) In any case where he considers it expedient the Electoral Commissioner may appoint more than one Registration Officer or Electoral Officer for a constituency and in that event he shall specify the area within the constituency for which each such Registration Officer or Electoral Officer is responsible and in relation to that area the Registration Officer or Electoral Officer, as the case may be, shall have and exercise the functions of a Registration Officer or Electoral Officer of a constituency.

(5) For the avoidance of doubt it is hereby declared that a person may be appointed—

(a) Registration Officer of more than one constituency; or

(b) Electoral Officer of more than one constituency; or

(c) both Registration Officer and Electoral Officer of one or more constituencies.

Assistant
Registration
Officers.

4. (1) A Registration Officer of a constituency may, for the purposes of the preparation of any register of electors, appoint Assistant Registration Officers.

(2) A Registration Officer shall exercise supervision over the acts of Assistant Registration Officers in his constituency and may, subject to these regulations and any instructions issued by the Electoral Commissioner, give directions to Assistant Registration Officers in his constituency with respect to the performance of their functions.

Officers for
the conduct
of elections.

5. (1) An Electoral Officer may appoint any person to be Assistant Electoral Officer for the conduct of any election and a person so appointed shall in respect of that election have all the functions imposed or conferred by these regulations on the Electoral Officer.

(2) An Electoral Officer, shall for the purposes of an election in his constituency, appoint a Returning Officer and such Assistant Returning Officers, Polling Officers and Assistant Polling Officers as are required to be appointed by these regulations.

(3) An Electoral Officer shall exercise supervision over the acts of officers in his constituency appointed under this regulation and may, subject to these regulations and to any instructions issued by the Electoral Commissioner, give directions to such officers with regard to the performance of their functions.

(4) For any election the Electoral Officer may himself act as Returning Officer or may appoint the Assistant Electoral Officer to be Returning Officer.

6. (1) It shall be the general duty of the Electoral Commissioner to ensure that registers of electors are prepared and elections are conducted in accordance with the provisions of these regulations and for that purpose he may—

Functions of the Electoral Commissioner.

(a) require information from any officer appointed under this Part with respect to any matter relating to the functions of such officer under these regulations;

(b) subject to the provisions of these regulations, issue general instructions to any such officers with respect to the performance of their functions under these regulations.

(2) Any such officer shall comply with the requirements and instructions of the Electoral Commissioner under this regulation.

PART III—ELECTORAL AREAS

7. Each of the areas described in the first column of the First Schedule shall be a constituency returning a single Elected Member to the House of Assembly and each such constituency shall be known by the name specified in relation to it in the second column of the said Schedule.

Parliamentary constituencies.

8. The Registration Officer shall divide any part of his constituency in respect of which a local government council is not established into wards.

Wards.

9. (1) Subject to the provisions of this regulation, the Registration Officer shall divide—

Registration areas.

(a) each ward established in accordance with regulation 8;

(b) each divisional council ward which is not divided into district or local council wards;

(c) each district council ward which is not divided into local council wards; and

(d) each local council ward,
into registration areas.

(2) In exercising his powers under paragraph (1) of this regulation the Registration Officer shall, so far as appears to him practicable, conform to the principles—

(a) that the number of electors included in a registration area shall not exceed five hundred; and

(b) that the place of residence of any elector in a registration area shall not be more than three miles by the shortest route from the most convenient building for use as a registration office and polling station.

(3) Where it appears to the Registration Officer that, having regard to the principles specified in paragraph (2) of this regulation and to the area and population of the ward, a local council ward cannot conveniently be divided into two or more registration areas he shall constitute that ward a registration area.

PART IV—QUALIFICATION OF ELECTORS

10. (1) Subject to the provisions of regulations 11 and 12 a person shall be qualified to be registered as an elector and when registered to vote at a parliamentary election in a constituency and at a local government election

Qualification of electors.

(other than an indirect election) in respect of a council whose area of authority is situated in that constituency who is a British subject or British protected person and—

- (a) (i) has been resident in the Division in which the constituency is situate for a continuous period of two years ending with the qualifying date; and
- (ii) has paid to the prescribed authority direct tax or income tax in respect of the two financial years preceding the qualifying date or was not liable to pay direct tax or income tax in respect of the two financial years preceding the qualifying date because he was exempt, or has paid a rate to the prescribed authority in respect of the two financial years preceding the qualifying date; or
- (b) (i) is a native of the Division in which the constituency is situate; and
- (ii) is on the qualifying date of the age of twenty-one years or upwards, or has paid to the prescribed authority direct tax or income tax or a rate in respect of the financial year preceding the qualifying date.

(2) In this regulation—

'direct tax' means tax imposed under the provisions of the Direct Taxation Ordinance;

Cap 54. 'exempt' in relation to direct tax means exempt under subsection (a) of section 14 of the Direct Taxation Ordinance and in relation to income tax means exempt under sub-paragraph (i), (ii) or (iv) of paragraph (a) of the proviso to subsection (1) of section 25 of the Income Tax Ordinance or under subsection (4) of section 9 of that Ordinance;

Cap 92. 'income tax' means tax imposed under the provisions of the Income Tax Ordinance;

'indirect election' means an election to which Part VII applies;

'native' in relation to a Division means a person who was born in, or whose father was born in that Division;

'prescribed authority' means in relation to direct tax a tax collection of Income Tax and in relation to a rate an authority in the Division authorised to impose the rate;

'qualifying date' means in relation to the first register of electors the first day of November, 1955, and in relation to any subsequent register of electors the first day of January of the year in which the revision of the register commences;

'rate' means a rate imposed under the provisions of any Law or Ordinance other than an electricity rate or a water rate.

Disqualifi-
cation of
electors.

11. Notwithstanding the provisions of regulation 10 no person shall be entitled to be registered as an elector who—

(a) is by virtue of his own act under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;

(b) has in any part of Her Majesty's Dominions or in any territory under Her Majesty's protection or in any territory in which Her Majesty has from time to time jurisdiction, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(c) is under any law in force in Nigeria found or declared to be of unsound mind or adjudged to be a lunatic; or

(d) is for the time being disqualified in accordance with Part VIII or any other enactment relating to corrupt practices at elections.

12. (1) A person shall not be entitled to be registered as an elector in more than one constituency nor in respect of more than one qualification.

Constituency and ward in which elector to be registered.

(2) A person who is resident in a Division on the qualifying date shall be entitled to be registered in respect of the ward in which he is so resident (whether he claims to be qualified on the grounds of residence or as a native) and shall not be entitled to be registered in respect of any other ward in the Division.

(3) A person who is resident outside a Division on the qualifying date shall be entitled to be registered in respect of the ward in which his qualification as a native of the Division arises and shall not be entitled to be registered in respect of any other ward in the Division.

(4) Where a ward of a council is included in the ward or wards of a superior council or councils, the ward of the first named council shall be the ward in which a person is to be registered for the purposes of paragraphs (2) and (3) of this regulation, but any person who is registered in respect of such ward shall be entitled to vote at direct elections held in respect of that ward and in respect of the ward or wards of the superior councils in which it is included.

(5) For the purposes of this regulation a District Council is superior to a Local Council and a Divisional Council is superior to both such Councils.

PART V—REGISTRATION OF ELECTORS

A—GENERAL

13. For each constituency a register of the persons entitled to vote at a parliamentary election and at local government elections in the constituency shall be prepared in the manner hereinafter provided.

Register of electors.

14. (1) The register of electors shall be so arranged as to contain—

Arrangement of Register.

(a) in the case of any area of the constituency which is divided into Divisional council wards, District council wards and Local council wards—

(i) a Part for the Divisional council ward, which shall be divided into sections for,

(ii) each District council ward included in the Divisional council ward, which sections shall be divided into subsections for

(iii) each Local council ward included in the District council ward;

(b) in the case of any area in the constituency which is divided into Divisional council wards and Local council wards—

(i) a Part for each Divisional council ward, which shall be divided into sections for,

(ii) each Local council ward included in the divisional council ward;

(c) in the case of any area of the constituency which is divided into District council wards and Local council wards—

(i) a Part for each District council ward which shall be divided into sections for,

(ii) each Local council ward included in the District Council ward;

(d) in the case of any area of the constituency which is divided only into Divisional council wards or only into District council wards or only into Local council wards, a Part for each such ward;

(e) in the case of any area of the constituency for which no local government council is established a Part for each ward established under regulation 8.

(2) The register shall show in respect of each person—

(a) a first name and a second or such other additional names by which the person may be known; and

(b) an address in the ward in respect of which the person is registered, and no person shall be entered on the register under a single name or without such an address.

(3) In this regulation any reference to a Divisional council ward means a Divisional council ward in respect of which members are returned by a process of direct election.

Register to be conclusive.

15. The register of electors for the time being in force shall be conclusive for the purpose of determining whether a person is or is not entitled to vote at a parliamentary election in the constituency or at a local government election of an elected member of a council held in respect of the area to which the Part, section and subsection under which his name appears relates.

Registration Office.

16. (1) The Registration Officer shall appoint in respect of each registration area in the constituency such place as the registration office as he shall think fit and there shall be an Assistant Registration Officer in charge of every such office.

(2) The place appointed for the registration office of a registration area shall be within that area.

(3) The Assistant Registration Officer shall attend for the transaction of business at the registration office for the ward and such other places as the Registration Officer may appoint upon such days and at such hours as the Registration Officer may direct.

B—THE FIRST REGISTER

Notice as to claims.

17. On or before the first day of November, 1955, the Registration Officer shall give notice in the constituency of the manner in which and the place at which claims for registration as an elector under regulation 18 may be made.

Claims to be entered on Preliminary List.

18. (1) Any person who is entitled to be registered as an elector at an election of an Elected Member of the House of Assembly in the constituency or at a direct election of an elected member of a local government council in the constituency may submit a claim to be registered as an elector in Form A in the Second Schedule.

(2) A claim under this regulation shall be submitted to the Assistant Registration Officer of the ward in which the applicant resides or claims to be registered not earlier than the first day of November, 1955, and not later than the thirtieth day of November, 1955.

(3) (a) A person making a claim to be registered as an elector under this regulation shall attend before the Assistant Registration Officer and deliver the prescribed form to him.

(b) If the claimant is illiterate he shall, when attending before the Assistant Registration Officer, be entitled to be accompanied by a person of his choice who is literate.

(4) The Assistant Registration Officer shall read aloud the name, description and address of the applicant shown on the prescribed form and, if the prescribed form is duly completed he shall, subject to paragraph (5) of this regulation, accept the claim.

(5) A person claiming to be registered as an elector in respect of a qualification arising from the payment of tax or a rate shall produce to the Assistant Registration Officer—

(a) the receipt or receipts for the tax or rate; or

(b) a certificate from the prescribed authority for the purposes of the tax or rate that the tax or rate was paid by the claimant, and if he shall fail to produce such receipts or certificate he shall not be entitled to be registered.

(6) When the Assistant Registration Officer has accepted a claim under this regulation he shall issue to the claimant an official card which shall be in such form and shall contain such particulars as the Electoral Commissioner shall prescribe.

19. (1) After the last day for making a claim under regulation 18 the Registration Officer shall prepare and publish a list, to be called the Preliminary List of electors, which shall contain the names and addresses of the persons whose claims under regulation 18 were accepted and shall be arranged in the manner provided by regulation 14. Preliminary List.

(2) The Preliminary List shall be published not later than the first day of January, 1956, and the manner of publication shall be by displaying copies of the whole or part thereof in such places in the constituency as the Registration Officer thinks fit.

(3) The Registration Officer shall publish notices in the constituency which shall state—

(a) the places where the Preliminary List may be inspected;

(b) the manner in which claims for registration or transfer or objections may be made;

(c) the last day for making such claims or objections.

(4) A copy of the Preliminary List shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer for a period of thirty days after its first publication.

(5) The Registration Officer shall make available such number of copies of the Preliminary List for sale to the public at such fee as the Electoral Commissioner may direct.

20. (1) Every person whose name does not appear on the Preliminary List and who submitted a claim under regulation 18 may within fifteen days of the first publication of the Preliminary List apply in Form B in the Second Schedule to be registered as an elector. Claims after publication of Preliminary List.

(2) A claim under this regulation may be delivered to the Assistant Registration Officer to whom the claim under regulation 18 was submitted or to the Registration Officer.

21. (1) Any person whose name appears in the Preliminary List for the constituency under a Part or section or subsection which relates to a ward other than the ward in respect of which he applied to be registered may Claim for transfer.

apply within fifteen days of the first publication of the List in Form C in the Second Schedule to have his name transferred to the Part, section or subsection which relates to the ward in respect of which he applied to be registered.

(2) Nothing in this regulation shall entitle a person to apply for transfer to the register of another constituency.

Objections.

22. (1) Every person whose name appears on the Preliminary List may object to any other person whose name appears therein—

(a) as not being entitled to have his name on the register for the constituency; or

(b) as not being entitled to be registered in a ward to which a Part or section or subsection of the register relates.

(2) A person objecting shall give notice of his objection to the Registration Officer within fifteen days of the first publication of the list in Form D in the Second Schedule.

Determination of claims and objections.

23. (1) The Registration Officer or such other person as may be appointed under paragraph (6) of this regulation shall examine and determine all objections and all claims made under regulations 20 and 21.

(2) With respect to any objection made under regulation 22 the Registration Officer, if he is satisfied that the grounds of the objection are established, shall strike out the name of the person from the List.

Provided that in the case of an objection made under subparagraph (b) of paragraph (1) of regulation 22 the Registration Officer may, if he is satisfied that the person objected to is entitled to be registered in another ward of the constituency, transfer his name to the Part, section or subsection of the List which relates to that ward.

(3) Before striking out or transferring the name of a person from the List the Registration Officer shall give him an opportunity to be heard with respect thereto.

(4) With respect to claims under regulations 20 and 21, the Registration Officer, if he is satisfied that the grounds of the claim have been established, shall enter the name of the claimant in the List or transfer his name to another Part or section or subsection thereof, as the case may be.

(5) For the purpose of determining claims and objections the Registration Officer or other person appointed may receive such evidence as he may consider necessary and may administer oaths to all persons making claims or objections and to all witnesses called in support of the claim or objection.

(6) The Electoral Commissioner may appoint any person to perform the functions of the Registration Officer under this regulation instead of the Registration Officer either as to the whole or as to any portion of the Preliminary List.

Correction of Preliminary List.

24. (1) The Registration Officer shall make such additions and corrections in the Preliminary List as are required—

(a) in order to carry out the decision on any claim or objection; or

(b) for the removal of duplicate entries; or

(c) the expunging of the names of persons who are dead or disqualified, and shall also make such corrections as he thinks necessary and as are practicable to secure that no person is entered on the list who will be registered in any other constituency.

(2) Before the Registration Officer makes a correction in the Preliminary List otherwise than—

(a) in pursuance of a claim for registration or transfer or an objection;
or

(b) for the purpose of correcting a clerical error; or

(c) expunging a duplicate entry of a name under a ward,
he shall give notice to the person affected and give that person a reasonable opportunity of objecting to the proposed correction and if necessary of being heard with respect thereto.

(3) For the purposes of paragraph (2) of this regulation the notice shall be in writing and may be served upon the person affected by delivering it at his address as shown on the Preliminary List or by putting it up at the registration office for the ward under which the name of the person appeared on the Preliminary List.

25. (1) Not later than the fifteenth day of February, 1956, the Registration Officer shall complete the corrections and additions to the Preliminary List in accordance with regulation 24 and shall cause the names therein to be numbered in such manner as the Electoral Commissioner may direct and he shall then sign the List and forward it to the Electoral Commissioner.

Making up of
register of
electors.

(2) The Electoral Commissioner shall cause the list to be printed and to be published not later than the thirtieth day of April, 1956.

(3) Before publication of the list the Electoral Commissioner may make any alteration or addition in the list which is necessary to correct any clerical error which has occurred in the compilation thereof.

(4) The list when so printed and published shall be the register of electors in the constituency, and shall be in force from the first day of May, 1956, to the thirtieth day of April, 1957.

(5) A copy of the register of electors shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer of every constituency after its publication and until it ceases to be in force.

(6) The Electoral Commissioner shall make available such number of copies of the register of electors for sale to members of the public as he shall consider desirable and shall prescribe such fee as the price thereof as he thinks reasonable.

C—ANNUAL REVISION OF THE REGISTER

26. (1) Commencing with the year beginning on the first day of January, 1957, there shall be prepared annually a new register of electors for each constituency.

Claims in
respect of
revised
register.

(2) Any person whose name is not on the register of electors for a constituency for the time being in force and who is entitled to be registered as an elector at an election of an elected member of the House of Assembly in the constituency or at a direct election of an elected member of a local government council in the constituency may submit a claim to be registered in Form E in the Second Schedule.

(3) Any person whose name is on the register of electors for a constituency for the time being in force may submit a claim in Form F in the Second Schedule to have his name transferred to a Part or section or subsection of the register which relates to a ward other than that under which he appears in the register of electors.

(4) Claims made under this regulation shall be submitted to the Assistant Registration Officer of the ward in which the claimant resides or in which he claims to be registered not earlier than the first day of January and not later than the thirty-first day of January.

(5) The provisions of paragraphs (3), (4), (5) and (6) of regulation 18 shall apply in relation to a claim under this regulation as they apply to a claim under regulation 18.

Annual
Preliminary
List.

27. (1) The Registration Officer shall make up a list of the persons whose claims for registration or transfer have been accepted (hereinafter referred to as the amending list).

(2) The said amending list together with the register of electors for the time being in force shall be the Preliminary List of electors for the purposes of the preparation of the new register of electors.

(3) Not later than the fifteenth day of February the Registration Officer shall publish the amending list in the constituency by displaying copies thereof at such places as he thinks fit.

(4) The Registration Officer shall publish notices in the constituency which shall state—

(a) the places where the amending list and the register of electors may be inspected;

(b) the manner in which claims for registration or transfer or objections may be made;

(c) the last day for making such claims and objections.

Objections,
transfers and
making up of
list.

28. The provisions of regulations 20, 21, 22, 23 and 24 shall apply in relation to claims for registration or transfer and objections with respect to the annual Preliminary List and the functions of the Registration Officer with respect to the correction of the annual preliminary List as they apply in relation to claims for registration or transfer and objections with respect to the first Preliminary List and the functions of the Registration Officer with respect to the correction of the first Preliminary List.

Preparation
and publica-
tion of the
register.

29. (1) When the Registration Officer has made the corrections and additions to the Preliminary List in accordance with regulation 24 (as applied by the preceding regulation) he shall cause the names therein to be numbered in such manner as the Electoral Commissioner may direct and shall then sign the List and forward it to the Electoral Commissioner.

(2) The Electoral Commissioner shall cause the list to be printed and shall publish the same not later than the thirtieth day of April.

(3) Before publication of the list the Electoral Commissioner may make any alteration or addition in the list which is necessary to correct any clerical error which has occurred in the compilation thereof.

(4) The list when so printed and published shall be the register of electors in the constituency and shall be in force from the first day of May of the year in which it is published to the thirtieth day of April in the following year.

(5) A copy of the register of electors shall be made available for inspection by members of the public during normal office hours at the office of the Registration Officer of every constituency after its publication and until it ceases to be in force.

(6) The Electoral Commissioner shall make available such number of copies of the register of electors for sale to members of the public as he shall consider desirable and shall prescribe such fee as the price thereof as he thinks reasonable.

PART VI—DIRECT ELECTIONS

A—STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

30. The provisions of this Part shall apply to a parliamentary election and to an election to a local government council other than an election of a member of a Divisional Council by a process of indirect election. Application.

31. When a parliamentary election becomes necessary the Governor shall by notice in the Gazette appoint a date for the holding of the election. Appointment of dates of parliamentary elections

32. Whenever a local government election is required to be held, other than an election in respect of which a date is prescribed in an Instrument, the Electoral Officer of the constituency within which the council area is included shall appoint a date for the holding thereof. Appointment of dates of local government elections.

33. (1) Not less than twenty-one days before the day appointed for the election the Electoral Officer shall publish a notice— Notice of elections.

(a) stating the date of the election;

(b) appointing the place and time at which nomination papers are to be delivered.

(2) The notice shall in the case of a parliamentary election be published in the constituency and in the case of a local government election in the wards concerned.

(3) In the case of a parliamentary election more than one place may be appointed for the delivery of nomination papers and any place appointed shall not be required to be within the constituency.

34. (1) Every candidate in a parliamentary election shall be nominated in writing by two persons whose names appear on the register of electors for the constituency which is for the time being in force. Nomination of candidates for parliamentary elections.

(2) The nomination form which shall be as in the Form G in the Second Schedule and shall be subscribed by the candidate and by the persons nominating him and shall contain the following particulars—

(a) the name, address and occupation of the candidate;

(b) the names, addresses and occupations of the nominators of the candidate;

(c) a certification by the candidate that he is willing and qualified to stand for election; and

(d) a statement by the candidate as to his choice of symbol for the purpose of a contested election.

(3) The Electoral Officer shall provide nomination papers and shall supply any elector with such number of nomination papers as he may require, and shall at the request of any elector, the candidate and all his nominators being present, complete any such nomination paper on such elector's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as here-in-before provided at the place appointed by the Electoral Officer under regulation 33 not later than one o'clock in the afternoon of the fourteenth day before the election.

(5) No person shall subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of having subscribed that of a candidate who has died or withdrawn before the delivery of the first mentioned paper.

**Nomination
of candidates
at local
government
elections.**

35. (1) Every candidate in a local government election shall be nominated in writing by two persons whose names appear in the Part or section or subsection of the current register of electors which relates to the ward in respect of which the election is held.

(2) The nomination form which shall be as in the Form H in the Second Schedule and shall be subscribed by the candidate and by the persons nominating him and shall contain the following particulars—

- (a) the name, address and occupation of the candidate;
- (b) the names, addresses and occupations of the nominators of the candidate;
- (c) a certification by the candidate that he is willing and qualified to stand for election; and
- (d) a statement by the candidate of his choice of symbol for the purpose of a contested election.

(3) The Electoral Officer shall provide nomination papers and shall supply any elector with such number of nomination papers as he may require, and shall at the request of any elector, the candidate and all his nominators being present, complete any such nomination paper on such elector's behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as hereinbefore provided at the place appointed by the Electoral Officer under regulation 33 not later than one o'clock in the afternoon of the fourteenth day before the election.

(5) No person shall subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of having subscribed that of a candidate who has died or withdrawn before the delivery of the first mentioned paper.

Deposits.

36. (1) Every candidate, before his nomination paper is delivered to the Electoral Officer, shall deposit or cause to be deposited in the appropriate treasury the prescribed sum and shall at the time of the delivery of his nomination paper produce to the Electoral Officer the official receipt of such treasury for the said sum, and no nomination shall be valid unless such sum is deposited and the receipt for the sum produced in the manner required by this regulation.

(2) The deposit referred to in paragraph (1) of this regulation shall be returned to the candidate or his personal representative if—

- (a) he dies before the day of the election; or
 - (b) there is no contested election; or
 - (c) he withdraws his candidature in accordance with regulation 39;
- or
- (d) in any contested election he is successful or obtains not less than one-fifth of the total number of votes cast in the election.

(3) Forfeited deposits shall be paid into the general revenue of the Region in the case of a parliamentary election and into the general revenue of the council for which the election has been held in the case of a local government election.

(4) In this regulation—

'appropriate treasury' means, in the case of a parliamentary election, such Government treasury as the Electoral Officer may direct and, in the case of a local government election, the treasury of the council for which the election is held;

'prescribed sum' means, in the case of a parliamentary election, the sum of twenty-five pounds and, in the case of a local government election, the sum of five pounds.

37. (1) When a nomination paper is delivered and a deposit is made in accordance with regulation 36 the candidate shall be deemed to stand nominated unless and until the Electoral Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Electoral Officer of the candidate's death, or he withdraws in accordance with regulation 39.

Validity of nominations.

(2) The Electoral Officer shall be entitled to hold a nomination paper invalid only on one of the following grounds—

(a) that the particulars of the candidate or of his nominators are not as required by regulation 34 or regulation 35, as the case may be; or

(b) that the paper is not subscribed as required by regulation 34 or regulation 35, as the case may be; or

(c) that the nominators of the candidate or any of them are not persons whose names appear on the register of electors, or, in the case of a local government election, on the Part, section or subsection of the register which relates to the ward in which the election is being held.

(3) The Electoral Officer's decision that a candidate has been validly nominated shall be final and shall not be questioned in any legal proceedings.

(4) Where the Electoral Officer decides that a candidate has not been validly nominated he shall endorse and sign on the nomination paper the fact and reasons for his decision and such decision shall only be subject to review on an election petition under the provisions of Part IX of these regulations.

38. The Electoral Officer shall at least nine days before the day of election publish by displaying it or causing it to be displayed at the place or places appointed for the delivery of nomination papers, and in such other manner as he may think fit, a statement of the full names of all persons nominated and of the persons nominating them with their respective addresses and occupations.

Publication of statement of persons nominated.

39. Any candidate may withdraw from his candidature by notice in writing signed by him, and delivered by himself or one of the persons nominating him to the Electoral Officer not later than one o'clock in the afternoon of the eighth day before the election.

Withdrawal of candidates.

40. If after the latest time for delivery of nomination papers and before the commencement of the poll, a nominated candidate dies, the Electoral Officer shall, upon being satisfied of the fact of death, countermand the poll, and the Electoral Commissioner shall appoint some other convenient day for the election.

Death of candidate.

Nomination
in more than
one constitu-
ency or ward.

41. A candidate who is validly nominated for more than one constituency or for more than one ward must duly withdraw from his candidature in all those constituencies or wards as the case may be, except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those constituencies or wards, as the case may be.

Method of
elections.

42. (1) (a) If, after the latest time for the delivery of nomination papers and for the withdrawal of candidates, more than one person remains validly nominated, a poll shall be taken in accordance with the provisions of this Part.

(b) If, after the latest time for the delivery of nomination papers and for the withdrawal of candidates, only one person remains validly nominated, that person shall be declared elected.

(2) Where a person is declared elected under the provisions of paragraph (1) of this regulation, a certificate of return shall be issued and delivered and the result of the election shall be published in the manner prescribed by regulation 69.

(3) Where no candidate remains nominated in any constituency or ward upon the date appointed for the election, the Electoral Officer shall inform the Electoral Commissioner who shall fix a date for another election.

B—CONTESTED ELECTIONS

Poll to be
taken by
ballot.

43. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes has been given shall be declared elected.

Arrange-
ments for
contested
election.

44. (1) When a poll has to be taken the Electoral Officer shall—

(a) appoint a sufficient number of polling stations in the constituency or ward, as the case may be, and allot the electors of the constituency or ward to the polling stations;

(b) appoint in respect of each polling station such persons as he may think fit to assist at the taking of the poll, to be known as polling officers;

(c) appoint from such polling officers a person to be in charge of each polling station to be known as the presiding officer;

(d) ensure that in each polling station there is a compartment in which voters can record their votes screened from observation;

(e) furnish each presiding officer with such number of ballot boxes and ballot papers as may be necessary;

(f) provide each polling station with instruments for making an official mark on the ballot papers, with pads impregnated with indelible ink of a distinctive colour, and with copies of the register of electors for the constituency, or such part thereof as contains the names of the electors allotted to vote at the polling station;

(g) allot a symbol to each candidate remaining nominated; and

(h) do such other acts and things as may be necessary for conducting the election in the manner provided in these regulations.

(2) Unless the Electoral Commissioner shall otherwise direct in any case, the Electoral Officer shall appoint a polling station in respect of each registration area in which the election is to be held and shall allot the electors of the registration area to that polling station.

(3) (a) Where a symbol is registered by a political party in accordance with regulation 123, the Electoral Officer shall allot that symbol to any candidate sponsored by that party.

(b) If any question arises as to whether or not a candidate is sponsored by a political party it shall be referred to and determined by the Electoral Commissioner whose decision shall be final.

(c) Before making any decision under sub-paragraph (b) of this paragraph the Electoral Commissioner shall so far as appears to him practicable consult the leader or secretary of the party concerned.

(d) In this paragraph—

'leader' means, in the case of a political party for the time being represented in the House of Assembly, the leader of the party in that House and in the case of any other political party the person who appears to the Electoral Commissioner to be the leader thereof in the Region.

45. Every ballot paper shall be in the Form I in the Second Schedule and shall— Form of
ballot paper.

(a) have a serial number printed or stamped on the back;

(b) be attached to a counterfoil bearing the same serial number as is printed or stamped on the back of the ballot paper.

46. (1) Each candidate may appoint two persons, hereinafter referred to as polling agents, to attend at each polling station in the area for which he is a candidate for the purpose of detecting personation. Polling
Agents.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the Electoral Officer not later than three days before the day fixed for the election.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Returning Officer notice in writing of the name and address of the polling agent so appointed.

47. (1) The Electoral Officer shall on or before the sixth day before the day of election, cause to be published in every registration area in which the election is to be held in such manner as he may think fit a notice specifying— Notice of
poll.

(a) the day and the hours fixed for the poll;

(b) the full names, arranged in the alphabetical order of their surnames, place of residence, and occupation of each candidate remaining nominated and the symbol he has allotted to each candidate;

(c) the situation of the polling station or stations in the registration area and an indication of the persons entitled to vote thereat.

(2) The hours fixed for the taking of the polls shall be a continuous period of not less than eight hours in the case of a parliamentary election or six hours in the case of a local government election.

48. (1) The presiding officer shall cause to be placed in the polling station ballot boxes equivalent in number to the candidates remaining nominated which shall be so constructed that the ballot papers can be put therein by the voter but cannot be withdrawn by him. Ballot boxes.

(2) Each ballot box shall be clearly and durably marked with the candidate's name and shall have the symbol allotted to him stencilled or painted on and shall be shown to such persons as may lawfully be present to be so marked before being placed in the polling station and before any voting commences.

(3) When in use for voting the ballot boxes shall be at least one foot away from each other and shall be screened from observation by all persons other than the voter casting his vote.

(4) The ballot boxes shall be placed so that they shall be as far as possible equidistant from the entrance to the apartment where they are placed, and shall be fixed so that they cannot be moved.

Sealing of
ballot boxes.

49. Immediately before the commencement of the voting, the presiding officer at the polling station shall show the ballot boxes empty to such persons as may lawfully be present so that they may see that they are empty and shall then close and seal the boxes in such manner as to prevent their being opened without breaking the seal.

Method of
voting.

50. (1) The voting at an election shall be conducted in the following manner—

(a) (i) Every elector desiring to record his vote shall present himself to a polling officer at the Polling Station at which he is entitled to vote and the polling officer, after satisfying himself that such elector is a person whose name appears on the portion of the register of electors provided for the Polling Station and that he has not already voted, shall deliver to him a ballot paper;

(ii) before delivering a ballot paper to a voter, the polling officer may require the voter to submit to being searched by the polling officer or a person directed by him for the purpose of ensuring that a ballot paper relating to the election is not in his possession and, if the voter shall not submit to a search, he shall not be entitled to receive a ballot paper;

(iii) a female voter shall not be searched except by a female;

(b) immediately before the polling officer delivers a ballot paper to a voter—

(i) the ballot paper shall be marked on both sides or punched, with an official mark;

(ii) the number, name, address and occupation of the voter as stated in the copy of the register of electors, or part thereof, shall be called out;

(iii) the number of the voter in the register of electors shall be marked on the counterfoil, and

(iv) a mark shall be placed against the number of the voter in the copy of the register of electors, or part thereof, to denote that a ballot paper has been received by the elector, but without showing the serial number of the ballot paper which has been received;

(c) a polling officer may, and if required by a candidate or a polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

(i) "are you the person whose name is on the register of electors as follows.....?" (reading the copy of the entry in the register);

(ii) "have you already voted at the present election at this or any other polling station?"

(d) a voter on receiving a ballot paper shall go immediately into the screened compartment in the polling station, and shall there secretly record his vote by placing his ballot paper in the ballot box of his choice;

(e) (i) a voter shall not vote for more candidates than one nor record more than one vote in favour of any candidate nor place on the ballot paper any writing or mark by which he may be identified;

(ii) for the purpose of this sub-paragraph a finger-print resulting from the staining of the thumb or forefinger of a voter in accordance with sub-paragraph (g) shall not be regarded as a mark of identification;

(f) a voter who has accidentally dealt with his ballot paper in such a manner that it cannot be conveniently used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying the presiding officer that the ballot paper has been spoilt by accident, obtain another ballot paper in the place of the paper so delivered up, and the spoilt ballot paper shall be immediately cancelled;

(g) immediately before recording his vote a voter shall submit to having the ball of his left thumb or the outer edge of the lower part of his left forefinger (whichever the Electoral Officer may prescribe) marked with ink sufficiently indelible to leave a mark for a period of approximately ten hours;

(h) an elector who is unable to distinguish symbols or who suffers from blindness or from any other physical disability may call the presiding officer aside and may tell him, no other person being present within hearing, the name or symbol of the candidate for whom he wishes to vote, and the presiding officer shall, in the presence of the voter, place the ballot paper in the appropriate ballot box.

(2) A vote may not be recorded by an elector except by his attending in person at the polling station and recording his vote in accordance with this regulation.

51. (1) No person shall be permitted to vote at any polling station other than the one to which he is allotted.

(2) The presiding officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except candidates, polling agents, polling officers, and any other person who in his opinion has lawful reason to be admitted.

52. (1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person in respect of whom a polling agent makes a declaration in accordance with the provisions of paragraph (1) shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors or portion thereof:

Provided that where a person in respect of whom such declaration is made admits to the presiding officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the presiding officer shall make a note of the number of the ballot paper delivered to him and, upon the count being taken such ballot paper shall be invalid.

(3) A person arrested under the provisions of this regulation shall be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant.

Allocation of
polling
station;
admission
thereto.

Personation.

Tendered
ballot papers.

53. If a person representing himself to be an elector named in the register of electors applies for a ballot paper after another person has voted as such elector, the applicant shall, upon giving satisfactory answers to the questions set out in paragraph (c) of regulation 50 be entitled to receive a ballot paper in the same manner as any other elector but such ballot paper, hereinafter called a tendered ballot paper, shall be of a colour different from the ordinary ballot papers, and instead of being put into a ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside, in accordance with the wishes of the person voting, in one of a number of separate packets, each of which shall correspond to and bear the same symbol as one of the ballot boxes provided in accordance with regulation 48 and shall not be counted by the Electoral Officer as hereinafter provided; and the name of the elector and his number on the register of electors shall be entered on a list to be called the tendered votes list, and this list shall be admissible in any legal proceedings arising out of the election.

Conduct in
polling
stations.

54. (1) The Presiding Officer shall keep order and ensure compliance with these regulations at the polling station.

(2) If any person misconducts himself in a polling station, or fails to obey any lawful order of the Presiding Officer, he may, by order of the Presiding Officer, be removed from the polling station by any police officer, or by any other person authorised in writing by the Presiding Officer in that behalf; and the person so removed shall not, without the permission of the Presiding Officer, again enter the polling station during the day of the election; and any person so removed may, if charged with the commission of an offence in such station, be deemed to be a person taken into custody by a police officer for an offence in respect of which he may be arrested without a warrant :

Provided that the provisions of this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

A adjournment
of Poll in
case of riot.

55. (1) When the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings till the following day and shall forthwith give notice to the Electoral Officer.

(2) When the poll is adjourned at any polling station—

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day;

(b) references in this Part to the close of the poll shall be construed accordingly.

Closing of
poll.

56. When the prescribed hour for the closing of the poll has been reached the presiding officer shall declare that no more persons shall be admitted to the polling station, and thereafter only those persons already inside the polling station shall be permitted to vote.

Presiding
Officer's
duties at
close of
voting.

57. (1) As soon as practicable after the termination of the voting the presiding officer shall, in the presence of the polling agents, make up into separate packets, each sealed with his own seal—

(a) each ballot box in use at his polling station, unopened and sealed so as to prevent the introduction of additional ballot papers ;

(b) the unused and spoilt ballot papers, placed together ;

(c) the tendered ballot papers ;

- (d) the marked copy of the register of electors;
- (e) the counterfoils of the used ballot papers;
- (f) the tendered votes list;
- (g) a statement of the ballot papers which are invalid under paragraph

(2) of regulation 52;

and shall deliver the packets to the Returning Officer.

(2) Any ballot papers which are left in the compartment used for voting without being inserted in a ballot box shall be cancelled by the Presiding Officer and shall be delivered to the Returning Officer sealed up in a separate packet.

(3) The packets shall be accompanied by a statement to be called the ballot papers account, prepared by the presiding officer, showing—

- (a) (i) the number of ballot papers entrusted to him;
- (ii) the number of spoilt ballot papers;
- (iii) the number of unused ballot papers; and
- (iv) the number of ballot papers found in the voting compartment outside the ballot boxes.
- (b) the number of tendered ballot papers submitted by voters.

(c) the number of persons marked on the register of electors as having been issued with a ballot paper.

(4) After the ballot papers account has been made up and before the packets are sealed up for delivery to the Returning Officer, any candidate or his polling agent may verify the ballot papers account and any candidate or polling agent by whom such verification is made shall sign his name on the said account.

58. (1) Each candidate may appoint not more than two persons, hereinafter referred to as counting agents, to attend at the counting of votes. Counting agents.

(2) Notice in writing of the appointment, stating the names and addresses of the counting agents, shall be given by the candidate to the Returning Officer not later than one day before the day of the election and the Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

59. (1) The Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after termination of the voting and shall, as far as is practicable, proceed continuously with the counting, allowing only reasonable time for refreshment-until it is complete. Counting of votes.

(2) The Returning Officer may, if he thinks fit, appoint a fit and proper person to be Assistant Returning Officer to supervise the counting of the votes and certify the same. No candidate or agent of a candidate shall act as Assistant Returning Officer.

60. Except with the consent of the Returning Officer who shall have sole charge of the counting, no person other than the Returning Officer, his assistants, the candidates and their counting agents may be present at the counting of votes. Persons who may be present.

- Method of checking and counting votes. 61. (1) The Returning Officer shall, in the presence of the counting agents, open each ballot box one by one.
- (2) The Returning Officer shall then proceed to count the ballot papers in the box and shall record the total number thereof as the number of votes cast in favour of the candidate whose symbol is marked on the ballot box concerned.
- (3) While counting the ballot papers the Returning Officer shall keep the ballot papers with their face upwards.
- Votes not to be counted. 62. Any ballot paper which does not bear the official mark shall not be counted:
- Provided that if the Returning Officer is satisfied that a ballot paper which does not bear the official mark was issued from a book of ballot papers which was furnished to the Presiding Officer of the polling station in which the vote was cast for use at the election in question he shall, notwithstanding the absence of such mark, count that ballot paper.
- Endorsements by Returning Officers. 63. (1) The Returning Officer shall endorse the word "rejected" on any ballot paper which, under the provisions of regulation 62, is not to be counted.
- (2) The Returning Officer shall add to the endorsement the words "rejection objected to" if an objection to his decision is made by any counting agent.
- Statement of rejected ballot papers. 64. The Returning Officer shall prepare a statement showing the number of ballot papers rejected and shall on request allow any counting agent to copy the statement.
- Returning Officer's decision final. 65. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election.
- Returning Officer's duties at conclusion of counting. 66. (1) Upon the conclusion of the counting of the votes the Returning Officer shall seal up in separate packets the counted and rejected ballot papers, he shall not open the sealed packet of tendered ballot paper, or the sealed packet containing the marked copy of the register of electors, or the sealed packet containing the counterfoils of used ballot papers, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer in accordance with regulation 57 by comparing it with the total number of ballot papers recorded in accordance with regulations 61 and 64 and with the number of unused, spoilt and invalid papers delivered to him in accordance with regulation 57.
- (2) The Returning Officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy such statement.
- (3) After examination, the Returning Officer shall re-seal the packets containing the unused, returned and spoilt papers and shall packet and seal those papers which he has rejected.
- Recount. 67. A candidate or his counting agent may, if present when the counting or any recount of the votes is completed, require the Returning Officer to have the votes recounted or again recounted, but the Returning Officer may refuse to do so if in his opinion the request is unreasonable.
- Equality of votes. 68. When an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any one of the candidates to be declared elected, the Returning Officer shall forthwith decide between

those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote, and shall declare such candidate to be elected.

69. (1) After having counted the votes and ascertained the result of the poll the Returning Officer shall—

Declaration and publication of result of election.

(a) in the case of a parliamentary election—

(i) complete a certificate of return in Form J in the Second Schedule;

(ii) declare the result of the poll by reading such completed form aloud inside the place of counting;

(iii) cause to be delivered to the Electoral Commissioner the original of such certificate;

(b) in the case of a local government election—

(i) complete a certificate of return in Form K in the Second Schedule;

(ii) declare the result of the poll by reading such completed form aloud inside the place of counting;

(iii) cause to be posted at the office of the council concerned a copy thereof;

(iv) deliver or cause to be delivered the original of such certificate to the Electoral Officer.

(2) The Electoral Commissioner shall cause to be posted in such place or places as he shall think fit a notice of the result of a parliamentary election and shall notify the Clerk of the House of Assembly who shall have the result published in the Gazette.

70. The Returning Officer shall deliver all documents relating to the conduct of the election to the Electoral Officer who shall ensure their safe custody.

Custody of documents.

71. A polling officer may be authorised by the presiding officer to do any act which the presiding officer is required or authorised to do at a polling station by these regulations, except that he may not order the arrest of any person, or the exclusion or removal of any person from the polling station.

Power of Polling Officer.

72. A candidate may do any act or thing which his agent would have been authorised to do, and may assist his agent in the doing of any such act or thing.

Candidate has power of his agent.

73. Where in these regulations any act or thing is required or authorised to be done by or in the presence of the agents of the candidates, the non-attendance of any agent or agents at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

Non-attendance of agents not to invalidate proceedings.

PART VII—INDIRECT ELECTIONS TO DIVISIONAL COUNCILS

74. The provisions of this Part apply to election of elected members of Divisional Councils by a process of indirect election.

Application.

75. Whenever a date has been appointed for the holding of an election of members of a Divisional Council by the members of a District or Local Council, the Electoral Officer of the constituency in which the local authority area is situated shall, not less than fourteen days before the date so appointed, publish in the area in such manner as he shall think fit a notice—

Notice of election.

(a) stating the date appointed for the holding of the election; and

(b) appointing a time and place at which the District or Local Council concerned will meet in the event of a contested election; and

(c) requiring that nominations in respect of candidates for election to the Divisional Council be delivered to him not later than one o'clock in the afternoon of the seventh day before the day appointed for the holding of the election.

Candidates
to be
nominated.

76. (1) Every candidate shall be nominated in writing by two members of the District or Local Council concerned, who may be either elected or traditional members thereof, and no person may be nominated unless he is qualified for election in accordance with section 22 of the Local Government Law.

(2) The writing shall be subscribed by the candidate and by the persons nominating him in Form L in the Second Schedule, and the nominating form shall contain the following particulars—

(a) the name, address, and occupation of the candidate;

(b) the names, addresses, and occupations of the nominators of the candidate;

(c) a statement by the candidate that he is qualified and willing to stand for election.

(3) The Electoral Officer shall provide nomination papers and shall supply any member of the council concerned with such number of nomination papers as he may require, and shall, at the request of any member of the council, the candidate and all his nominators being present, complete any such nomination paper in such persons behalf.

(4) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as hereinbefore provided, at the office of the Electoral Officer not later than one o'clock in the afternoon of the seventh day before the date of the election.

(5) Every candidate, before his nomination paper is delivered to the Returning Officer as aforesaid shall deposit or cause to be deposited in such local government or native authority treasury as the Returning Officer may direct, the sum of five pounds and shall, at the time of the delivery of his nomination paper, produce to the Returning Officer the official receipt of such treasury for the said sum, and no nomination shall be valid unless such sum is deposited and the receipt for the same produced in the manner required by this paragraph.

(6) The deposit referred to in paragraph (5) of this regulation shall be returned to the candidate or his personal representative if—

(a) he dies before the date of the election; or

(b) there is no contested election; or

(c) in any contested election he is successful or obtains not less than one-third of the number of votes cast for the successful candidate receiving the lowest number of votes.

(7) Forfeited deposits shall be paid into the general revenue of the council for membership of which the election has been held.

Validity of
nomination.

77. (1) When a nomination paper is delivered and a deposit, is made in accordance with these regulations the candidate shall be deemed to stand nominated unless and until the Electoral Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Electoral Officer of the candidate's death.

(2) The Electoral Officer shall be entitled to hold a nomination paper invalid only on one of the following grounds—

(a) that the particulars of the candidate or of his nominators are not as required by regulation 76; or

(b) that the paper is not subscribed as required by regulation 76; or

(c) that the nominators of the candidate or any of them are not members of the District or Local Council concerned.

(3) The decision of the Electoral Officer that the candidate is validly nominated shall be final and shall not be questioned in any legal proceedings whatsoever.

(4) The decision of the Electoral Officer that the candidate has not been validly nominated, together with the reasons therefor, shall be endorsed by him on the nomination paper and such decision shall only be subject to review on an election petition in accordance with the provisions of Part IX of these regulations.

78. (1) Not later than five days before the date appointed for the election the Electoral Officer shall cause to be posted in such public place or places as he shall think fit a statement showing the persons who stand nominated. Publication of list of nominations.

(2) In the case of a contested election, the statement shall give notice that a meeting of the District or Local Council concerned will be held at the time and place appointed in accordance with regulation 75.

79. (1) If the number of persons standing nominated exceeds the number of vacancies in the Divisional Council a poll shall be taken at a meeting of the District or Local Council concerned in the manner hereinafter provided. Contested election and unopposed candidates.

(2) If the number of persons standing nominated is equal to or less than the number of vacancies in the Divisional Council the Electoral Officer shall, without any meeting of the District or Local Council concerned being held, declare the persons nominated to be elected not later than eleven o'clock in the morning on the day of election.

80. When the number of persons standing nominated is less than the number of vacancies in the Divisional Council or if no person stands nominated, the Electoral Officer shall order that a further election be held in accordance with this Part to fill the vacancy or vacancies remaining, and shall fix a date for the holding thereof. Unfilled vacancies.

81. In the case of a contested election the Electoral Officer shall—

(a) provide at the place of meeting of the District or Local Council concerned such number of polling compartments as in his opinion may be necessary in which the voters can, screened from observation, record their votes; Duties of Returning Officer.

(b) appoint such persons as he may think fit to assist at the taking of the poll, to be known as polling assistants;

(c) appoint a person to be in charge of each polling compartment, to be known as a polling officer;

Provided that if there shall be not more than one polling compartment the Electoral Officer shall be in charge of such compartment;

(d) provide each polling officer with a ballot box; and

(e) provide each polling officer with a list of the members of the council concerned, with the names therein numbered in series.

Exclusion of unauthorised persons from meeting.

82. (1) The Electoral Officer shall preside at the meeting of the council concerned.

(2) At the commencement of the meeting of the council concerned the Electoral Officer shall satisfy himself that all persons claiming the right to be present at the meeting are so entitled.

(3) The Electoral Officer shall exclude all persons from the meeting except members of the council concerned, or persons authorised by him to be present to assist in the conduct of the election.

Method of taking poll.

83. (1) The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidates, equivalent in number to the number of vacancies, to whom the greatest number of votes have been given shall be declared elected.

(2) The poll shall be taken in the following manner—

(a) every member of the council who is present at the meeting shall present himself to the polling officer to whom the Electoral Officer directs him and the polling officer after satisfying himself that such voter is a member of the council concerned and has not already voted in the election shall deliver to him a paper containing a list of the names of candidates standing nominated (hereinafter called a ballot paper);

(b) immediately before the polling officer delivers a ballot paper to a voter—

(i) the ballot paper shall be marked on both sides, or punched with an official mark;

(ii) the number of the voter in the list of members of the council shall be marked on the counterfoil; and

(iii) a mark shall be placed against the number of the voter in the list of members of the council, or part thereof, to denote that a ballot paper has been received by the voter;

(c) other than the Electoral Officer and the council member voting there shall be no person present in the polling compartment except the polling officer and, if his presence is necessary, an interpreter;

(d) the voter shall thereupon record his vote by placing a cross on such ballot paper against the name of each candidate, in respect of each vacancy in the Divisional Council, for whom he desires to vote, folding the ballot paper and putting it into the ballot box in the presence of the polling officer;

(e) when a voter requires assistance he shall inform the polling officer of the candidate for whom he desires to vote and the polling officer shall in the voter's presence mark the ballot paper accordingly;

(f) if any voter inadvertently deals with his ballot paper in such manner that it cannot be conveniently used as a ballot paper he may, on delivering it to the polling officer and proving to his satisfaction the fact of the inadvertence, receive another ballot paper in the place of the ballot paper so delivered and the spoilt ballot paper shall be immediately cancelled;

(g) a member of the council concerned shall not vote for more candidates than the number of person required to be elected nor record more than one vote in favour of any one candidate;

(h) when every member of the council concerned present at the meeting and desiring to cast his vote has recorded his votes the Electoral Officer shall declare the poll closed.

84. (1) After the close of the poll each polling officer shall forthwith deliver his ballot box to the Returning Officer, who shall count the votes recorded. Procedure after close of poll.

(2) No person other than the Returning Officer, the polling officers and the polling assistants, and the candidates may be present at the counting of the votes.

(3) Any ballot paper on which votes are given for more candidates than the number required to be elected, or which is unmarked, or which is so marked that the intention of the voter does not clearly appear, shall be void and shall not be counted and the Returning Officer shall endorse the word "rejected" on any such ballot paper.

(4) Where the result of the election is that there is an equality of votes between any candidates so that the addition of a vote would entitle any candidate to be elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

(5) When the result of the poll has been ascertained the Returning Officer shall prepare a statement showing the number of votes given for each candidate and shall declare the candidates, equivalent in number to the vacancies in the Divisional Council, who received the highest number or numbers of votes to be elected.

85. After having counted the votes and ascertained the result of the poll, the Returning Officer shall— Notification to successful candidates, declaration and publication of results.

(a) complete the certificate of return in Form M in the Second Schedule;

(b) declare the result of the poll by reading such completed form aloud inside the place of counting;

(c) cause to be posted at the office of the council concerned a copy thereof; and

(d) deliver or cause to be delivered: the original of such certificate to the Electoral Officer.

86. (1) The Electoral Officer shall keep order, and ensure compliance with these regulations, at the meeting of the District or Local Council concerned. Keeping of order.

(2) If a person misconducts himself at the place of meeting he may immediately, by order of the Electoral Officer be removed from the place of meeting by a police officer or by any person authorised in writing by the Electoral Officer to remove him, and the person so removed shall not, without the permission of the Electoral Officer, again enter the place of meeting during the day.

(3) Any person so removed may, if charged with the commission in the place of meeting of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) For the purpose of this regulation the place of meeting includes the place appointed for the holding of the electoral meeting, the polling compartments, and the buildings within which the polling compartments are situated.

87. The Electoral Officer shall ensure the safe custody of all documents relating to the conduct of the election. Custody of documents.

PART VIII—OFFENCES

Breaches of
official duty.

88. (1) If any person to whom this regulation applies, or who is for the time being under a duty to discharge any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, then he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for six months, or to both such imprisonment and fine.

(2) The persons to whom this regulation applies are any Electoral Officer, an Assistant Electoral Officer, Assistant Registration Officer, Registration Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, or Polling Officer or Polling Assistant, and the expression "official duty" shall for the purposes of this regulation be construed accordingly, but shall not include duties imposed otherwise than by these regulations.

(3) Where a prosecution for an offence against this regulation is instituted by a private prosecutor—

(a) the court having cognisance of the case may order such prosecutor to give security for such costs as may become payable to the accused person for such amount and in such manner as to the court may seem fit, and in the event of failure to comply with such order the court shall discharge the accused person;

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(b) the amount of compensation which may be awarded to an accused person in accordance with the provisions of section 256 of the Criminal Procedure Ordinance shall be an amount not exceeding one hundred pounds as the court may determine instead of the amount for which provision is made in that section.

(4) In this regulation 'private prosecutor' has the meaning assigned to it in section 255 of the Criminal Procedure Ordinance.

Requirement
of secrecy.

89. (1) Every Electoral Officer, Assistant Electoral Officer, Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and Polling Assistant concerned in the conduct of an election, and every counting agent, polling agent or candidate in attendance at a polling station or place of voting, or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No such officer, agent or candidate shall except for some purpose authorised by law, communicate before the poll is closed to any person any information as to the name or number on the register of electors of any elector who has or has not voted at the place of voting.

(3) No person shall—

(a) interfere with an elector when recording his vote; or

(b) otherwise obtain or attempt to obtain in the place of voting information as to the candidate for whom a voter in that place is about to vote or has voted; or

(c) communicate at any time to any person any information obtained in a place of voting as to the candidate for whom an elector in that place is about to vote or has voted.

(4) If any person contravenes any of the provisions of this regulation, he shall be guilty of an offence and liable upon conviction to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

Corrupt
practices.

90. (1) If any corrupt practice is committed by any candidate elected at an election held under the provisions of these regulations, the election of such candidate shall be invalid.

(2) The expression "corrupt practice" as used in these regulations means any of the following offences—

- (a) personation;
- (b) treating;
- (c) undue influence;
- (d) bribery; or
- (e) aiding, abetting, counselling or procuring the commission of any of the aforesaid offences.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent or with the knowledge and consent of a person who is acting under the general or special authority of such candidate with reference to the election.

91. (1) Any person who at an election applies for a ballot paper in the name of some other person whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation. Personation and punishment for personation.

(2) Any person who, at an election, votes in the name of some other person whether that name be the name of a person living or dead, or of a fictitious person, or who, having voted once at any such election votes a second time in his own name, shall be guilty of the offence of personation.

(3) Every person who is guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(4) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

92. The following persons shall be deemed guilty of treating—

Persons to be deemed guilty of treating.

(a) every person who corruptly, by himself or by any other person, either before, during or after the election, directly or indirectly gives or provides, or pays, wholly or in part, the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person to vote or refrain from voting at such election, or on account of such person or any other person, having voted or refrained from voting at such election; and

(b) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

93. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel a person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free use of the vote by any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election shall be guilty of undue influence. Undue influence.

Persons to
be deemed
guilty of
bribery.

94. The following persons shall be deemed guilty of bribery—

(a) every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election;

(b) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place or employment to or for any voter or to or for any person on behalf of any voter, or to or for any person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election;

(c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a member of a council or as a member of the House of Assembly or the vote of any voter at any election;

(d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures, or engages, or promises or endeavours to procure, the return of any person as a member of a council or as a member of the House of Assembly or the vote of any voter at any election;

(e) every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays, or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining from voting at any such election;

(g) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election;

Provided that the aforesaid provisions shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

Punishment
of bribery,
treating and
undue
influence.

95. (1) Every person who is guilty of bribery, treating, or undue influence, or of aiding, abetting, counselling or procuring the commission of any of these offences aforesaid, shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(2) Every person who is convicted of bribery, treating, undue influence, or personation, or of aiding, abetting, counselling, or procuring the commission of any of the offences aforesaid, shall (in addition to any other punishment) be deemed incapable, during a period of fifteen years from the date of his conviction—

(a) of being registered as an elector or voting at any parliamentary or local government election in the Region; or

(b) of being elected as a member of the House of Assembly, or of a council, or if elected before his conviction, of retaining his seat as such member.

96. (1) Every person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the officer charged with the conduct of an election any nomination paper, knowing the same to be forged; or

(b) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper or any certificate of return; or

(c) without due authority supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper which he is not authorised by law to put in; or

(e) fraudulently takes out of the polling station any ballot paper; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,
shall be guilty of an offence.

(2) Any attempt to commit any offence specified in this regulation shall be punishable in the manner in which the offence is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers and the marking of instruments at an election held under these regulations, the property in such papers, boxes and instruments, as well as the property in the counterfoils may be stated to be in the officer charged with the conduct of such election.

(4) A person guilty of an offence under this regulation shall be liable—

(a) if he is an Electoral Officer, Assistant Electoral Officer, a Returning Officer, Assistant Returning Officer, a presiding officer, polling officer, or polling assistant, to imprisonment for a term not exceeding two years;

(b) if he is any other person, to imprisonment for a term not exceeding six months.

97. Every person who—

(a) votes, or induces or procures any person to vote at any election, knowing that he or such person is prohibited by these regulations, or by any other law, from voting at such election; or

(b) before or during an election, knowingly or recklessly publishes any false statement of the withdrawal of a candidate, at such election for the purpose of promoting or procuring the election of another candidate;

shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year or both such fine and imprisonment.

Offences in respect of nomination papers, ballot papers, etc., and ballot boxes.

Punishment of persons guilty of certain illegal practices.

Voting when
not register-
ed.

98. (1) Any person who wilfully votes at a parliamentary election in a constituency in respect of which his name does not appear on the current register of electors shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding twelve months or to a fine of one hundred pounds or to both such imprisonment and fine.

(2) Any person who wilfully votes at a local government election in respect of a ward of a council under which his name does not appear on the current register of electors shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding twelve months or to a fine of one hundred pounds or to both such imprisonment and fine.

Fraudulent
use of ballot
paper.

99. (1) Any person who, having been issued with a ballot paper in a Polling Station, takes or attempts to take that ballot paper out of the Polling Station shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of fifty pounds, or to both such imprisonment and fine.

(2) Any person who at an election brings into a Polling Station a ballot paper relating to the election issued to another person shall be guilty of an offence, and shall be liable on conviction to imprisonment for one year or to a fine of one hundred pounds or to both such imprisonment and fine.

(3) For the purposes of regulations 92, 93, 94 and 95 the expression "refrain from voting" includes taking a ballot paper out of a Polling Station contrary to paragraph (1) of this regulation.

(4) If the Presiding Officer in a Polling Station shall have reason to suspect that any person who has been issued with a ballot paper and is about to leave a Polling Station has the ballot paper in his possession, the Presiding Officer or any person acting under his directions may search such person.

(5) A female shall not be searched except by a female.

Offences
relating to
certificates
of return.

100. Any person who, being a Returning Officer at an election—

(a) gives a certificate of return which is, to his knowledge, false in any material particular; or

(b) perversely and without lawful excuse refuses to render any certificate of return relating to that election to the officer to whom it is required to be delivered,
shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding twelve months, or to a fine of one hundred pounds, or to both such imprisonment and fine.

Disqualifi-
cation of
persons
convicted of
certain
offences.

101. Every person who is convicted of an offence against regulation 96, 97, 98 or 99 shall (in addition to any other punishment) be deemed incapable, during a period of three years after the date of his conviction—

(a) of being registered as an elector or voting at any parliamentary or local government election in the Region; or

(b) of being elected as a member of the House of Assembly or of a council, or if elected before his conviction, of retaining his seat.

Disorderly
conduct at
elections.

102. Any person who at any Polling Station or place being used for the counting of votes acts or incites others to act in a disorderly manner shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

103. (1) No person shall, on the date or dates upon which a poll is taken in an election in respect of a constituency or a local government area—

Acts which are offences on day of poll.

(a) convene, hold or attend any public meeting in that constituency or local government area, as the case may be;

(b) operate any megaphone, amplifier or public address apparatus in that constituency or local government area, as the case may be, for the purpose of making announcements concerning the election:

Provided that this sub-paragraph shall not apply to the operation of any such apparatus, by an officer appointed under these regulations, for the purpose of making official announcements relating to the election.

(2) No person shall on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of two hundred yards of the polling station—

(a) canvassing for votes; or

(b) soliciting the vote of any voter; or

(c) persuading any voter not to vote for any particular candidate; or

(d) persuading any voter not to vote at the election; or

(e) wearing, exhibiting or tendering any notice, sign, token, symbol, slogan, badge, photograph or party card referring to the election;

Provided that nothing in this sub-paragraph shall be taken to apply to flags associated with a political party which are fixed on motor or other vehicles and are furled; or

(f) shouting slogans concerning the election.

(3) No candidate or other person with the connivance of a candidate shall, whether on payment or otherwise, use, hire or procure any vessel or vehicle for the conveyance of any elector (other than the candidate himself or his agent) to or from any polling station.

(4) No person shall bring alcoholic liquor into a polling station or a place being used for the counting of votes or shall consume alcoholic liquor in any such place.

(5) Any person who contravenes the provisions of paragraphs (1), (2), (3) or (4) of this regulation shall be guilty of an offence and shall be liable on conviction to a fine of one hundred pounds or to imprisonment for one year for each such offence.

104. Any person who—

(a) without lawful authority destroys, mutilates, defaces or removes, or makes any alteration in, any notice or document required to be made under the provisions of Part V;

Offences relating to registration.

(b) wilfully and knowingly gives false information or makes a false statement in relation to any claim or application to have his name placed on or retained on the register of electors, or transferred to any portion of a register of electors;

(c) publishes any statement, rumour or report which he knows or has reason to believe is false for the purpose of preventing persons who are qualified as electors from registering in accordance with Part V; or

(d) makes in any record, register or document which he is required to prepare or publish in accordance with Part V, any statement or entry which he knows to be false or does not believe to be true,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding twelve months or to a fine of one hundred pounds or both such imprisonment and fine.

Disturbances
at election
meetings.

105. (1) Any person who at a lawful public meeting to which this regulation applies—

(a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together;

(b) has in his possession any offensive weapon or missile, shall be guilty of an offence and liable on conviction to a fine of fifty pounds or imprisonment for six months or both such fine and imprisonment.

(2) This regulation applies to—

(a) a political meeting held in any constituency between the date when an election has been announced and the day preceding the day of election;

(b) a meeting held with reference to a local government election in the ward for that election within three weeks before the day of election.

Conviction
of disqualify-
ing offences
to be
reported.

106. Where a person is convicted of an offence against any of the provisions of this Part which disqualifies him from being registered as an elector or being elected as a member of the House of Assembly or a council, the court by which he was convicted shall send to the Electoral Commissioner a report of the conviction and, if the person convicted has appealed, a report of the result of the appeal.

PART IX—LEGAL PROCEEDINGS

Election
petition.

107. No parliamentary election or local government election and no return to the House of Assembly or a local government council shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as an election petition) presented to the High Court.

Presentation
of petition.

108. (1) An election petition may be presented by one or more of the following persons—

(a) a person who voted at the election or who had a right so to vote;

or

(b) a person claiming to have had a right to be elected or returned at the election; or

(c) a person alleging himself to have been a candidate at the election.

(2) The person whose election or return is complained of is hereinafter referred to as the respondent, but if the petition complains of the conduct of a Returning Officer or Electoral Officer, such Returning Officer or Electoral Officer shall for the purpose of these regulations be deemed to be a respondent.

(3) The petition shall be in the form prescribed by rules of Court, and shall be presented to the High Court having jurisdiction where the constituency or ward is situated.

(4) The petition shall be presented within one month after the date on which the election was held.

Grounds for
election
petition.

109. (1) An election may be questioned on the following grounds—

(a) that the person whose election was questioned was at the time of election not qualified or was disqualified from being elected as a member of the House of Assembly or a local government council;

(b) that the election was avoided by corrupt practices or offences against these regulations;

(c) that the respondent was, at the time of the election, not duly elected by a majority of lawful votes at the election in accordance with the provisions of these regulations.

(2) An act or omission which is contrary to an instruction or direction of the Electoral Commissioner or any officer appointed under Part II but which is not contrary to these regulations shall not, of itself, be a ground upon which an election may be questioned.

110. (1) At the time of presenting an election petition or within such time as the court may order, the petitioner shall give security for the payment of all costs, charges and expenses which may become payable by him to any witnesses summoned on his behalf or to any respondent.

(2) The security shall be of such amount (not exceeding one hundred pounds) and shall be given in such manner as the court may order, and, in the event of any failure to comply with such order no further proceedings shall be had on the petition.

111. (1) Every election petition shall be tried by the High Court in open court.

(2) At the conclusion of the trial, the court shall determine whether the person whose election or return is complained of, or any other person, and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Electoral Commissioner; and upon such certification being given such determination shall be final; and the election shall be confirmed or a new election shall be held, as the case may require, in accordance with such certification.

(3) Where a new election is to be held under the provisions of this regulation the Electoral Commissioner shall appoint a date therefor.

112. Election petitions shall in respect of the right of priority of hearing by the court, enjoy precedence over all other proceedings other than those which are part heard.

113. (1) A person called as a witness in any proceeding in the High Court shall not be excused from answering any question relating to any offence at or connected with such election on the grounds that the answer thereto may criminate or tend to criminate himself, or on the grounds of privilege:

Provided that—

(a) a witness who answers truly all questions which he is required by the court to answer shall be entitled to receive a certificate of indemnity under the hand of the presiding judge, stating that such witness has so answered; and

(b) an answer by a person to a question put by or before the court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceedings civil or criminal admissible in evidence against him.

(2) Where a person has received a certificate of indemnity in relation to an election and any legal proceedings are at any time brought against him for an offence against the provisions of these regulations, committed by him previously to the date of the certificate at or in relation to the said election the Court having cognisance of the case shall on proof of the certificate stay the proceedings, and may at his discretion award to the said person such costs as he may have been put to in the proceedings.

114. (1) All costs of and incidental to the presentation of an election petition and the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the High Court may determine.

Security
for costs.

Trial of
election
petition.

Proceedings
to have
priority of
hearing.
Obligation of
witnesses to
answer and
certificate of
indemnity.

Costs of
petition.

(2) Where the Court declares an election to be void the Court may, if it is satisfied that the avoidance of the election was due either wholly or in part to the culpable default of any officer responsible for the conduct of the election in the performance of his duties imposed by these regulations, order that the whole or any part of the costs awarded to the successful petitioner be paid by such officer.

(3) For the purposes of paragraph (2) of this regulation 'officer responsible for the conduct of the election' means the Electoral Officer, the Returning Officer, an Assistant Returning Officer, and any Presiding Officer or Polling Officer.

(4) Nothing in this Part shall be construed to affect the right of appeal to the Federal Supreme Court conferred by any Ordinance against an order for the payment of costs made in accordance with the provisions of paragraph (2).

Procedure at trial of election petition.

115. (1) Subject to the provisions of this Part, the Chief Justice may from time to time make, amend, or revoke rules for regulating the practice or procedure to be observed at the trial of an election petition; and subject to any such rules, the procedure at the trial of an election petition shall, as near as circumstances will admit, be the same, and the Court shall have the same powers, jurisdiction, and authority, as if it were trying a civil action; and witnesses shall be subpoenaed and sworn in the same manner, as near as circumstances will admit, as in the trial of a civil action in the High Court, and shall be subject to the same penalties for perjury.

(2) The Supreme Court (Election Petition) Rules of Court, 1951, shall have effect as if they had been made under this regulation and such rules—

(a) may be amended, revoked, or varied as if they had been made accordingly; and

(b) shall be construed with such adaptations as are necessary to make them applicable to the High Court.

Non-compliance with certain provisions not to invalidate election.

116. (1) An election shall not be invalidated by reason of non-compliance with these regulations if it appears to the Court having cognisance of the question that the election was conducted substantially in accordance with the principles of these regulations, and that the non-compliance did not affect the result of the election.

(2) An election shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to conduct the election.

Procedure when the right of a person to remain an Elected Member is questioned.

117. (1) Any question as to whether the seat of any Elected Member of the House of Assembly has become vacant shall be referred to and decided by the High Court in accordance with the procedure prescribed in this Part for the trial of an election petition, and the decision of the High Court shall be final.

(2) Proceedings under this regulation may be instituted by any person qualified as an elector in the constituency which the Elected Member concerned represents.

(3) The Court shall certify its decision in writing to the Governor.

PART X—MISCELLANEOUS AND GENERAL

Voter not to be required to disclose his vote.

118. Subject to the provisions of these regulations no person who has voted at an election held under these regulations shall, in any legal proceedings arising out of the election, be required to state for whom he voted.

119. (1) Where a date has been appointed for the holding of an election under regulation 31 or 32 and the Governor has reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded with on that date he may by writing under his hand postpone the holding of that election until some other convenient date appointed by him.

Postpone-
ment of
elections.

(2) Where an election is postponed under this regulation before the last day for the delivery of nomination papers the Electoral Officer shall, upon a new date being appointed for the election, proceed in all respects as if the date had been appointed under regulation 31 or 32.

(3) Where an election is postponed under this regulation on or after the last day for the delivery of the nomination papers and a poll has to be taken between the candidates then nominated, the Electoral Officer shall, upon a new date being appointed for the election, proceed as if the date appointed were the date for the taking of the poll between those candidates and the provisions of Part VI shall be construed accordingly.

(4) The power conferred upon the Governor by paragraph (1) of this regulation includes, in the case of a general election to the House of Assembly or to a council, the power to postpone an election in all or any constituencies and all or any wards of the council.

(5) An election postponed under this regulation may in like manner be further postponed.

120. (1) An order for—

(a) the inspection or production of any rejected ballot papers in the custody of an Electoral Officer; or

Orders for
production
and inspection
of ballot
papers.

(b) for the opening of a sealed packet of counterfoils or the inspection of any counted ballot papers or marked copy of a register of electors in the custody of an Electoral Officer, may be made by the High Court if satisfied that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of counterfoils or for the inspection of any counted or registered ballot papers in the said custody may be made by the High Court in the course of proceedings under Part IX.

(3) Any order under this regulation may be made subject to such conditions as the Court may think expedient.

121. The Electoral Officer shall retain for six months all documents relating to an election forwarded to him in accordance with these regulations and then, unless otherwise ordered by the High Court, shall cause them to be destroyed.

Disposal of
documents.

122. (1) Subject to the provisions of this regulation, a candidate at a parliamentary election shall for the purpose of holding public meetings in furtherance of his candidature be entitled to the use at reasonable times, between the date on which an election has been announced to take place and the day before such election, of a suitable room in the premises of any school vested in a local authority or in a public building being the property of a local authority in which meetings are normally held.

Use of
buildings by
candidates.

(2) This regulation applies to schools and buildings situated in the constituency for which a candidate stands for election.

(3) Where a room or building is used for a meeting in pursuance of the rights conferred by this regulation, the person on whose behalf the meeting is convened—

(a) may be required to pay for the use of the room or building, a charge not exceeding the amount of any actual and necessary expenses incurred in preparing, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting; and

(b) shall defray any damage done to the room or the premises in which it is situated or to the furniture, fittings or apparatus in the room or premises.

(4) A candidate shall not be entitled to exercise the right conferred by this regulation except on reasonable notice; and this regulation shall not authorise interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

Symbols.

123. (1) A register of symbols for use at elections shall be kept by the Electoral Commissioner.

(2) A political party may apply to the Electoral Commissioner for entry on the register of a symbol to be used by it at elections and the Electoral Commissioner, if he is satisfied—

(a) that no other symbol of the same design is registered; and

(b) that the symbol is distinctive from any other symbol which is registered; and

(c) that its use would not be contrary to law or morality, may register the symbol.

(3) The following shall not be registered or allotted for use as a symbol at an election—

(a) the Royal Arms or any device or emblem which in the opinion of the Electoral Commissioner is normally associated with the official acts of government;

(b) any device or emblem which in the opinion of the Electoral Commissioner is normally associated with the regalia of a chief;

(c) any representation of any person, whether living or dead.

(4) A symbol may be removed from the register—

(a) on the application of the party by which it was registered; or

(b) by the Electoral Commissioner if in his opinion the party by which it was registered has ceased to exist.

(5) An application under this regulation shall be made by the Secretary of the party concerned and, in the case of an application for registration, a fee of twenty-five pounds shall be payable.

(6) In this regulation—

'political party' means an organization or association of persons whose object or one of whose objects is to contest parliamentary elections or local government elections.

124. (1) The Electoral Commissioner may prescribe—

(a) a scale of remuneration for officers appointed under these regulations for the preparation of registers of electors or the conduct of elections;

Expenses of
elections.

(b) a scale of maximum charges in respect of other expenses incurred by a Registration Officer, an Electoral Officer, or a Returning Officer in connection with the preparation of a register of electors or the conduct of an election, and may revise the scales as and when he thinks fit.

(2) A Registration Officer, an Electoral Officer and a Returning Officer shall, in addition to any remuneration prescribed under sub-paragraph (a) of paragraph (1), be entitled to such sums in respect of expenses, not exceeding the prescribed scale, in connection with the preparation of a register of electors or the conduct of an election as are reasonable.

PART XI—REPEALS AND TRANSITIONAL

125. The regulations mentioned in the Third Schedule are revoked with effect from the commencement of Parts VI, VII and IX. Repeals.

126. Until the commencement of Parts VI, VII and IX, the regulations mentioned in Part I of the Third Schedule shall, notwithstanding anything in these regulations, apply with respect to parliamentary elections. Transitional provisions for parliamentary elections.

127. Until the commencement of Parts VI, VII and IX, and notwithstanding anything in these regulations— Transitional provisions for local government elections.

(a) the qualifications of electors at local government elections shall be the qualifications prescribed by the Local Government Law on the first day of May, 1955;

(b) for the purpose of an election to a local government council such of the regulations mentioned in Part II of the Third Schedule as are specified in the Instrument relating to the council and such other provisions as are contained in the Instrument shall apply, and if no regulations are prescribed in the Instrument relating to the council all the said regulations which would apply if the Instrument had prescribed that the method of election should be the method described as Type B in the said regulations;

(c) where by an Instrument coming into force after the commencement of Parts I to V it is prescribed that any members of a Divisional Council shall be elected by a process of direct election—

(i) the qualifications of electors shall be the qualifications prescribed by section 23 of the Local Government Law on the first day of May, 1955, but as if the reference therein to a District or Local Council were a reference to the Divisional Council;

(ii) the regulations mentioned in Part II of the Third Schedule which would apply if the Instrument relating to the council had prescribed that the method of election should be the method described as Type B shall apply, but as if the references in those regulations to a District or Local Council were references to the Divisional Council.

FIRST SCHEDULE
PARLIAMENTARY CONSTITUENCIES

<i>No.</i>	<i>Description of Area</i>	<i>Name of Constituency</i>
1	Otta District Council	Egba South
2	Abeokuta Urban District Council Area	Egba Central
3	Egba Ifo District Council Area Egba Ikereku District Council Area Imala District Council Area	Egba West
4	Egba Owode District Council Area	Egba East
5	Egba Obafemi District Council Area Egba Odeda District Council Area	Egba North
6	Egbado Ketu District Council Area	Egbado North
7	Ipokia District Council Area	Egbado West
8	Ilaro and Egbado-Ifonyin District Council Areas	Egbado East
9	Ado Igbessa District Council Area	Egbado South
10	Ika District Council Area	Asaba West
11	Asaba District Council Area Illah-Ebu Local Council Area Akukwu-Atuma Local Council Area Idumuje Local Council Area Odiani Local Council Area Ezechima Local Council Area Okpanam Local Council Area	Asaba North
12	Ibusa Local Council Area Ubulu Local Council Area Ogwashi-Uku Local Council Area Oko Okwe Local Council Area Nsukwa Local Council Area	Asaba South
13	Iyekovia District Council Area Iyekuselu District Council Area	Benin West
14	Benin City Council Area	Benin Central
15	Uhumwonde District Council Area Iyekeorhiomwan District Council Area Akugbe District Council Area	Benin East
16	Uromi-Uzea District Council Area North East Ishan District Council Area South East Ishan District Council Area	Ishan East
17	Irrua-Ewu District Council Area Ivie-Uda-Esaba District Council Area West Ishan District Council Area Ewohimi-Ewatto-Ewossa District Council Area	Ishan West
18	Akoko Edo District Council Area	Kukuruku North
19	Etsako District Council Area	Kukuruku East
20	Iyibiosakon District Council Area	Kukuruku West
21	Egun-Awori District Council Area	Badagry West
22	Awori District Council Area Ajeromi District Council Area	Badagry East
23	Ejinrin District Council Area Ibeju District Council Area Ikosi District Council Area	Epe West
24	Lekki District Council Area Epe District Council Area Eredo District Council Area	Epe East
25	Mushin District Council Area	Ikeja South
26	Ikeja District Council Area Agege District Council Area Ikorodu Divisional Council Area	Ikeja North

<i>No.</i>	<i>Description of Area</i>	<i>Name of Constituency</i>
27	Ndosimili District Council Area ...	Aboh East
28	Ukwuani District Council Area ...	Aboh West
29	Warri Urban District Council Area ...	Warri East
	Ode-Itsekiri Local Council Area	
	Ogbe-Ijaw Local Council Area	
30	Benin River Local Council Area ...	Warri West
	Egbeoma Local Council Area	
	Gborodo Local Council Area	
	Gbaramatu Local Council Area	
	Koko Local Council Area	
31	Ogbolubiri-Mein Local Council Area ...	Western Ijaw (North)
	Seimbiri Local Council Area	
	Akugbene-Mein Local Council Area	
	Tarakiri Local Council Area	
	Kumbowei Local Council Area	
	Kabowei Local Council Area	
	Ngbilebiri-Mein Local Council Area	
	Ogobiri-Mein Local Council Area	
32	Burutu Local Council Area ...	Western Ijaw (South)
	Forcados Local Council Area	
	Obotebe Local Council Area	
	Operemor Local Council Area	
	Benni Local Council Area	
	Tuomo Local Council Area	
	Iduwini Local Council Area	
	Ogula Local Council Area	
33	Western Urhobo District Council Area ...	Urhobo West
	Sapele Urban District Council Area	
34	Central Urhobo District Council Area ...	Urhobo Central
35	Isoko District Council Area ...	Urhobo East
36	Wards C1, C2, E1, E2, N1, N2, N3, NW1, NW2 and NW3 of the Ibadan District Council Area	Ibadan Central
37	Wards SW3, SW4, SW5, SW6, SW7, SW8, SW9, Omi-Adio and Iddo, of the Ibadan District Council Area	Ibadan South-West
38	Wards N6, NW4, NW5, NW6, Ojoh and Ajibode, Ikparapo and Moniya and Akinyele, Alabata and Olorisaoko, Ijaiye, Ikereku Town, Ikereku District, Iroko, Akufa and Apete and Aroro, of the Ibadan District Council Area	Ibadan North-West
39	Wards N4, N5A, N5B, E5A, E5B, E6, E7, E8 and E9, of the Ibadan District Council Area	Ibadan North-East
40	Wards Olodo and Ikumopayi, Olorunda-Arun, Apatere Olode and Oyedeji, Akirisagbe and Pabiekun, Lalupon and Odo Oba, Erunmu, Adedokun and Offa-Igbo, Lagun and Ogburo, Osengere and Ajia and Ojoku, Gbadaefon and Badeku, of the Ibadan District Council Area	Ibadan East
41	Wards E3, E4, S4, S5, S6A, S6B, Aiyegun, Apadi and Olode, Olojuodo, Ayorinde and Latunde, and Odeyale, Akanran, Amosun and Elese-Erin and Araromi, of the Ibadan District Council Area	Ibadan South-East
42	Wards S1, S2, S3, SW1, SW2, S7, Abanla, Olode and Sanusi and Alata, Onipe, Obepi, Dalley and Olubi, of the Ibadan District Council Area	Ibadan South
43	Ibarapa District Council Area ...	Ibadan West
44	Wards Arowomole, Abogunde A, Abogunde B, Abogunde C, Aguodo, Gbede A, Gbede B, Isale Alasa A, Isale Alasa B, Isale Afton, Isale Ora, Ilogbo A, Ilogbo B, Lagbedu, Masifa A,	Oshun North

<i>No.</i>	<i>Description of Area</i>	<i>Name of Constituency</i>
	Masifa B, Masifa C, Oke Elerin A, Oke Elerin B, Saja A, Saja B, Saja C, Sabo, Tara A and Tara B within Ogbomosho District Council Area	
45	Wards Akata A, Akata B, Akata C, Aaje, Ajawa A, Ajawa B, Oke A, Oke B, Ibapon, Ijeru A, Ijeru B, Ijeru C, Ijeru D, Ijeru E, Ijeru F, Iressa A, Iressa B, Isoko A, Isoko B, Oke Olla, Osupa A, Osupa B, Osupa C, Ogunbado, Oja Jagun A and Oja Jagun B within the Ogbomosho District Council Area	Oshun North West
46	Wards Balogun Oshogbo A, Balogun Oshogbo B, Balogun Oshogbo C, Olobu A, Olobu B, Olobu C, Olobu D, Bara Ilobu A, Bara Ilobu B, Bara Ilobu C, Olufon A, Olufon B, Olufon C, Olufon D, Elerin A, Elerin B, and Elerin C within the Oshogbo District Council Area	Oshun East
47	Wards Ataoja A, Ataoja B, Ataoja C, Ataoja D, Ataoja E, Areago Oshogbo, Esa Oshogbo, Jagun Oshogbo A, Jagun Oshogbo B, Babakekere Oshogbo A, Babakekere Oshogbo B, Akogun Oshogbo A, Akogun Oshogbo B, Otun Jagun Oshogbo A, Otun Jagun Oshogbo B, Sabo Oshogbo, Eketa Oshogbo, Alagba Oshogbo A, Alagba Oshogbo B, Bale Gbonmi Oshogbo, Otun Balogun Oshogbo, Ekerin Oshogbo, Oba Oke, Oba Ile and Ile within Oshogbo District Council Area	Oshun Central
48	Iwo District Council Area	Oshun South
49	Aiyedade and Egbedore District Council Areas	Oshun South-East
50	Odo-Otin, Ikirun and Ifelodun District Council Areas	Oshun North-East
51	Ede and Ejigbo District Council Areas	Oshun West
52	Ijebu-Igbo District Council Area	Ijebu North
	Ilugun-Alaro District Council Area	
53	Ijebu Northern District Council Area	Ijebu West
	Ijebu Western District Council Area	
	Ijebu Southern District Council Area	
54	Ijebu-Ode District Council Area	Ijebu Central
55	Ijebu Waterside District Council Area	Ijebu East
	Ijebu Eastern District Council Area	
56	Ishara, Orile Oke, Ode Remo, Akaka, Ipara, Ilishan, Ilara, Irolu, Iperu, Ikenne and Ogere Local Council Areas	Remo North
57	Offin Shagamu, Ode Lemo, and Makun Shagamu Local Council Areas	Remo South
58	Ekiti Northern, Ikole and Otun District Council Areas	Ekiti North
59	Ekiti Western and Ijero District Council Areas	Ekiti West
60	Ado and Iddo-Osi District Council Areas	Ekiti Central
61	Ekiti Southern District Council Area	Ekiti South
62	Akure Divisional Council Area	Ondo North
63	Idanre District Council Area	Ondo East
64	Ondo Central District Council Area	Ondo Central
65	Ile-Oluji-Okeigbo District Council Area	Ondo North-West
	Ondo Southern District Council Area	
	Ondo Western District Council Area	
	Ondo Eastern District Council Area	
66	Ikale Idapomaran District Council Area	Okitipupa North
	Ikale Idapometa District Council Area	
	Ikale Orisunmeta District Council Area	

<i>No.</i>	<i>Description of Area</i>	<i>Name of Constituency</i>
67	Ilaje District Council Area ... Ese Odo District Council Area	Okitipupa South
68	Ikare District Council Area ... Ikeram Local Council Area Arigidi Local Council Area Ilumejo Local Council Area Omuo Local Council Area Ajowa Local Council Area	Owo North
69	Oka District Council Area ... Ogbagi Local Council Area Irun Local Council Area Isowopo Local Council Area Ishua Local Council Area Ilelabo Local Council Area Ikamerin Local Council Area Ukpe-Ekpeme Local Council Area	Owo Central
70	Owo Divisional Council Area	Owo West
71	Shaki and Irepo District Council Areas	Oyo North
72	Iseyin District Council Area	Oyo Central
73	Okeiho-Iganna District Council Area...	Oyo West
74	Wards Oyo Town I, Oyo Town II, Oyo Town III, Oyo Town IV, Oyo Town V, Oyo Town VI, Oyo Town VII, Oyo Town VIII, Oyo Town IX, Oyo Town X, Oyo Town XI, Oyo Town XII, Oyo Town XIII, Oyo Town XIV, Oyo Town XV, Oyo Town XVI, Oyo Town XVII, Oyo Town XVIII, Oyo Town XIX, Oyo Town XX, Oyo Town XXI, Oyo Town XXII, Oyo Town XXIII, Oyo Town XXIV, Oyo Town XXV, Oyo Town XXVI, Oyo Town XXVII, Oyo Town XXVIII, Ikoyi I, Ikoyi II, Ikoyi III, Ikoyi IV, Ikoyi V, Ikoyi VI, of the Oyo Southern District Council Area	Oyo East
75	Wards Ilora I, Ilora II, Ilora III, Ilora IV, Fiditi I, Fiditi II, Fiditi III, Awe I, Awe II, Akin- morin, Iware, Ijaiye-Ojutaiye, Imini, Iluaje, Jobele, Oluwatedo, Imelake, of the Oyo Southern District Council Area	Oyo South
76	Ila District Council Area	Ife North
77	Ife District Council Area	Ife Central
78	Ipetumodu Local Council Area Ifetedo Local Council Area Edunabon-Moro Local Council Area	Ife South-West
79	Ilesha Urban District Council Area	Ilesha Central
80	Ipetu-Ijesha-Ikeji Local Council Area Ibokun Local Council Area Ijebu-Ijesha Local Council Area Kiriji Local Council Area Irepodun Local Council Area Iwara Local Council Area Ifewara Local Council Area Erin Local Council Area Oke-Bode Local Council Area Aiyetoro Local Council Area Aiyegunle Local Council Area Muroko Local Council Area Esa-Oke Local Council Area Ifelodun Local Council Area Oshun Local Council Area Aiyepeju Local Council Area Itagunmodi Local Council Area Isaobi Local Council Area Ibodi Local Council Area Ilupeju Local Council Area	Ilesha South-West

SECOND SCHEDULE
FORM A
(REGULATION 18)
APPLICATION FOR REGISTRATION

To the Assistant Registration Officer of
I,
of
hereby claim to be registered as an elector in
constituency in respect of
ward of Council.
I DECLARE as follows:—

1. I am qualified because—

†Delete words which do not apply.

A. I am a British subject†/British protected person AND

One box of this paragraph must be completed: the other struck out.

B. I have been resident in Division for a continuous period of two years immediately preceding the qualifying date and †I paid tax/a rate for the two years preceding the qualifying date.
†I was exempt from tax for the two years preceding the qualifying date. OR

I was born in
my father
Division at
and †I have attained the age of twenty-one years.
†I paid tax/a rate for the year preceding the qualifying date.

2. I am entitled to be registered in respect of the above mentioned ward because †I was resident there on the qualifying date† was born there.
my father

3. I am not disqualified from being registered.

4. I have not applied to be registered in any other constituency.

DATED this day of

Claimant

Please read the note on the back of this Form.

NOTE:

1. A person claiming to be registered must present his application personally to the Assistant Registration Officer in the ward where he resides, or in the ward where he wishes to be registered.

2. If a person claims to be qualified on the ground that he has paid tax or a rate he must produce the necessary receipts or a Certificate from the tax or rate authority to establish his claim to the Assistant Registration Officer.

3. The applicant must insert TWO or more names by which he is known and his qualifying address otherwise his application to be registered is liable to be refused.

4. The qualifying date in 1955 is the first of November.

5. Making a false declaration on this form is an offence punishable with a fine of one hundred pounds or a year's imprisonment.

FORM B
(REGULATION 20)

SECOND APPLICATION FOR REGISTRATION

To the Registration Officer/the Assistant Registration Officer of _____
I, _____ of _____
hereby claim to be registered as an elector in _____ constituency in respect of _____ ward
of _____ Council.

I DECLARE that—

1. I submitted a claim to be registered in the above constituency and ward and that the claim was accepted.
2. My name does not appear on the Preliminary List for the constituency.
3. I am qualified and not disqualified to be registered as an elector.

DATED this _____ day of _____ 1955.

Signed _____

Claimant

NOTE:

An application for registration on this Form should only be made by persons who claim to have applied to be registered before publication of the Preliminary List.

FORM C
(REGULATION 21)

APPLICATION FOR TRANSFER OF A NAME ON PRELIMINARY LIST
To the Registration Officer of _____ Constituency

I, _____ of _____
being a person whose name appears on the Preliminary List of electors for the
constituency under _____ council
ward of _____
hereby apply to have my name transferred to the part or section of the register which
relates to _____ ward of _____ Council.

Dated this _____ day of _____ 1955

Signed _____

Applicant

NOTE:

Applications should not be made on this form for transfer except by persons whose names appear under a different ward from that in which they applied to be registered.

FORM D
(REGULATION 22)

NOTICE OF OBJECTION TO NAME IN PRELIMINARY LIST
To the Registration Officer _____

I, _____ of _____
being a person whose name appears in the Preliminary List of electors for the
constituency hereby give you notice
that I object to the name of _____
of _____
being retained in the said list of electors on the following grounds—

- †(1) that the person objected to is not qualified to have his name on the list;
or
†(2) that the person objected to is disqualified under regulation 10; or
†(3) that the person objected to is dead; or
†(4) that the person objected to is not entitled to be registered in the ward
under which his name appears on the list.

Dated this _____ day of _____ 1955

Signed _____

Objector

† Strike out whichever is not applicable.

FORM E
(REGULATION 26(2))

APPLICATION FOR REGISTRATION

To the Assistant Registration Officer of _____
I, _____ of _____
hereby claim to be registered as an elector in _____ constituency in respect of _____ ward of _____ Council

I DECLARE as follows—
1. I am qualified because—

†Delete words which do not apply.

One box of this paragraph must be completed: the other struck out.

A.	I am a British subject†/British protected person AND
B.	I have been resident in..... Division for a continuous period of two years immediately preceding the qualifying date and†I paid tax/a rate for two years preceding the qualifying date†I was exempt from tax for two years preceding the qualifying date. OR
I..... was born in..... my father..... Division at..... and †I have attained the age of twenty-one years †I paid tax/a rate for the year preceding the qualifying date.	

2. I am entitled to be registered in respect of the above mentioned ward because †I was resident there on the qualifying date,

†I..... was born there.
my father.....

3. I am not disqualified from being registered.

4. †My name is not on the register of electors for any other constituency.

†My name is on the register of electors for..... constituency.

DATED this..... day of..... 195.....

Signed.....

Claimant

Please read the note on the back of this Form.

NOTE:

1. A person claiming to be registered must present his application personally to the Assistant Registration Officer in the ward where he resides, or in the ward where he wishes to be registered.

2. If a person claims to be qualified on the ground that he has paid tax or a rate he must produce the necessary receipts or a certificate from the tax or rate authority to establish his claim to the Assistant Registration Officer.

3. The applicant must insert TWO or more names by which he is known and his qualifying address otherwise his application to be registered is liable to be refused.

4. The qualifying date in 1957 and the following years is the first of January.

5. Making a false declaration on this Form is an offence punishable with a fine of one hundred pounds or a year's imprisonment.

FORM F
(REGULATION 26(3))

APPLICATION FOR TRANSFER

To the Registration Officer,..... of.....
I,..... whose name appears on the current register of electors for..... ward of.....
constituency in respect of..... council hereby apply to be
transferred to the part or section of the register which relates to.....
ward of..... council because—

†I was resident there on the qualifying date;
†I was born there and I was resident outside the Division on the qualifying date.

DATED this..... day of..... 195.....

Signed.....

Applicant

†Strike out words which do not apply.

FORM G
(REGULATION 34)
NOMINATION OF A CANDIDATE FOR THE WESTERN HOUSE OF ASSEMBLY

Constituency _____
Date of election _____

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the Western House of Assembly as a member for the above constituency.

2. I also hereby state that I am qualified, and not disqualified, for election to the aforesaid House.

3. I further declare that the symbols which I have chosen for my candidature are shown below in order of my preference.

1. _____
2. _____
3. _____
or 4. That I am standing for election as a candidate of the _____ Party whose election symbol is _____

Name _____
Address _____
Occupation _____
Date _____

Signature _____

We, the undersigned, are the two nominators of the above candidate and are registered as electors for the constituency for which the candidate seeks election.

1. Name _____
Address _____
Occupation _____
Date _____

2. Name _____
Address _____
Occupation _____
Date _____

RECEIVED by me at _____ day of _____, 1955, at _____ o'clock, on the _____

Electoral Officer

FORM H
(REGULATION 35)
NOMINATION OF CANDIDATE FOR LOCAL GOVERNMENT ELECTION

Date of election _____

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the _____ ward of the _____ Council as a member for the _____ ward.

2. I also hereby state that I am qualified, and not disqualified, for election to the aforesaid council in accordance with the requirements of the Western Region Local Government Law, 1952.

3. I further declare that the symbols which I have chosen for my candidature are shown below in order of my preference.

1. _____
2. _____
3. _____
or 4. That I am standing for election as a candidate of the _____ Party whose election symbol is _____

Name _____
Address _____
Occupation _____
Date _____

Signature _____

We, the undersigned, are the two nominators of the above candidate and are registered voters of the ward for which the candidate seeks election.

1. Name _____
Address _____
Occupation _____
Date _____

Signature _____

2.

Name _____
Address _____
Occupation _____
Date _____

Signature _____

Received by me at _____ day of _____ o'clock on the _____ 195____

Electoral Officer

FORM I
(REGULATION 45)

FORM OF FRONT OF BALLOT PAPER

COUNTERFOIL SERIAL No. _____

(The counterfoil is to have a number to correspond with that on the back of the ballot paper.)

Ballot Paper

Western Region of Nigeria

Parliamentary Election 195____

Local Government Election 195____

FORM OF BACK OF BALLOT PAPER
SERIAL No. _____

Note.—The above number is to correspond with that on the face of the counterfoil.

FORM J
(REGULATION 69(1))

CERTIFICATE OF RESULT OF PARLIAMENTARY ELECTION

I, _____
hereby certify—

1. That I was Electoral Officer for the parliamentary election held on the _____ day of _____ for the _____ constituency.
2. That the election was contested/uncontested.
3. That the candidates received the following votes—

4. That the following was declared elected—

Signature _____

Electoral Officer

Date _____

Returning Officer

FORM K
(REGULATION 69(2))

CERTIFICATE OF RESULT OF A LOCAL GOVERNMENT ELECTION
(DIRECT ELECTION)

I, _____
hereby certify—

1. That I was the Electoral Officer for the election appointed to be held in the _____ ward of _____ Council area to elect one member of the _____ Council.
2. That the election was contested/uncontested.
3. That the candidates received the following votes—

4. That the following person, and no other person, is declared to be elected—

Signature

Electoral Officer

Returning Officer

Date

FORM L
(REGULATION 76)

NOMINATION PAPER FOR DIVISIONAL COUNCIL ELECTION
(INDIRECT ELECTION)

District/Local Council for which candidate seeks election

Date of election

1. I, the undersigned, am the candidate to whom this nomination paper relates and I hereby state that I am willing to stand for election to the

Divisional Council as a member for the
District/Local Council area.

2. I also hereby state that I am qualified for election to the aforesaid Council in accordance with the requirements of the Western Region Local Government Law, 1952.

Name

Address

Occupation

Date

Signature

We, the undersigned, are the two nominators of the above candidate and are elected or traditional members of the council for whose area this candidate seeks election.

1.

Name

Address

Occupation

Date

Signature

2.

Name

Address

Occupation

Date

Signature

Received by me at _____ o'clock on the _____
day of _____, 195_____.

Signature

Electoral Officer

FORM M

(REGULATION 85(1))

CERTIFICATE OF RESULT OF A DIVISIONAL COUNCIL ELECTION
(INDIRECT ELECTION)

I, _____
hereby certify—

1. That I was the Electoral Officer for the election appointed to be held
amongst the members of the Returning Officer District/Local
Council for the election of _____ members of the
Divisional Council.

2. That the election was contested/uncontested.

3. That the candidates received the following votes—

4. That the following persons, and no other persons, are declared to be elected.

Signature

Electoral Officer

Returning Officer

Date

THIRD SCHEDULE

(REGULATION 125)

PART I

- The Western House of Assembly (Elected Members) Electoral Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) (No. 2) Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) (No. 3) Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) (No. 4) Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) (No. 5) Regulations, 1951.
- The Western House of Assembly (Elected Members) Electoral (Amendment) (No. 6) Regulations, 1951.
- The Western House of Assembly (Elected Members) (Amendment) Electoral Regulations, 1954.

PART II

- The Western Region (Local Government) (Elections) Regulations, 1953.
- The Western Region (Local Government) (Elections) (Amendment) Regulations, 1953.
- The Western Region (Local Government) (Elections) (Amendment) Regulations 1955.

MADE by the Governor in Council at Ibadan this 11th day of August, 1955.

F. H. BUTCHER,

Acting Deputy Secretary to Executive Council

NOTE :—The amendments affected by W.R.L.N. 320 of 1955 to Regulations 10 (2), 18 (2), 19 (2), 25 (1), (2) (4), 29 (2) (4), and to the first and second Schedules and by W.R.L.N. 334 of 1955 to regulations 1 (3) and 125, 126 and 127 have been included in the text.

