The Nigeria (Constitution)
Order in Council, 1954

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The Nigerian (Constitution)
(Offices of Governor-General and Governors)
Order in Council, 1954

ABA, BENIN CITY, ENUGU, IBADAN, JOS, KANO, SOKOTO, ZARIA.
STATUTORY INSTRUMENTS
1954 No. 1146

NIGERIA
The Nigeria (Constitution) Order in Council, 1954
Made 30th August, 1954
Laid before Parliament 3rd September, 1954
Coming into Operation 1st October, 1954

THE NIGERIA CONSTITUTION 1954
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CHAPTER I

INTRODUCTORY

Citation, commencement, revocation and reservation of power.

1.—(1) This Order may be cited as the Nigeria (Constitution) Order in Council, 1954.

(2) (a) Any Proclamation, Order or regulation made under any provision of this Order other than section 35 by the Governor of Nigeria or the Lieutenant-Governor of a former Region in pursuance of this subsection shall not come into operation before the first day of October, 1954:

Provided that—

(i) where by or under this Order any power is conferred upon the Governor-General to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Governor of Nigeria to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954;

(ii) where by or under this Order any power is conferred upon the Governor of the Northern Region, the Western Region or the Eastern Region to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purpose of enabling the constitutions established by this Order to function as from the first day of October, 1954;

(iii) where by or under this Order any power is conferred upon the Governor of the Northern Region, the Western Region or the Eastern Region to make any appointment, to make any Proclamation, Order or regulation or to do any other thing for the purposes of this Order, that power may, unless the contrary intention appears, be exercised, notwithstanding that this Order has not come into operation, at any time after the third day of September, 1954, by the Lieutenant-Governor of the former Northern Region, the former Western Region or the former Eastern Region in pursuance of this subsection, shall have effect as if it had been made or done by the Governor of the Northern Region, the Western Region or the Eastern Region, as the case may be.

(b) Order in Council, 1953 (d), and the Nigeria (Revenue Allocation) Order in Council, 1951 (e), shall be revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

(5) Nothing in this Order shall affect the power of Her Majesty in Council to make laws for the peace, 

The Queen's Most Excellent Majesty in Council

At the Court at Balmoral, the 30th day of August, 1954.

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890 (a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(a) S.I. 1951/740.
(b) S.L. 1951/1172; 1951 II, p. 14.
(c) S.I. 1951/176.
(d) S.I. 1951/2127; 1951 II, p. 81.

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

the Cameroons means the
Cameroons under United King-
dom Trusteehip, which consist of
that part of the territories known
as the Cameroons to which the
Trusteehip Agreement approved
by the General Assembly of the
United Nations on the thirteenth
day of December, 1946, relates,
namely that part thereof that lies
to the west of the boundary defin-
ed by the Franco-British Declara-
tion of the tenth day of July, 1919,
and more exactly defined in the
declaration made by the Governor
of the Colony and Protectorate of
Nigeria and the Governor of the
French Cameroons that was con-
formed by an exchange of notes
between His Majesty's Govern-
ment in the United Kingdom and
the French Government dated the
day of January, 1931;

the Colony means the Colony
of Nigeria as defined in the
Colonial Nigeria Boundaries
Order in Council, 1931 (f);

the Concurrent Legislative List
means the list of matters included
in Part II of the First Schedule to
this Order;

the Division means an area de-
clared to be a Division by Procla-
mination made under subsection (1)
of section 4 of this Order;

the Eastern Region means the
Eastern Region of Nigeria estab-
lished by section 3 of this Order;

the Exclusive Legislative List
means the list of matters in-
cluded in Part I of the First Schedule
in this Order;

the Federation means the Federa-
tion of Nigeria established by
section 3 of this Order;

the former Eastern Region
means the Eastern Region estab-
lished by the Nigeria (Constitu-
tion) Order in Council, 1951;

the former Northern Region
means the Northern Region estab-
lished by the Nigeria (Constitu-
tion) Order in Council, 1951;

the former public service of
Nigeria means the service of the
Crown in respect of the govern-
ment of Nigeria or any part
thereof at any time before the
commencement of this Order;

the former Region means the
former Northern Region, the
former Western Region or the
former Eastern Region;

the former Western Region
means the Western Region estab-
lished by the Nigeria (Constitu-
tion) Order in Council, 1951;

the Governor means, in
relation to any Region or any
office or authority established for
any Region, or any person who
holds or is acting in any such
office or who is a member of any
such authority, the Governor of
that Region;

the Governor-General means
the Governor-General and Com-
mander-in-Chief of the Federa-
tion;

the Governor of Nigeria means
the Governor and Commander-
in-Chief of Nigeria;

the House means the House of
Representatives, the
Regional Legislative House or the
Regional House of Chiefs;

the House of Assembly means
the Legislative Assembly estab-
lished by section 3 of this Order;

the House of Chiefs means the
House of Chiefs established by
section 3 of this Order;

the House of Representatives
means the Legislative House
established by section 3 of this
Order;

the Legislature means the Legis-
lature established by section 3 of
this Order;

the Legislative House means the
House of Representatives, a
Regional Legislative House or the
House of Assembly of the South-
ern Cameroons;

the Legislature of the Fede-
rati on means the Legislature estab-
lished by subsection (1) and
subsection (2) of section 3 of this
Order;

the Legislature of the Region
means the Legislature estab-
lished for any Region by subsec-
tion (3) of section 31 of this Order;

the Legislature of the Southern
Cameroons means the Legislature
established by subsection (4) of
section 31 of this Order;

the meeting means any sitting or
sessions of a Legislative House
commencing when the House first
meets after being summoned at
any time and terminating when
the House is adjourned sine die
or at the conclusion of a session;

the Northern Region means the
Northern Region of Nigeria estab-
lished by section 3 of this Order;

the Northern Region of Nigeria
means the Northern Region
means the Northern Region of
Nigeria established by section 3 of
this Order;

the oath includes an affirmation;

the oath of allegiance means an
oath or affirmation of allegiance
in the form set out in the Schedule
to the Niger (Offices of Govern-
or-General and Governors)
Order in Council, 1954 (g);

the Parliament means the
Parliament of Nigeria, which
consists of the territories in West
Africa, excluding the Colony, that
are bounded on the south by the
Atlantic Ocean, on the west, north,
and north-east by the line of the
frontier between the British and
French territories, and on the east

by the Cameroons;

by the French Government dated the
day of December, 1946, relates;

by the Public Seal, the Federation,
and in relation to any Instrument
made by the Governor-General, the
Public Seal of that Region;

the public service of the
Federation means the service of the
Crown in a civil capacity in
respect of the government of the
Federation;

the public service of a Region
means, in relation to any Region,
the service of the Crown in a civil
capacity in respect of the govern-
ment of that Region;

the Regional Legislative House
means the Northern Region of
the Northern Region of the
Colonial Nigeria Boundaries
Order in Council, 1931 (f);

the session means the sittings of
a Legislative House. Where the
context so admits, an
affirmation;
"sitting" means a period during which a Legislative House is sitting continuously without adjournment and includes any period during which the House is in committee;

"the Southern Cameroons" means the Southern Cameroons established by section 3 of this Order; and

"the Western Region" means the Western Region of Nigeria established by section 3 of this Order.

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

(a) any reference to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection in which Her Majesty has-for the time being jurisdiction;

(b) any reference to the Legislative Houses of a Region—

(i) in the case of the Northern Region or the Western Region, shall be construed as a reference to the Regional Legislative Houses established for that Region; and

(ii) in the case of the Eastern Region, shall (notwithstanding that such reference may be an express reference to both of such Legislative Houses) be construed as a reference to the Eastern House of Assembly;

(c) any reference to the police shall not include a reference to local government and native-authority police.

(3) For the purposes of this Order, the resignation of a member of any authority established by this Order shall be deemed to have effect—

(a) in the case of a notice that is required to be addressed to any person, from the time at which the notice is received by that person;

(b) in the case of a notice that is required to be addressed to a Legislative House, from the time that the notice is brought to the attention of that House.

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

(b) references to officers in the public service of the Federation or in the public service of a Region are references to persons holding offices of emolument in that public service and include references to persons appointed to act in such offices;

(c) any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and, in the case of the Governor of Nigeria, the Lieutenant-Governor of a former Region, the Governor-General and the Governor of a Region, shall be construed as including, to the extent to which a deputy is authorised to act, that deputy;

(d) references to the public service of the Federation include references to the service of the Crown in a civil capacity in respect of the government of the Southern Cameroons and in respect of the government of Lagos.

(5) For the purposes of this Order—

(i) the offices of Minister, Temporary Member of the Council of Ministers, Unofficial or Temporary Member of the Executive Council of the Southern Cameroons, Parliamentary Secretary to a Minister, member of the House of Representatives and member of the House of Assembly of the Southern Cameroons shall not be considered to be offices in the public service of a Region;

(ii) the offices of Regional Minister, Parliamentary Secretary to a Regional Minister and member of a Regional Legislative House shall not be considered to be offices in the public service of a Region.

(6) Subject to the provisions of this sub-section, if it is declared—

(a) by any law enacted by the Federal Legislature that the person holding or acting in any office in the public service of the Federation shall be deemed not to be a person holding or acting in an office of emolument in that public service for the purposes of paragraph (d) of subsection (1) of section 10 or paragraph (d) of subsection (1) of section 39 of this Order;

(b) by any law enacted by the Legislature of a Region, that the person holding or acting in any office in the public service of that Region shall be deemed not to be a person holding or acting in an office of emolument in that public service for those purposes;

the provisions of this Order shall have effect accordingly.

(7) (i) Where by or under this Order a power is conferred upon the Governor-General or the Governor of a Region to make any appointment to any public office, a person may be appointed to that office, notwithstanding that some other person is holding that office, when that other person is on leave of absence pending relinquishment of the office.

(ii) Where two or more persons are holding the same office by reason of an appointment made pursuant to sub-paragraph (i) of this paragraph, then for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

(3) For the avoidance of doubts it is hereby declared that any person whose office or whose seat in any Legislative House, Council or other body established by this Order has become vacant, may, if qualified, again be appointed or elected to that office or as a member of that House, Council or other body, as the case may be, from time to time.

(6) This Order shall be construed—

(a) as if subsection (1) of section 1 of the India (Temporary Provislon) Act, 1949 (b), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(b) as if subsection (2) of section 3 of the British Nationality Act, 1948 (f) (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949 (j) and sub-
section (2) of section 3 of the Ireland Act, 1949, applied to it as those subsections apply to law on the day at the date of the commencement of those Acts respectively.

7. Where any power is conferred by this Order to make any Proclamation, Orders, rules or regulations or to give any directions, the power shall be construed as including a power extendable in like manner to amend or revoke any such Proclamation, Order, rule, regulation or direction.

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

Establishment of Federation of Nigeria.

3.—(1) The Northern Region of Nigeria, the Western Region of Nigeria, the Eastern Region of Nigeria, the Southern Cameroons and the Federal Territory of Lagos shall form a Federation, which shall be styled the Federation of Nigeria.

(2) (a) The Northern Region of Nigeria shall comprise the territory specified in paragraph 1 of the Second Schedule to this Order;

(b) The Eastern Region of Nigeria shall comprise the territory specified in paragraph 2 of the Second Schedule to this Order;

(c) The Western Region of Nigeria shall comprise the territory specified in paragraph 3 of the Second Schedule to this Order;

(d) The Southern Cameroons shall comprise the territory specified in paragraph 4 of the Second Schedule to this Order;

(e) The Federal Territory of Lagos shall comprise the territory specified in paragraph 5 of the Second Schedule to this Order.

Territorial divisions.

4.—(1) (a) The Governor-General, acting in his discretion, may by Proclamation published in the Official Gazette of the Federation direct that the Southern Cameroons and Lagos shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder.

Provided that the number of Divisions shall not exceed—

(i) two in the case of Lagos; and

(ii) six in the case of the Southern Cameroons.

(b) The Governor of a Region, acting in his discretion, may by Proclamation published in the Official Gazette of the Region direct that that Region shall be divided into areas and that any such area shall be a Division for the purposes of this Order or any regulations made thereunder.

Provided that the number of Divisions shall not exceed—

(i) two in the case of Lagos; and

(ii) six in the case of the Southern Cameroons.

(2) (a) The Governor-General, acting in his discretion, may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purpose of any matter to which the executive authority of the Southern Cameroons extends.

(b) The Governor of a Region, acting in his discretion, may by directions in writing declare that the Region shall be divided into areas for the purpose of any matter to which the executive authority of the Region extends.

(c) The Commissioner of the Cameroons may by directions in writing declare that the Southern Cameroons shall be divided into areas for the purpose of any matter to which the executive authority of the Southern Cameroons extends.

CHAPTER II

The Legislative Houses.

Establishment of Legislative Houses.

5.—(1) There shall be, for the Federation, a Legislative House, which shall be styled the House of Representatives.

(2) There shall be, for the Northern Region, two Legislative Houses, which shall be styled, respectively, the Northern House of Chiefs and the Northern House of Assembly.

(3) There shall be, for the Western Region, two Legislative Houses, which shall be styled, respectively, the Western House of Chiefs and the Western House of Assembly.

(4) There shall be, for the Eastern Region, a Legislative House, which shall be styled the Eastern House of Assembly.

(5) There shall be, for the Southern Cameroons, a Legislative House, which shall be styled the House of Assembly of the Southern Cameroons.

The House of Representatives.

Composition of House of Representatives.

6. The members of the House of Representatives shall be—

(a) Speaker appointed in accordance with subsection (1) of section 7 of this Order;

(b) three Ex-officio Members, namely the Chief Secretary of the Federation, the Attorney-General of the Federation and the Financial Secretary of the Federation;

(c) one hundred and sixty-four Representative Members elected in accordance with regulations made under section 8 of this Order, of whom—

(i) ninety-two shall be elected in the Northern Region;

(ii) forty-two shall be elected in the Western Region;

(iii) forty-two shall be elected in the Eastern Region;

(iv) six shall be elected in the Southern Cameroons;

(v) two shall be elected in Lagos;

(d) such Special Members as may be appointed in accordance with section 11 of this Order;

(e) such Temporary Members as may be appointed in accordance with section 12 of this Order.

Speaker and Deputy Speaker of House of Representatives.

7.—(1) (a) The Governor-General shall, by Instrument under the Public Seal, appoint to be Speaker of the House of Representatives a person who is not one of the members of the House mentioned in paragraphs (b), (c), (d) and (e) of section 6 of this Order.

(b) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this sub-section.

(2) The Governor-General may, by Instrument under the Public Seal, appoint to be Deputy Speaker of the House of Representatives one of the members of the House mentioned in paragraphs (b), (c) and (d) of section 6 of this Order.

(3) The Speaker of the House of...
Representatives shall hold their office during Her Majesty's pleasure:
Provided that he shall in any case vacate his office—
(a) at such time as may be provided by the instrument by which he is appointed; or
(b) if he resigns his office by writing under his hand addressed to the Governor-General.
(4) The Deputy Speaker of the House of Representatives shall hold his office during the Governor-General's pleasure:
Provided that his office shall in any case become vacant—
(a) at such time as may be provided by the instrument by which he is appointed; or
(b) if he ceases to be a member of the House of Representatives; or
(c) if he becomes a Minister or a Parliamentary Secretary to a Minister.

Election of Representative Members.
8.—(1) Subject to the provisions of this Order, the Governor-General may by regulation make provision for the election of persons as Representative Members of the House of Representatives, including (without prejudice to the generality of the foregoing power) the following matters:
(a) the qualifications and disqualifications of electors;
(b) the regulation of elections in Nigeria or any part thereof;
(c) the ascertainment of the qualifications of persons who submit themselves for election;
(d) the holding of elections, direct or indirect;
(e) the establishment of electoral districts (by whatever name called) for the purpose of returning Representative Members to the House of Representatives and the allocation to any such electoral district of seats in that House;
(f) the division of any such electoral district for any purpose connected with elections;
and any regulations made under this sub-section may provide for different methods of election in respect of different parts of Nigeria.
(2) The Governor-General may by regulation make provision for—
(a) the disqualification of any person for membership of the House of Representatives by reason of his holding, or acting in, any office the functions of which involve—
(i) any responsibility for, or in connection with, the conduct of any election; or
(ii) any responsibility for, or in connection with, the compilation or revision of any electoral register; and
(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the House of Representatives or for registration as an elector, or for voting at elections, of any person concerned in any such offence.
(3) (a) The Governor-General may by regulation provide that—
(i) in any case in which an election of members to the House of Representatives is carried out by a process of direct election, a person shall not be qualified to be elected as a member of that House at such election unless he is registered as an elector in the electoral district in respect of which such election is held;
(ii) in any case in which an election of members to the House of Representatives is carried out by a process of indirect election, a person shall not be qualified to be elected as a member of that House at such election unless he is registered as an elector in the electoral district in respect of which such election is held.
(4) (a) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Representatives unless he has paid such tax, or is entitled to such exemption from liability to pay tax, as is specified in the regulations.
(b) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to the House of Representatives.
(5) (a) The Governor-General may by regulation provide for determining whether any person has become a Representative Member of the House of Representatives and whether the seat of any Representative Member in that House has become vacant.
(b) Regulations made under this section shall provide that each Division of the Northern Region, the Western Region, the Eastern Region and the Southern Cameroons shall be represented in the House of Representatives by at least one Representative Member.

Qualifications for representative membership of House of Representatives.
9.—(1) Subject to the provisions of section 10 of this Order, a person shall be qualified to be elected as a Representative Member of the House of Representatives if—
(a) he is a British subject or a British protected person of the age of twenty-one years or more and, in the case of a person who seeks election in the Northern Region, is a male person; and
(b) he was born in the Region in which he seeks election, or his father was born in that Region; or
(ii) he has resided in that Region for a continuous period immediately before the date of election of at least three years in the case of a person who seeks election in the Northern Region, or of at least one year in the case of a person who seeks election in any other Region.
and no other person shall be qualified to be so elected, or, having been so elected, shall sit or vote in that House.
(2) In this section references to a Region shall, except where express reference is made to the Northern Region, include references to the Southern Cameroons and to Lagos.
the date of election, been sentenced by a court in Nigeria to death, or five years immediately before the date of election as such under paragraph (a) of this Order, declared to be able again to take his seat in the House; or

(c) has been sentenced by court in any part of Her Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon;

(d) holds, or is acting in, any public office;

(e) under any law in force in any part of Nigeria, adjudged to be a lunatic or otherwise declared to be of unsound mind; or

(f) is a member of the Northern House of Chiefs by virtue of being a first-class Chief; or

(g) is a member of the Western House of Chiefs by virtue of being the only Head Chief in a Division of the Western Region; or

(h) is, by any regulations made under section 8 of this Order, disqualified for election to that House.

(2) (a) No person shall be qualified to be elected as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

(b) No person shall be qualified to be elected in the Northern Region as a Representative Member of the House of Representatives if he has, within a period of five years immediately before the date of election, been sentenced by a court in Nigeria to death, or to imprisonment (by whatever name called) for a term exceeding six months, upon conviction of any offence that is declared, under paragraph (2) of sub-section (2) of section 39 of this Order, to be an offence that contains all the ingredients of any offence mentioned in the Third Schedule to this Order, and has not received a free pardon.

Special Members of House of Representatives.

11.—(1) The Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint persons to be Special Members of the House of Representatives to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House:

Provided that the number of such members shall not at any time exceed six.

(2) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

Temporary Members of House of Representatives.

12.—(1) If a Special Member of the House of Representatives is incapable of taking part in the proceedings of the House by reason of a declaration made under section 13 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of the House.

(2) The Governor-General shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section.

(3) (a) The seat of a Temporary Member of the House of Representatives shall become vacant when the Special Member on account of whose incapacity he has been appointed is, under section 13 of this Order, declared to be able again to discharge his functions or when the seat of that Special Member in the House becomes vacant.

(b) Subject to the provisions of paragraph (a) of this subsection, the provisions of section 15 of this Order shall apply in relation to a Temporary Member of the House of Representatives as they apply in relation to a Special Member of that House.

Special Member of House of Representatives unable to act.

13. The Governor-General, acting in his discretion, may, by Instrument under the Public Seal, declare that a Special Member of the House of Representatives is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

Tenure of seats by Special Members of House of Representatives.

14. A Special Member of the House of Representatives shall hold his seat in the House during Her Majesty's pleasure:

Provided that his seat shall, in any case, become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand to the Speaker of the House; or

(c) if he is absent from two consecutive meetings of the House.

Tenure of seats by Representative Members.

15. The seat in the House of Representatives of any Representative Member shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand to the Speaker of the House; or

(c) if he is absent from two consecutive meetings of the House.
and the Speaker of the House does not, by writing under his hand, excuse his absence within one month after the end of the second meeting.

Determination of questions as to members' of House of Representatives.

16.—(1) Any question whether—
(a) any person has become a member (other than a Representative Member) of the House of Representatives;
(b) the seat of any member (other than a Representative Member) of the House of Representatives has become vacant; or
(c) any Special Member of the House of Representatives is incapable of taking part in the proceedings of that House, by reason of a declaration made under section 13 of this Order, shall be referred to, and determined by, the Governor-General, acting in his discretion.

(2) Any question whether any person has become a Representative Member of the House of Representatives or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 8 of this Order.

The Legislative Houses of the Northern Region

Composition of Northern House of Chiefs.

17.—(1) The members of the Northern House of Chiefs shall be—
(a) the Governor;
(b) all first-class Chiefs;
(c) thirty-seven Chiefs, other than first-class Chiefs, selected for membership of the House in accordance with regulations made under section 18 of this Order;

(d) those members of the Executive Council of the Northern Region who are members of the Northern House of Assembly, and

(e) an adviser on Moslem law appointed in accordance with section 19 of this Order.

(2) A person appointed Deputy President of the Northern House of Chiefs in pursuance of paragraph (b) of subsection (2) of section 20 of this Order shall be deemed to be a member of the House.

(3) For the purposes of this section—

"Chief" means any person who is for the time being recognised as a Chief in the Northern Region by the Governor, acting in his discretion;

"first-class Chief" means any Chief who is for the time being graded as a first-class Chief under the Appointment and Deposition of Chiefs Ordinance, as from time to time amended, as it applies in relation to the Northern Region or any enactment replacing that Ordinance in its application to the Northern Region.

Selection of Chiefs as members of Northern House of Chiefs.

18. Subject to the provisions of this Order, the Governor, acting in his discretion, may by regulation—

(a) make provision for the selection of Chiefs, other than first-class Chiefs, to be members of the Northern House of Chiefs in accordance with section 17 of this Order;

(b) prescribe qualifications for selection as aforesaid;

(c) prescribe conditions on which any person selected as aforesaid shall hold his seat in the Northern House of Chiefs.

(a) Iwns of Nigeria, Rev. 1948, Chapter 12.
House of Chiefs—
(a) one of the members of the
House mentioned in paragraphs
(b) and (c) of subsection (1) of
section 17 of this Order; or
(b) a person who is not a mem-
ber of the House;
(3) The Deputy President of the
Northern House of Chiefs shall hold
his office during the Governor's
pleasure:
Provided that his office shall in
any case become vacant—
(a) at such time as may be pro-
vided by the Instrument by which
he is appointed; or
(b) if he resigns his office by
writing under his hand addressed
to the Governor; or
(c) in the case of a person
appointed in pursuance of para-
graph (a) of subsection (2) of this
section, if—
(i) he ceases to be a member
of the Northern House of Chiefs; or
(ii) he becomes a Regional
Minister or a Parliamentary
Secretary to a Regional Mini-
ster.
Composition of Northern House of
Assembly.
21.—(1) The members of the
Northern House of Assembly shall be—
(a) four Official Members ap-
pointed, either by name or by reference
to an office, by the Governor, acting
in his discretion, by instrument
under the Public Seal, from among
the persons who are officers in the
public service of the Northern
Region;
(b) one hundred and thirty-one
Elected Members elected in accordance
with regulations made under
section 37 of this Order;
(c) such Special Members as may
be appointed in accordance with
section 22 of this Order; and
(d) such Temporary Members as
may be appointed in accordance with
section 40 of this Order.
(2) A person appointed President
of the Northern House of Assembly
in pursuance of paragraph (b) of
subsection (1) of section 23 of this
Order shall be deemed to be a
member of the House.
Special Members of Northern House
of Assembly.
22. The Governor, acting in his
discretion, may, by instrument under
the Public Seal, appoint persons to
be Special Members of the North-
er House of Assembly to represent
interests or communities that, in his
opinion, are not otherwise adequa-
tely represented in the House.
Provided that the number of such
members shall not at any time
exceed five.
President and Deputy President of
Northern House of Assembly.
23.—(1) The Governor, acting in
his discretion, may, by instrument
under the Public Seal, appoint to
the President of the Northern
House of Assembly—
(a) one of the members of the
House mentioned in paragraphs
(a), (b) and (c) of subsection (1)
of section 21 of this Order; or
(b) a person who is not a mem-
er of the House.
(2) The Governor may, by instru-
ment under the Public Seal, appoint
to be Deputy President of the North-
er House of Assembly one of the
members of the House mentioned in
paragraphs (a), (b) and (c) of sub-
section (1) of section 21 of this
Order.
(3) The President and the Deputy
President of the Northern House of
Assembly shall hold office during the
Governor's pleasure:
Provided that the office of the
President or the Deputy President
shall in any case become vacant—
(a) at such time as may be pro-
vided by the Instrument by which
he is appointed; or
(b) if he resigns his office by
writing under his hand addressed
to the Governor; or
(c) in the case of a person
appointed President in pursuance
of paragraph (a) of subsection (1)
of this section, or in the case of a
person appointed Deputy Presi-
dent, if—
(i) he ceases to be a member
of the Northern House of
Assembly; or
(ii) he becomes a Regional
Minister or a Parliamentary
Secretary to a Regional Mini-
ster.
The Legislative Houses of the
Western Region
Composition of Western House of
Chiefs.
24.—(1) The members of the
Western House of Chiefs shall be—
(a) such Heads of Chiefs and other
Chief As is are referred to in sub-
section (3) of section 26 of this
Order;
(b) those members of the
Executive Council of the Western
Region who are members of the
House of Assembly;
(c) such Special Members as
may be appointed in accordance
with section 27 of this Order; and
(d) such Temporary Members as
may be appointed in accordance
with section 40 of this Order.
(2) A person elected as President
of the Western House of Chiefs in
pursuance of paragraph (b) of sub-
section (1) of section 28 of this
Order shall be deemed to be a
Member of the House:
Provided that the office of the
President of the Western House of
Chiefs shall be also a Chief in the
Division.
24.—(1) The members of the
Western House of Chiefs shall be—
(a) such Heads of Chiefs and other
Chief As is are referred to in sub-
section (3) of section 26 of this
Order;
(b) those members of the
Executive Council of the Western
Region who are members of the
House of Assembly;
(c) such Special Members as
may be appointed in accordance
with section 27 of this Order; and
(d) such Temporary Members as
may be appointed in accordance
with section 40 of this Order.
(2) A person elected as President
of the Western House of Chiefs in
pursuance of paragraph (b) of sub-
section (1) of section 28 of this
Order shall be deemed to be a
Member of the House:
Recognition of Chiefs and Designa-
tion of Head Chiefs.
25.—(1) The Governor of the
Western Region may—
(a) recognise persons as Chiefs
for the purposes of this Order;
(b) designate as a Head Chief
for the purposes of this Order any
person whom he so recognises as
a Chief; and
(c) withdraw any such recogni-
tion and revoke any such designa-
tion as aforesaid.
(2) In deciding whether to recog-
nise any person as a Chief in
pursuance of this section, the
Governor shall have regard to—
whether such person holds a title that is
associated with any part of the
territory comprised in the Western
Region or with any community, or
class or group of persons, therein.
(3) In recognising any person as a
Chief in pursuance of this section,
the Governor shall specify a Division
of the Western Region in respect of
which such person is so recognised;
and such person shall for the pur-
purposes of this Order be deemed to be a
Chief, and, if so designated, a
Head Chief, in that Division.
(4) (a) The powers conferred by
this section on the Governor shall
be exercisable by him in his discretion.
(b) The decision of the Governor,
in the exercise of the powers afore-
said—
(i) to recognise a person as a
Chief or designate a Chief as a
Head Chief, or
(ii) to withhold, withdraw or
revoke any such recognition or
designation, or
(iii) to recognise a person as a
Chief in respect of a particular
Division,
shall be final, and shall not be
called in question in any court.
Head Chiefs and Chiefs to be members of Western House of Chiefs.

26.—(1) In this section—

"Chiefs" means any person who is for the time being recognised as a Chief in pursuance of section 25 of this Order, and includes a Head Chief.

"Head Chief" means any person who is for the time being designated as a Head Chief in pursuance of that section.

"prescribed" means prescribed by regulations made under subsection (4) of this section.

(2) The Chiefs who are members of the House of Chiefs by virtue of this section shall not at any time exceed fifty in number.

(3) Subject to the provisions of this section, the following Chiefs in a Division shall be members of the House of Chiefs, that is to say—

(a) in a Division in which there is only one Head Chief—

(i) the Head Chief; and

(ii) one other Chief, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section;

(b) in a Division in which there is more than one Head Chief—

two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section;

(c) in a Division in which there is no Head Chief—

two Chiefs, or such greater number as may be prescribed, who shall be selected for such membership in accordance with regulations made under subsection (4) of this section.

Provided that the said Chiefs shall include at least one Head Chief;

Provided that the number of such Chiefs shall not at any time exceed four.

Special Members of Western House of Chiefs.

27. The Governor may, by Instrument under the Public Seal, appoint persons who are for the time being recognised as Chiefs in pursuance of section 25 of this Order to be Special Members of the Western House of Chiefs:

Provided that the number of such members shall not at any time exceed four.

President and Deputy President of Western House of Chiefs.

28.—(1) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be President of the House—

(a) one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order; or

(b) a person who is not a member of the House.

(2) When the Western House of Chiefs first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a President, the members thereof shall elect to be Deputy President of the House one of the members of the House mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order.

(3) As often as the office of the President or the Deputy President falls vacant otherwise than by reason of a dissolution of the Western House of Chiefs, the members of that House shall as soon as is practicable elect a person to that office in like manner as provided in subsection (1) or subsection (2) of this section, as the case may be.

(4) The office of the President or the Deputy President of the Western House of Chiefs shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected to be President in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy President, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

Composition of Western House of Assembly.

29.—(1) The members of the Western House of Assembly shall be—

(a) eighty Elected Members elected in accordance with regulations made under section 37 of this Order; and

(b) such Special Members as may be appointed in accordance with section 30 of this Order; and

(c) such Temporary Members as may be appointed in accordance with section 40 of this Order.

(2) A person elected as Speaker of the Western House of Assembly or pursuant to paragraph (b) of subsection (1) of section 31 of this Order shall be deemed to be a member of the House.

Special Members of Western House of Assembly.

30. The Governor, acting in his discretion, may by Instrument under the Public Seal, appoint persons to be Special Members of the Western House of Assembly to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House:

Provided that the number of such members shall not at any time exceed three.

Speaker and Deputy Speaker of Western House of Assembly.

31.—(1) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Speaker of the House—

(a) one of the members of the House mentioned in paragraphs (a) and (b) of subsection (1) of section 29 of this Order; or
(b) a person who is not a member of the House.

(2) When the Western House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business except the election of a Speaker, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House mentioned in paragraphs (a) and (b) of subsection (1) of section 29 of this Order.

(3) As often as the office of the Speaker and the office of the Deputy Speaker of the Western House of Assembly shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by the reason of a dissolution thereof; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

The Eastern House of Assembly shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

Speaker and Deputy Speaker of Eastern House of Assembly.

33.—(1) The Governor shall by instrument under the Public Seal appoint to be Speaker of the Eastern House of Assembly—

(a) a member of the House; or

(b) a person who is not a member of the House.

(2) When the Eastern House of Assembly first sits after any dissolution of the House, and before it proceeds to the despatch of any other business, the members thereof shall elect to be Deputy Speaker of the House one of the members of the House.

(3) As often as the office of the Speaker and the office of the Deputy Speaker of the Eastern House of Assembly shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his office by writing under his hand addressed to the House; or

(c) in the case of a person elected as Speaker in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person elected as Deputy Speaker, if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

The Eastern House of Assembly shall become vacant—

(a) upon a dissolution of the House; or

(b) if he resigns his office by writing under his hand addressed to the Governor;

(c) in the case of a person appointed Speaker of the House in pursuance of paragraph (a) of subsection (1) of this section or in the case of a person appointed Speaker of the House in pursuance of subsection (1) of section 33 of this Order if—

(i) he ceases to be a member of the House otherwise than by reason of a dissolution thereof; or

(ii) he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

(4) The office of the Deputy Speaker of the Eastern House of Assembly shall become vacant—

(a) if he resigns his office by writing under his hand addressed to the House; or

(b) if he ceases to be a member of the House; or

(c) if he becomes a Regional Minister or a Parliamentary Secretary to a Regional Minister.

The House of Assembly of the Southern Cameroons

Composition of House of Assembly of the Southern Cameroons

34. The members of the House of Assembly of the Southern Cameroons shall be—

(a) the Commissioner of the Southern Cameroons, who shall be the President of the House;

(b) three Ex-officio Members, namely, the Deputy Commissioner of the Southern Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons;

(c) thirteen Elected Members elected in accordance with regulations made under section 37 of this Order;

(d) six Native-Authority Members selected in accordance with regulations made under section 35 of this Order;

(e) such Special Members as may be appointed in accordance with section 36 of this Order; and

(f) such Temporary Members as may be appointed in accordance with section 40 of this Order.

Native-Authority Members of House of Assembly of Southern Cameroons.

35.—(1) Subject to the provisions of this Order, the Governor-General, acting in his discretion, may by regulation make provision—

(a) for the selection of persons as Native-Authority Members of the House of Assembly of the Southern Cameroons to represent the Native Authorities in the Southern Cameroons and the (b) for determining whether any person has become a Native Authority Member of the House of Assembly of the Southern Cameroons and whether the seat of any Native Authority Member in that House has become vacant.

(2) For the purposes of this section "Native Authority" means any body of persons that is, for the time being, a native authority by virtue of the provisions of the Native Authority Ordinance (a), as from time to time amended, as applies in relation to the Southern Cameroons or any enactment replacing that Ordinance in its application to the Southern Cameroons, and whether the seat of any Native Authority Member in that House has become vacant.

Special Members of House of Assembly of Southern Cameroons.

36. The Governor-General, acting in his discretion, may, by instrument under the Public Seal of the Southern Cameroons, appoint persons to be Special Members of the House of Assembly of the Southern Cameroons to represent interests or communities that, in his opinion, are not otherwise adequately represented in the House.

Provided that the number of such members shall not at any time

Laws of Nigeria, Rev. 1948, Chapter 140.
Elected Members of the Houses of Assembly

Election of Elected Members.

37.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the election of persons as Elected Members of the House of Assembly of a Region, including (without prejudice to the generality of the foregoing power) the following matters:

(a) the qualifications and disqualification of persons who submit themselves for election;
(b) the registration of electors in the Region or any part thereof;
(c) the ascertainment of the qualifications of persons who hold, or act in, an office the functions of which are connected with election;
(d) the holding of elections, direct or indirect;
(e) the establishment of electoral districts (by whatever name called) for the purpose of returning Elected Members to the House of Assembly of a Region and the allocation to any such electoral district of seats in the House;
(f) the division of any such electoral district for any purpose connected with elections, and any regulations made under this subsection may provide for different methods of election in respect of different parts of the Region;
(g) the Governor may by regulation make provision for—

(i) the disqualification of any person for membership of the House of Assembly by reason of his holding, or acting in, any office the functions of which involve—

(1) 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, including disqualification for membership of the House of Assembly or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

(3) The Governor may by regulation provide that—

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

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

(4) In this subsection "electoral body" means a body of persons constituted in accordance with regulations made under this section for the purpose of the election of members to a House of Assembly.

(5) Regulations made under this section may provide that a person shall not be qualified to be elected as a member of the House of Assembly of a Region unless he has paid such tax, or is entitled to such exemption from liability to pay tax, as is specified in the regulations.

(b) In this subsection "tax" means tax payable under the Income Tax Ordinance or the Direct Taxation Ordinance, as from time to time amended, as they apply in relation to any part of Nigeria or under any enactment replacing either of those Ordinances in relation to any part of Nigeria.

(6) The Governor may by regulation provide for determining whether any person has become an Elected Member of the House of Assembly of a Region and whether the seat of any Elected Member in that House has become vacant.

(7) The foregoing provisions of this section shall apply in relation to the Southern Cameroons as if they were references to the Southern Cameroons, and to the House of Assembly thereof, shall be construed as if they were references to the Southern Cameroons, and to the House of Assembly of the Southern Cameroons.

Disqualifications for elected membership of House of Assembly.

38.—(1) Subject to the provisions of section 39 of this Order, a person shall be qualified to be elected as an Elected Member of the House of Assembly of a Region if—

(a) he has not been sentenced by a court in any part of Her Majesty's dominions to death, or to imprisonment 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 sub-
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Temporary Members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons.

30. (1) If an Official Member of the Northern House of Assembly, the Western House of Chiefs, or the Western House of Assembly, is incapable of taking part in the proceedings of such House by reason of a declaration made under section 41 of this Order, the Governor may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of such House.

Provided that—
(i) if the member in respect of whom such person is appointed is an Official Member of the Northern House of Assembly, such person shall be a person who is an officer in the public service of the Northern Region and he may be appointed either by name or by reference to his office;
(ii) if the member in respect of whom such person is appointed is a Member of the Western House of Chiefs, such person shall be a person who is, for the time being, recognized as a Chief in pursuance of section 35 of this Order;
(iii) the powers conferred by this section on the Governor, except in relation to a Temporary Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

(2) The foregoing provisions of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Northern and Western Houses of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Governor-General.

(3) The seat of a Temporary Member appointed under this section shall become vacant when the Official or Special Member on account of whose incapacity he has been appointed under section 41 of this Order, declared to be able again to discharge his functions or when the seat of that Official or Special Member becomes vacant.

The foregoing provisions of this section shall apply in relation to the Official Member or Special Member on account of whose incapacity that Temporary Member has been appointed and the reference to the Public Seal shall be construed as if it were a reference to the Public Seal of the Southern Cameroons.

Certain members of Northern House of Assembly and Legislative Houses of Western Region and Southern Cameroons unable to act.

41. (1) (a) The Governor may, by Instrument under the Public Seal, declare that an Official Member of the Northern House of Assembly, the Western House of Chiefs, or the Western House of Assembly, be temporarily unable to discharge his functions as a member of such House, because he is administering the government of the Northern Region, temporarily unable to discharge his functions as a member of such House, and thereupon that member shall not take part in the proceedings of such House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

(b) The power conferred by this subsection upon the Governor of a Region shall, except in relation to a Special Member of the Western House of Chiefs, be exercised by the Governor in his discretion.

(2) The Governor-General, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, declare that a Special Member of the House of Assembly of the Southern Cameroons is, by reason of absence or illness, temporarily unable to discharge his functions as a member of that House, and thereupon that member shall not take part in the proceedings of that House until he is declared, in manner aforesaid, to be able again to discharge his said functions.

Tenure of Office by Members of Regional Legislative Houses and House of Assembly of Southern Cameroons.

42. An Official Member of the Northern House of Assembly shall hold his seat in the House during the Governor’s pleasure:

Provided that the seat of an Official Member who has been appointed to that House by name shall in any case become vacant—
(a) upon a dissolution of the House;
(b) if, with the permission of the Governor, acting in his discretion, he resigns his seat in the House by writing under his hand addressed to the Governor;
(c) if he ceases to be an officer in the public service of the Northern
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Region.

Tenure of seats by Special Members of Houses of Assembly.

43. (1) A Special Member of the Northern House of Assembly or the Western House of Assembly shall hold his seat in the House during the Governor's pleasure;

Provided that his seat shall in any case become vacant —

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or

(c) if he is absent from two consecutive meetings of the House and the President or Speaker of the House does not, by writing under his hand addressed to the Governor; or

(d) if he is absent from two consecutive meetings of the House and the President or Speaker of the House does not, by writing under his hand addressed to the Governor.

(2) The provisions of subsection (1) of this section shall apply in relation to the Special Members of the House of Assembly of the Southern Cameroons as they apply in relation to the Special Members of the Western House of Assembly and the Western House of Assembly, and for that purpose references to the Governor shall be construed as if they were references to the Governor-General.

Tenure of seats by Special Members of Western House of Chiefs.

44. The seat of a Special Member of the Western House of Chiefs shall become vacant —

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the Governor; or

(c) if he is absent from two consecutive meetings of the House and the President or Speaker of the House does not, by writing under his hand addressed to the Governor.

Tenure of seats by Chiefs in Western House of Chiefs.

45. The seat in the Western House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 18 of this Order shall become vacant —

(a) upon a dissolution of the House; or

(b) if he becomes a first-class Chief for the purposes of section 17 of this Order; or

(c) if he becomes a member of the House of Representatives; or

(d) in such circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of seats by Elected Members of House of Assembly.

46. (1) In this section "Chief" includes "Head Chief."

(2) The seat in the Western House of Chiefs of any person who is a member of that House by virtue of being the Head Chief in a Division in which there is only one Head Chief shall become vacant upon his ceasing to be the only Head Chief in that Division.

(3) The seat in the Western House of Chiefs of any Chief who is a member of that House by virtue of having been selected in accordance with regulations made under section 26 of this Order shall become vacant —

(a) upon a dissolution of the House; or

(b) if he becomes a first-class Chief for the purposes of section 17 of this Order; or

(c) if he becomes a member of the House of Representatives; or

(d) in such circumstances (if any) as may be prescribed by such regulations as aforesaid.

Tenure of seats by Native-Authority Members of House of Assembly of Southern Cameroons.

47. The seat in the House of Assembly of a Region or of the Southern Cameroons of any Elected Member of that House shall become vacant —

(a) upon a dissolution of the House; or

(b) if he resigns his seat in the House by writing under his hand addressed to the President of the House; or

(c) if he is absent from two consecutive meetings of the House and the President or Speaker of the House does not, by writing under his hand addressed to the President or Speaker of the House.

(2) The seat in the House of Assembly of the Southern Cameroons may be declared vacant by the President or Speaker of the House if they were references to the Governor or to the Governor-General.

(3) The provisions of subsection (1) of this section shall apply in relation to the Elected Members of the House of Assembly of the Southern Cameroons.

Miscellaneous Determination of questions as to membership of Legislative Houses of Regions and Southern Cameroons.

48. (1) Any question whether —

(a) any person has become a member (other than an Elected Member) of a Regional Legislative House; or

(b) the seat of any member (other than an Elected Member) of a Regional Legislative House has become vacant; or

(c) any member of a Regional Legislative House is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (1) of section 41 of this Order, shall be referred to, and determined by the
Governor, acting in his discretion.

(2) Any question whether—
(a) any person has become a member of a Regional Legislative House (other than an Elected Member or a Native-Authority Member) of the House of Assembly of the Southern Cameroons; or
(b) the seat of any member (other than an Elected Member or a Native-Authority Member) of the House of Assembly of the Southern Cameroons has become vacant; or
(c) any member of the House of Assembly of the Southern Cameroons is incapable of taking part in the proceedings of that House by reason of a declaration made under subsection (2) of section 41 of this Order, shall be referred to, and determined by, the Governor-General, acting in his discretion.

(3) Any question whether any person has become an Elected Member of a Regional Legislative House or the House of Assembly of the Southern Cameroons or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 37 of this Order, and any question whether any person has become a Native-Authority Member of the House of Assembly of the Southern Cameroons or whether the seat of any such member has become vacant shall be determined in accordance with regulations made under section 35 of this Order.

Discharge of functions of President or Speaker after dissolution of Regional Legislative House.

50. Any functions conferred on the President or Speaker of a Regional Legislative House (other than the Northern House of Chiefs) by or under this Order, or by any other law, may, between a dissolution of the Regional Legislative House and the first sitting of that House after that dissolution, be performed by such other person, if any, as the Governor of the Region, acting in his discretion, may appoint in that behalf.

CHAPTER III

LEGISLATIVE POWERS AND PROCEDURE

Establishment of Legislatures.

51.—(1) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Nigeria (other than Lagos) or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(2) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Representatives, make laws for the peace, order and good government of Lagos, or any part thereof with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(3) Subject to the provisions of this Order, the Governor of a Region may, with the advice and consent of the Legislative Houses of that Region, make laws for the peace, order and good government of that Region or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List or the Concurrent Legislative List.

(4) Subject to the provisions of this Order, the Governor-General may, with the advice and consent of the House of Assembly of the Southern Cameroons, make laws for the peace, order and good government of the Southern Cameroons or any part thereof with respect to any matter other than a matter that is included in the Exclusive Legislative List.

Implementation of treaties etc.

51.—(1) The Federal Legislature may, by law enacted under this Order, make provision for the implementation in that Region of treaties, conventions and agreements with other countries or international or similar organisations.

(2) Provided that where any such provision is made after the ratification of this Order, it shall not be in respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List.

(3) The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the implementation in the Southern Cameroons of treaties, conventions and agreements with other countries or international or similar organisations outside Nigeria with respect to any matter other than a matter that is included in the Exclusive Legislative List.
Subject to the provisions of this section, the Federal Legislature may make laws with respect to
trade and commerce between Nigeria and other countries including (without prejudice to the generality of the
foregoing power) the export of commodities from Nigeria and the import of commodities into Nigeria and the
establishment and enforcement of grades and standards of quality for commodities to be exported from
Nigeria.

(2) The Federal Legislature may, by law enacted under this Order, establish an authority (to be styled the
Central Marketing Board) for the purchase in that Region of commodities for export from Nigeria by the
Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Central Marketing Board.

(3) The Federal Legislature may, by law enacted under this Order, establish the Central Marketing Board and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(a) to acquire any commodity for export from Nigeria;

(b) to export any commodity from Nigeria on behalf of any person or authority in Nigeria;

(c) to sell any commodity outside Nigeria;

(d) the power conferred upon the Federal Legislature by the foregoing provisions of this section shall not extend to any matter with respect to which the Legislature of a Region or the Legislature of the Southern Cameroons is empowered to make laws by subsections (5), (6) and (7) of this section.

(5) (a) Subject to the provisions of this section, the Legislature of a Region may, by law enacted under this Order establish an authority (to be styled the Marketing Board of that Region) for the purchase in that Region of commodities for export from Nigeria by that Region; Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Central Marketing Board.

(b) Subject to the provisions of this section, the Legislature of a Region, or the Legislature of the Southern Cameroons, may, by law enacted under this Order, establish an authority (to be styled the Southern Cameroons Marketing Board) for the purchase in that Region of commodities for export from Nigeria by the Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Central Marketing Board.

(c) The Legislature of a Region or the Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the powers and functions of the Central Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Southern Cameroons Marketing Board, and may confer on that authority exclusive power to purchase any commodity in that Region for export from Nigeria by the Central Marketing Board.

(d) The Legislature of a Region may, by law enacted under this Order—

(a) make provision for the powers and functions of the Marketing Board of that Region and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(i) to acquire any commodity in that Region for export from Nigeria by the Central Marketing Board;

(ii) to regulate the prices to be paid for commodities so acquired;

(b) make provision for the regulation and prohibition in that Region of dealings with or processing of any commodity that is to be exported from Nigeria by the Central Marketing Board;

(c) make provision for the enforcement in that Region of any grades and standards of quality for commodities to be exported from Nigeria by the Central Marketing Board that may have been established by any law enacted by the Federal Legislature.

(7) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as if the Southern Cameroons Marketing Board were a marketing board established and in particular (without prejudice to the generality of the foregoing power) may empower the Board—

(a) to acquire any commodity for export from the Southern Cameroons;

(b) to export any commodity from the Southern Cameroons on behalf of any person or authority in the Southern Cameroons;

(c) to sell any commodity outside the Southern Cameroons;

(d) to provide for the powers and functions of the marketing board on behalf of the Southern Cameroons other than Lagos as if it were a law enacted by the Federal Legislature.

(8) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as if the Southern Cameroons Marketing Board were an existing law enacted by the Federal Legislature under the provisions of any provision of the Concurrent Legislative List as if it were a law enacted by the Federal Legislature.

(9) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as if the Southern Cameroons Marketing Board were an existing law enacted by the Northern Region as if it were a law enacted by the Federal Legislature under the provisions of any provision of the Concurrent Legislative List as if it were a law enacted by the Northern Region.

(10) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as if the Southern Cameroons Marketing Board were an existing law enacted by the Eastern Region as if it were a law enacted by the Federal Legislature under the provisions of any provision of the Concurrent Legislative List as if it were a law enacted by the Eastern Region.

(11) The provisions of subsection (6) of this section shall apply in relation to the Southern Cameroons as if the Southern Cameroons Marketing Board were an existing law enacted by the Western Region as if it were a law enacted by the Federal Legislature under the provisions of any provision of the Concurrent Legislative List as if it were a law enacted by the Western Region.
The Governor of that Region or of the Southern Cameroons is inconsistent with any law enacted by the Federal Legislature, then, to the extent of the inconsistency, the law enacted by the Governor or by the Southern Cameroons shall cease to have effect and, if enacted after the law enacted by the Federal Legislature, shall be void.

(2) For the purposes of this subsection, a law enacted by the Federal Legislature that has effect after section 52 of this Order as if it were a law enacted by the Legislative Assembly of the Southern Cameroons or of the Southern Cameroons shall be deemed to have been enacted by that Legislature.

(3) Subject to the provisions of this Order, any existing law, in so far as it has effect by virtue of this section as if it were a law enacted by any legislature in Nigeria, shall, for the purposes of this Order, be deemed to have been enacted by that legislature, and may be amended and repealed as if it were a law enacted by that legislature.

(4) The Governor-General may, by Order published in the Official Gazette of the Federation, at any time within twelve months after the commencement of this Order, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Order, or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall, subject to the provisions of subsection (4) of this section, have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

60.—(1) Subject to the provisions of this Order and of the Standing Orders of the House, any member of a Legislative House may introduce any Bill, or propose any motion for debate in, or may present any petition to, that House, and the same shall be debated and disposed of according to the Standing Orders of the House.

(2) (a) In the Northern Region and the Western Region a Bill may, save as otherwise provided by paragraph (b) of this subsection, be introduced either in the House of Chiefs or in the House of Assembly.

(b) A Bill shall not be introduced in the House of Chiefs if the Governor, acting in his discretion, certifies in writing that it is a money Bill.

(c) In this subsection “a money Bill” means a Bill that, in the opinion of the Governor, contains only provisions dealing with all or any of the following matters, namely, the imposition of a duty, or any duty, the imposition, repeal, remission, alteration or regulation of taxation, the imposition of the payment of debt or other financial purposes of charges on public money or the variation or repeal of any such charges, the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those matters or any of them.

(d) In paragraph (c) of this subsection the expressions “taxation,” “public money” and “loan” respectively, do not include any taxation, money or loan raised by local authorities or bodies for public purposes.

Restrictions with regard to Bills, etc., that charge the revenue.

61.—(1) Except upon the recommendation of the Governor-General or with the consent of the Governor-General, the House of Representatives shall not proceed upon any Bill, motion or petition that, in the opinion of the Speaker or other member presenting, would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

(2) Except upon the recommendation of the Governor or with the consent of the Governor, a Regional Legislative House shall not proceed upon any Bill, motion or petition that, in the opinion of the President or Speaker or other member presenting, would dispose of or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

(3) Except upon the recommendation of the Commissioner of the Cameroons or with the consent of the Commissioner, the House of
Assembly of the Southern Cameroons shall not proceed upon any Bill, motion or petition that, in his opinion, the President or other member presiding, would dispose or charge any public revenue or public funds or revoke or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

Bills and motions in House of Representatives and Legislative Houses of Northern Region and Southern Cameroons affecting public officers etc.

62.—(1) If the Governor-General or the Attorney-General of the Federation gives notice to the House of Representatives or any committee thereof that, in his opinion, a Bill or motion that is before the House or the committee, as the case may be, would affect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer or in the law regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives, the following provisions of this subsection shall have effect, that is to say—

(a) except with the consent of the Governor-General no further proceedings shall be taken upon any such Bill or motion after such notice has been given in respect thereto;

(b) no such motion, other than a motion for the amendment of a Bill, shall have effect until the expiration of a period of seven days from the date on which it was carried; and if the Governor-General, within that period, certifies by writing under his hand that any alteration that would be effected by such motion would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, such motion shall not have effect unless it has been approved by a Secretary of State.

(2) If the Governor-General considers that any such alteration as aforesaid, which would be effected by any Bill presented to him for his assent, would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, he shall reserve the Bill for the signification of Her Majesty's pleasure.

(3) Any such notice as is referred to in subsection (1) of this section may be given by the Governor-General or the Attorney-General of the Federation, as the case may be, in such manner as he may think fit.

(4) The powers conferred by the foregoing provisions of this section on the Governor-General shall be exercised by the Governor-General only if he is of opinion that it is a reserved Bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Governor, be taken upon the Bill or motion.

(5) The Governor-General shall not withhold consent to the taking of further proceedings upon any Bill or motion in respect of which notice has been given in accordance with subsection (1) of this section if, in his opinion, any alteration that would be effected by any such Bill or motion would not affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially.

(6) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially for the purposes of this section.

(7) The provision of this section shall be without prejudice to the powers of the House of Representatives to debate or dispose of any Bill or motion relating only to the creation of any new office.

(8) The provisions of this section shall apply in relation to the Legislative Houses of the Northern Region as they apply in relation to the House of Representatives, and for that purpose references to the Governor-General and the Attorney-General of the Federation shall be construed as if they were references to the Governor and the Attorney-General of that Region.

(9) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Governor is informed.

(3) The Governor may, with respect to any Bill or motion that is before either Legislative House of the Western Region or the Eastern Region, or any committee thereof, at any time give notice to the President or Speaker or other person presiding in the House or the committee, as the case may be, that the Bill or motion is, in the opinion of the Governor, a reserved Bill or motion, and when such notice has been given, no further proceedings shall, save with the consent of the Governor, be taken upon the Bill or motion.

(4) Where a Bill or motion, other than a motion for the amendment of a Bill that has been passed by either Legislative House of the Western Region or the Eastern Region, appears to the Governor to be a Bill or motion that would affect any public officer or former public officer or his widow, children, dependants or personal representatives prejudicially, then—

(a) in the case of a Bill, he shall, when the Bill is presented for his assent, reserve the Bill for the signification of Her Majesty's pleasure;

(b) in the case of a motion, he may, within a period of seven days
debate or dispose of any Bill or motion relating to the creation of the Western Region conferred by this Order to person prejudicially for the purposes of an alteration that would be effected by such motion or to the creation or abolition of any public office or to the salary or other conditions of service of any public officer that any Bill introduced, or any motion proposed, in the House of Representatives should have effect, then, if the House fail to pass such Bill or to carry such motion within such time and in such form as the Governor-General thinks reasonable and expedient, the Governor-General may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the House, declare that such Bill or motion shall have effect as if it had been passed or carried by the House or Representatives either in the form in which it was so introduced or proposed or with such amendments as the Governor-General thinks fit that have been moved or proposed in the House of Representatives, including any committee thereof: and the Governor-General shall, acting in his discretion.

(7) The provisions of a Bill or motion that would effect only the abolition of any office that is vacant shall be deemed not to affect any person prejudicially: for the purposes of this section.

(8) Subject to the provisions of subsection (1) of this section and for the purposes of subsection (2) of this section shall be construed as if they were inserted in subsection (1)

(9) The Governor-General shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the House of Representatives objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor-General a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor-General as soon as practicable to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor-General shall cause notice of such revocation to be published in the Official Gazette of the Federation; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor-General by this section shall be exercised by him in his discretion.

(6) The provisions of this section shall apply in relation to the Legislative Houses of a Region as they apply in relation to the House of Representatives, and for that purpose shall have effect accordingly:

(a) references to the Governor-General and the Official Gazette of the Federation were references to the Governor and the Official Gazette of that Region;

(b) the words "or in any joint sitting of delegates convened under section 69 of this Order" were inserted in subsection (1) of this section immediately after the words "in his discretion (a committee thereof):

(7) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references to the Official Gazette of the Federation shall be construed as if they were references to the Official Gazette of the Southern Cameroons.

Assent to Bills.

65.—(1) A Bill passed by the House of Representatives shall not become a law unless either the Governor-General has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

(2) When a Bill has been passed by the House of Representatives it shall be presented to the Governor-General for assent: and thereupon the Governor-General shall, acting in his discretion, declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure.

Provided that the Governor-General shall reserve for the signification of Her Majesty's pleasure any Bill that determines or regulates the privileges, immunities or powers of the members thereof, unless he has been authorized by a Secretary of State to assent thereto.

(3) A law assented to by the Governor-General in pursuance of subsection (2) of this section shall come into operation on the date of its publication in the Official Gazette of the Federation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(a) A Bill reserved for the signification of Her Majesty's plea-
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sure in pursuance of subsection (2) of this section shall become a law as soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor-General has signified such assent by Proclamation published in the Official Gazette of the Federation.

(b) Every such law shall come into operation on the date of such Proclamation or, if it is provided either in such law or in some other law (including any law in force at the commencement of this Order) that it shall come into operation on some other date, on that date.

(5) The provisions of this section shall apply in relation to a Bill passed by the Legislative Houses of a Region as they apply in relation to a Bill passed by the House of Representatives, and for that purpose references to the Governor-General, the House of Representatives, and the Official Gazette of the Federation shall be construed as if they were references to the Governor of a Region, a Regional Legislative House and the Official Gazette of that Region.

(6) For the purposes of this section:

(a) a Bill shall be held to have been passed by the Legislative Houses of the Northern Region or the Western Region only if it has been agreed to by both Houses—

(i) without an amendment; or

(ii) with such amendments only as are agreed to by both Houses;

(b) a Bill or amendment shall be deemed to have been, or to be, agreed to by any Legislative House if it is deemed to have been passed by that House by virtue of a declaration made under section 64 of this Order.

(7) The provisions of this section shall apply in relation to a Bill passed by the House of Assembly of the Southern Cameroons as they apply in relation to a Bill passed by the House of Representatives, and for that purpose references to the House of Representatives and the Official Gazette of the Federation shall be construed as if they were references to the Legislature of the Southern Cameroons and the Official Gazette of the Southern Cameroons.

Disallowance of laws.

66.—(1) The provisions of this section shall apply in relation to any law to which the Governor of a Region, the Governor of the Southern Cameroons, or the Governor-General has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) (a) Whenever any law enacted by the Federal Legislature has been disallowed by Her Majesty, the Governor-General shall cause notice of such disallowance to be published in the Official Gazette of the Federation.

(b) Whenever any law enacted by the Legislature of a Region has been disallowed by Her Majesty, the Governor of that Region shall cause notice of such disallowance to be published in the Official Gazette of the Region.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereafter to any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if that law had not been made.

(b) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Introduction of Bill by message of Governor in Western and Eastern Regions.

67.—(1) The Governor of the Western Region, acting in his discretion, may—

(a) send by message to the President or Speaker of a Legislative House of the Region a draft of any Bill or motion that it appears to the Governor should be introduced or moved in that House;

(b) in the same or a later message require that the Bill or motion shall be introduced or moved not later than a date specified in such message.

(2) If a request of the Governor made in accordance with paragraph (b) of subsection (1) of this section is not complied with, the message to which the Bill or motion relates shall be deemed for all purposes to have been introduced or moved in the House to which the message was sent on the date specified in the message.

(3) The provisions of this section shall apply in relation to the Western Region as they apply in relation to the Eastern Region, and for that purpose references in subsections (1) and (2) of this section to the Governor of the Western Region and a Legislative House of that Region shall be construed as if they were references to the Governor of the Eastern Region and the House of Assembly of that Region.

Bill liable to special procedure.

68.—(1) If, after a Bill has been passed by one House of the Legislature of the Northern Region or the Western Region and sent to the other House of that Region (in this section referred to as "the second House")—

(a) the Bill is rejected by the second House; or

(b) the Governor is otherwise satisfied that there is no reasonable prospect of the Bill's being passed by both Houses without amendment or with such amendments as agreed to by both Houses;

(c) more than six months elapse from the date on which the Bill is sent to the second House (or, if the second House is not sitting on that date, from the date when it next sits thereafter) without the Bill's being passed as aforesaid by both Houses;

the Governor, acting in his discretion, may, unless the Bill has lapsed for reason of a dissolution of the House declare the Bill to be liable to the special procedure prescribed by section 70 of this Order, and as from the date of such declaration the Bill shall be liable to such procedure.

(2) (a) The foregoing provisions of this section shall have effect with respect to a money Bill as if the reference therein to a period of six months were a reference to a period of one month.

(b) In this subsection the expression "money Bill" has the meaning assigned to it by section 60 of this Order.

Notice of joint sitting and summoning of joint sitting.

69.—(1) When a Bill has become liable to the special procedure prescribed by section 70 of this
Order, the Governor, acting in his discretion, may, at any time before the next dissolution of the Houses, by message or Proclamation—

(a) give notice to both Houses of the Legislature of his intention to summon a joint sitting of representatives of both Houses for the purpose of deliberating and voting on the Bill; and

(b) require each House of the Legislature to elect representatives for the purpose aforesaid within such period (in this section referred to as "the prescribed period") as may be specified in such message or Proclamation.

(2) When the Governor has sent or made with respect to a Bill any such message or Proclamation as is referred to in subsection (1) of this section, the following provisions of this section shall have effect, that is to say:

(a) Neither House of the Legislature shall proceed further with the Bill.

(b) Each House of the Legislature may, within the prescribed period but before the next dissolution of the Houses, elect not more than twenty of its members (in this section referred to as "delegates") for the purpose specified in such message or Proclamation:

Provided that the Northern House of Chiefs shall not so elect the Governor.

(c) The Governor, acting in his discretion, may summon such delegates as have been selected in pursuance of this subsection to meet together in a joint sitting to deliberate and vote on the Bill at any time after the prescribed period but before such dissolution as aforesaid and if he does so, the delegates shall meet accordingly and the provisions of section 70 of this Order shall have effect.

Procedure in joint sitting and powers of joint sitting.

70.—(1) In this section "the joint sitting" means any joint sitting of delegates convened by the Governor under section 69 of this Order and "the Bill" means the Bill in respect of which such joint sitting is so summoned.

(2) (a) The Governor shall preside at the joint sitting.

(b) No delegate shall sit or vote in the joint sitting if he has, since the date of his election as a delegate, vacated his seat in the House by which he was elected. All questions that may arise as to the right of any person to sit or vote in the joint sitting shall be determined by the Governor acting in his discretion.

(c) The joint sitting shall not be disqualified for the transaction of business by reason of the absence of any delegate or in respect of the fact that either House has failed to elect delegates in accordance with section 69 of this Order.

(d) When any question is dependent on the decision of the joint sitting, a decision shall be regarded as the decision of the joint sitting if a majority of the votes of the delegates present and voting are cast in favour thereof:

Provided that if, on any question, the votes of the delegates are equally divided, the Governor, acting in his discretion, shall have, and shall exercise, a casting vote.

(e) Subject to the provisions of this Order, the proceedings in the joint sitting shall be regulated by such Standing Orders as the Governor, acting in his discretion, may make in that behalf.

(3) (a) The delegates present at the joint sitting may deliberate and shall vote on the Bill as last proposed by the House in which it originated and upon such admissible amendments thereto as may be proposed in the joint sitting and of the Bill, with such admissible amendments (if any) as are agreed to by the joint sitting, is affirmed by the joint sitting, the Bill as so affirmed shall be deemed thereafter to have been passed by both Houses of the Legislature and the provisions of this Order, and in particular the provisions relating to arrest to Bills and disallowance of laws, shall have effect accordingly.

(b) For the purposes of this subsection—

(i) if the Bill, having been passed by one House of the Legislature has not been passed by the other House with amendments and returned to the House in which it originated, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(ii) if the Bill has been passed and returned, there shall be admissible only such amendments (if any) as are made necessary by the delay in the passage of the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed; and the decision of the Governor, acting in his discretion, as to the amend-

ments that are so admissible shall be final.

Standing Ord. s. 1. Legislative Houses.

71.—(1) Subject to the provisions of this Order and of any Instruc-
tions under Her Majesty's Sign Manual and Signet, the House of Representatives may make Standing Orders for the regulation and orderly conduct of its own proceedings, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor-General for assent:

Provided that no such Orders shall have effect unless they have been approved by the Governor-General, acting in his discretion.

(2) The provisions of this section shall apply in relation to a Regional Legislative House as they apply in relation to the House of Representatives and for that purpose references to the Governor-General shall be construed as if they were references to the Governor.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives.

Presiding in Legislative Houses.

72.—(1) There shall preside at the sittings of the House of Representatives—

(a) the Speaker of that House or

(b) in the absence of the Speaker, the Deputy Speaker of the House or

(c) in the absence of the Speaker and of the Deputy Speaker, such member of the House as the House may elect for that purpose.

(2) There shall preside at the
sittings of a Regional Legislative House —

(a) the President or Speaker of that House; or

(b) in the absence of the President or Speaker, the Deputy President or Deputy Speaker of the House; or

(c) in the absence of the President or Speaker and of the Deputy President or Deputy Speaker, such member of the House as the House may elect for that purpose.

Legislative Houses may transact business notwithstanding vacancies etc.

73. A Legislative House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof, including any vacancy not filled when the House is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the House.

Quorum in Legislative Houses.

74. No business except that of adjournment shall be transacted in a Legislative House if objection is made by any member present that there are present (besides the President or Speaker or other member presiding) less than—

(a) fifty members, in the case of the House of Representatives;

(b) fifteen members, in the case of a House of Chiefs;

(c) twenty-five members, in the case of a House of Assembly of a Region;

(d) eleven members, in the case of the House of Assembly of the Southern Cameroons.

Voting in Legislative Houses.

75. Save as is otherwise provided in this Order—

(a) all questions proposed for decision in a Legislative House shall be determined by a majority of the votes of the members present and voting;

Provided that—

(i) the President or Speaker or other member presiding shall not have an original vote but he may give a casting vote if on any question the votes are equally divided;

(ii) the members of the Northern House of Chiefs mentioned in paragraph (d) of subsection (1) of section 17 of this Order and the members of the Western House of Chiefs mentioned in paragraph (d) of subsection (1) of section 24 of this Order shall not have an original vote.

(b) if on any question the votes are equally divided and the President or Speaker shall (except other member presiding does not exercise his casting vote, the motion shall be lost.

Order of business to be taken by members of Legislative Houses.

76. (1) Subject to the provisions of subsection (2) of this section, no member of the House of Representatives shall (except other member presiding) exercise his casting vote, the motion shall be lost.

(2) If, between the time when a person becomes a member of such House and the time when the House next sits thereafter, a meeting takes place of any committee of the House of which such person is a member, such person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, take and subscribe the oath of allegiance before a judge of such court as the Governor-General may direct, and the taking and subscribing of the oath in such manner shall suffice, for all purposes of this section.

In any such case the judge shall forthwith report to the House through the Speaker that the person in question has taken and subscribed the oath of allegiance before him.

(3) The provisions of this section shall apply in relation to the members of a Legislative House of a Region (including, in the case of the Northern House of Chiefs, the adviser on Moslem law) as they apply in relation to the members of the House of Representatives, and for that purpose references to the Federal Legislature shall be construed as if they were references to the Legislature of that Region.

(4) For the purpose of the application of this section to the Northern House of Chiefs references to the members thereof shall include the adviser on Moslem law.

77. (1) The official language of the House of Representatives and of the Legislative Houses of the Western Region, the Eastern Region and the Southern Cameroons shall be English.

(2) The official languages of the Legislative Houses of the Northern Region shall be English and Hausa.

Provided that all Bills introduced in either of such Houses and all laws enacted by the Legislature of
the Northern Region shall be printed in the English language and, if any such Bill or law is also printed in the Hausa language, the English text shall prevail in the case of a conflict between the two texts.

Penalties for unqualified persons sitting or voting in Legislative Houses.

79.—(1) Any person who sits or votes in a Legislative House knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes in that House.

(2) The said penalty shall be recoverable by action—
(a) in the case of a person sitting or voting in the House of Representatives, at the suit of the Attorney-General of the Federation in the High Court of Lagos;
(b) in the case of a person sitting or voting in any Legislative House of a Region, at the suit of the Attorney-General of the Region in the High Court of that Region;
(c) in the case of a person sitting or voting in the House of Assembly of the Southern Cameroons, at the suit of the Legal Secretary of the Southern Cameroons in the High Court of the Southern Cameroons.

Sessions of Legislative Houses.

80.—(1) (a) Subject to the provisions of this Order, the sessions of the House of Representatives shall be held in such places and shall begin at such times as the Governor-General may, from time to time, by Proclamation published in the Official Gazette of the Federation appoint.

(b) The first session of the House of Representatives shall begin within twelve months after the commencement of this Order; and thereafter sessions of the House shall be held from time to time, but so that a period of twelve months shall not intervene between the last sitting of the House in any one session and the date appointed for its first sitting in the next session, whether or not a dissolution of the House occurs between such sessions.

(2) The provisions of this section shall apply in relation to a Legislative House of a Region as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Governor-General and the Official Gazette of the Federation shall be construed as if they were references to the Governor and the Official Gazette of that Region.

(3) The provisions of this section shall apply in relation to the House of Assembly of the Southern Cameroons as they apply in relation to the House of Representatives, and for that purpose references in subsection (1) of this section to the Official Gazette of the Federation shall be construed as if they were references to the Official Gazette of the Southern Cameroons.

Powers of Governor-General and Governors to address Legislative Houses.

81.—(1) The Governor-General may, in his discretion, address the House of Representatives or the House of Assembly of the Southern Cameroons at any time that he thinks fit, and may for that purpose require the attendance of members.

(2) The Governor of a Region may, in his discretion, address the House of Assembly or, in the case of the Northern Region or the Western Region, either Legislative House or both such Houses assembled together, at any time that he thinks fit, and may for that purpose require the attendance of members.

Prorogation and dissolution of Legislative Houses.

82.—(1) The Governor-General may at any time by Proclamation published in the Official Gazette of the Federation prorogue or dissolve the House of Representatives.

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

(2) The Governor of the Northern Region or the Western Region may at any time by Proclamation published in the Official Gazette of the Region—
(a) prorogue the Legislative Houses of that Region or either of them; or
(b) dissolve the Legislative Houses of that Region.

Provided that, unless they have been sooner dissolved, he shall in any case dissolve the Legislative Houses at the expiration of five years from the date of the first sitting of either of those Houses after any dissolution.

(3) The Governor of the Eastern Region may at any time by Proclamation published in the Official Gazette of that Region prorogue or dissolve the Eastern House of Assembly.

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the House at the expiration of five years from the date of the first sitting of the House after any dissolution.

CHAPTER IV
EXECUTIVE POWERS

Extent of executive authority of the Federation.

83. The executive authority of the Federation shall extend to the execution and maintenance of the constitution of the Federation and to all matters with respect to which the Federal Legislature has for the time being power to make law.

Use and operational control of the police.

84. The use and operational control of the police shall be directed and exercised by the Governor-General, acting in his discretion, either directly or through such officers or authorities as may be duly authorised by him in that behalf.

Extent of executive authority of Regions.

85. The executive authority of a Region shall extend to the execution and maintenance of the con-
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Composition of Council Ministers.

There shall be a Council of Ministers for the Federation, and to all matters with respect to which the Legislature of the Region has for the time being power to make laws.

Extent of executive authority of Southern Cameroons.

The executive authority of the Southern Cameroons shall extend to the execution and maintenance of the constitution of the Southern Cameroons and to all matters with respect to which the Legislature of the Southern Cameroons has for the time being power to make laws.

The Council of Ministers.

Establishment of Council of Ministers.

There shall be a Council of Ministers for the Federation.

Composition of Council Ministers.

The members of the Council of Ministers shall be-
(a) the Governor-General, who shall be the President of the Council;
(b) three Ex-officio Members, namely, the Chief Secretary of the Federation, the Attorney-General of the Federation, and the Financial Secretary of the Federation;
(c) the members, who shall be styled Ministers, of whom-
(i) three shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Eastern Region; and
(ii) three shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Western Region;
(iii) three shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Northern Region;
(iv) one shall be appointed as aforesaid from among the Representative Members of the House of Representatives elected in the Southern Cameroons;
(d) such Temporary Members as may be appointed in accordance with the provisions of section 91 of this Order.

Functions of Council of Ministers and exercise of Governor-General's powers.

(1) The Council of Ministers shall be the principal instrument of policy for Nigeria in matters to which the executive authority extends and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders or by any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.
(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor-General shall-
(a) consult with the Council of Ministers in the exercise of all powers conferred upon him by this Order other than-
(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of any person or authority other than the Council of Ministers, or
(ii) powers conferred upon him by subsection (2) of section 7, paragraph (c) of section 85 and subsection (1) of section 99 of this Order or
(iii) powers conferred upon him by any provision of this Order under which any person holds any office during the Governor-General's pleasure; and
(b) act in accordance with the advice of the Council in any matter on which he is by this subsection obliged to consult with the Council.
(3) Where by this Order the Governor-General is directed to exercise a power on the recommendation of any person or of any authority other than the Council of Ministers he shall exercise that power in accordance with such recommendation.

Tenure of office of Ministers.

(1) The seat of a Minister in the Council of Ministers shall become vacant-
(a) when after any dissolution of the House of Representatives he is informed by the Governor-General that the Governor-General is about to reappoint another person as a Minister; or
(b) if he ceases to be a member of the House of Representatives for any reason other than a dissolution of that House; or
(c) if he resigns his seat by writing under his hand addressed to the Governor-General; or
(d) if he absents himself from Nigeria without written permission given by the Governor-General not to exercise his discretion; or
(e) if the Governor-General, has failed to carry out the policy, or any decision, of the Council, so directs; or
(f) if the Governor-General, at his discretion, may by Instrument under the Public Seal, appoint a person to be a Temporary Member of the Council of Ministers.

Temporary Members of Council of Ministers.

When any such resolution as is referred to in paragraph (f) of subsection (1) of this section is proposed in the House of Representatives, the votes of the members shall be given in such manner that does not disclose how any particular member votes.

Provided that-
(a) if the Minister on account of whose incapacity he is appointed is a Representative Member of the House elected in that Region, such person shall be appointed from among the Representative Members of that House elected in that Region; and

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(b) if the Minister on account of whose incapacity he is appointed is a Representative Member of the House of Representatives elected in the Southern Cameroons, such person shall be appointed from among the Representative Members of that House elected in the Southern Cameroons.

(2) (a) The seat of a Temporary Member of the Council of Ministers shall become vacant when the Minister on account of whose incapacity he has been appointed is, under section 92 of this Order, declared to be able again to discharge his functions or when the seat of that Minister in the Council becomes vacant.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 90 of this Order shall apply in relation to a Temporary Member of the Council of Ministers as they apply in relation to a Minister.

(3) References in section 98, sub-sections 99 and sections 100 and 102 of this Order to a Minister shall be construed as including references to a Temporary Member of the Council of Ministers.

Minister unable to act

92. The Governor-General may, by writing under his hand declare that a Minister is, by reason of absence or illness, temporarily unable to discharge his functions as a member of the Council of Ministers, and thereupon that Minister shall not take part in the proceedings of the Council until he is declared in manner aforesaid to be able again to discharge his said functions.

Determination of questions as to membership of council of Ministers.

93. Any question whether—

(a) any person is a member of the Council of Ministers, or

(b) any Minister is incapable of taking part in the proceedings of the Council of Ministers by reason of a declaration made under section 92 of this Order, shall be referred to, and determined by, the Governor-General, acting in his discretion.

Presiding in Council of Ministers.

94. (1) The Governor-General shall, so far as is practicable, preside at meetings of the Council of Ministers.

(2) (a) In the absence of the Governor-General, there shall preside at any meeting of the Council of Ministers—

(i) such member as the Governor-General, acting in his discretion, may appoint; or

(ii) in the absence of a member so appointed, the Senior Ex-officio Member present.

(3) For the purposes of this sub-section, the Ex-officio Members of the Council of Ministers shall have seniority in the order in which they are mentioned in section 88 of this Order.

(4) Council of Ministers may transact business notwithstanding vacancies etc.

95. The Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof, including any vacancies not filled when the Council is first constituted or is reconstituted at any time; and any proceedings thereat shall be valid notwithstanding that some person who was not

entitled so to do took part in the proceedings.

Summoning Council of Ministers and quorum therein.

96.—(1) The Council of Ministers shall not be summoned except by the authority of the Governor-General, acting in his discretion.

Provided that the Governor-General shall summon the Council if five or more members of the Council so request in writing.

(2) No business shall be transacted in the Council of Ministers if objection is taken by any member present that, in addition to the Governor-General or other member presiding, there are present less than five members.

Voting in Council of Ministers.

97.—(1) Where any matter is dependent upon the decision of the Council of Ministers any decision shall be regarded as the decision of the Council if a majority of the votes of the members present and voting are cast in favour thereof.

(2) (a) The Governor-General shall have an original vote in the Council of Ministers but he may, acting in his discretion, give a casting vote if on any question the votes are equally divided.

(b) Any other member of the Council of Ministers shall have an original vote and, when presiding in accordance with the provisions of this Order, may also give a casting vote if on any question the votes are equally divided.

Assignment of responsibility to members of Council of Ministers.

98.—(1) Subject to the provisions of this Order, the Governor-General, acting in his discretion, may by directions in writing charge any member of the Council of Ministers with responsibility for any matter or group of matters to which the executive authority of the Federation extends:

Provided that a Minister shall not be charged with responsibility for police.

(b) For the purposes of this section the Governor-General, acting in his discretion, may charge any member of the Council of Ministers with responsibility for any department of government.

(2) Responsibility for legal matters, which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Minister but shall vest in the Attorney-General of the Federation.

Parliamentary Secretaries to Ministers.

99.—(1) The Governor-General may appoint a Parliamentary Secretary from among the Representative Members and Special Members of the House of Representatives to assist any Minister in the discharge of responsibilities assigned to him in pursuance of section 98 of this Order.

(2) A Parliamentary Secretary to a Minister shall hold his office during the Governor-General's pleasure:

Provided that his office shall in any case become vacant:

(a) if he ceases to be a member of the House of Representatives;

(b) if he ceases to be a member of the Council of Ministers.
after that dissolution; or
(b) if he resigns his office by writing under his hand addressed to the Governor-General; or
(c) if he absents himself from Nigeria without written permission given by the Governor-General, acting in his discretion.

Permanent Secretaries to supervise certain Federal departments.

100.—(1) Where any Minister has been charged with responsibility for a department of government he shall exercise general direction and control over that department, and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Federation (who shall be styled a Permanent Secretary) as the Governor-General, acting in his discretion, may select.

(2) An officer in the public service of the Federation may be a Permanent Secretary in respect of more than one department of government.

Governor-General's Secretary and Secretary to Council of Ministers.

101.—(1) There shall be an officer to be styled Secretary to the Governor-General and the Council of Ministers, who shall be appointed by the Governor-General, acting in his discretion.

(2) The said officer—
(a) in his capacity as Secretary to the Governor-General shall have such functions as the Governor-General, acting in his discretion, may direct;
(b) in his capacity as Secretary to the Council of Ministers shall, subject to any Instructions under Her Majesty's Sign Manual and Signet addressed to the Governor-General in that behalf, be responsible for arranging the business for, and keeping the minutes of, meetings of the Council of Ministers and for conveying the decisions of the Governor-General to the appropriate person or authority, and shall have such other functions, as the Governor-General may direct.

Establishment of Executive Councils for Regions.

102. The Governor-General, acting in his discretion, may grant leave of absence from his duties to any Minister or Parliamentary Secretary to a Minister.

103. No person shall enter upon the duties of his office as a member of the Council of Ministers or as a Parliamentary Secretary to a Minister until he has taken the oath of allegiance and, except in the case of the Governor-General, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Federal Legislature.

The Executive Councils of the Regions.

104. There shall be an Executive Council for each Region.

Functions of Executive Councils and exercise of Governors' powers.

105.—(1) The Executive Council of a Region shall be the principal instrument of policy for the Region in matters to which the executive authority of the Region extends, and shall perform such functions and duties, and exercise such powers as may, from time to time, be prescribed by or under this Order, and other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet, or subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by or under any other law.

(2) Save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet, the Governor of a Region shall—
(a) consult with the Executive Council of the Region in the exercise of all powers conferred upon him by this Order other than
(i) powers that he is by this Order directed or empowered to exercise in his discretion or on the recommendation of any person or authority other than the Executive Council; or
(ii) powers conferred upon him by subsection (2) of section 23 and subsection (1) of section 33 of this Order; or
(iii) powers conferred upon him by any provision of this Order other than those under which any person holds any office during the Governor's pleasure, and
(b) act in accordance with the advice of the said Council in any matter on which he is by this subsection obliged to consult with the said Council.

107.—(1) Every Regional Minister of the Northern Region shall be appointed by Instrument under the Public Seal either from among the members of the Northern House of Chiefs or from among the members of the Northern House of Assembly mentioned in paragraphs (a) and (b) of subsection (1) of section 17 of this Order or from among the members of the Northern House of Assembly mentioned in paragraph (c) of subsection (1) of section 21 of this Order.

(2) Of the Regional Ministers of the Northern Region—
(a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and
(b) the others shall be appointed by the Governor on the recommendation of the Premier.

Provided that if the Premier is a member of the Northern House of Chiefs, at least two but not more than four of the other Ministers shall be appointed from among the members of the Northern House of Chiefs, and if the Premier is not a member of the Northern House of Assembly, at least one but not more than three of the other Ministers shall
Sir John Macpherson, the Governor of Nigeria, who is to become Governor-General under the new Constitution.

Mr. Obafemi Awolowo, Minister of Local Government in the Western Region, and Leader of the Action Group.
Sir Bryan Shaw, Lieutenant-Governor of the Northern Region, who is to become the Governor of the North.

Dr. E. M. L. Enckey, who led the Cameroons delegation to the London and Lagos conferences on the Constitution.
Mr. Oliver Lyttelton, who was Secretary of State for the Colonies at the time of the Constitution conference.

Dr. Nnamdi Azikiwe, Minister of Local Government in the Eastern Region, and Leader of the N.C.N.C.
Sir Clement Fees, Lieutenant-Governor of the Eastern Region, who is to become Governor of the East.

Sir Hugo Marshall, formerly Lieutenant-Governor of the Western Region, who is now Chief Secretary to the Government.
The House of Representatives of Lagos where the conference made fat tracking decisions.
The Sardauna of Sokoto, Minister of Local Government in the Northern Region, and Leader of the Northern People's Congress.
be appointed from among the members of the Northern House of Chiefs.

Composition of Executive Council of Western Region.

108. The members of the Executive Council of the Western Region shall be:
(a) the Governor, who shall be the President of the Council; and
(b) not less than nine members appointed in accordance with the provisions of section 109 of this Order, who shall be styled Regional Ministers.

Appointment of Regional Ministers in Western Region.

109.—(1) Every Regional Minister of the Western Region shall be appointed by Instrument under the Public Seal either from among the members of the Western House of Chiefs mentioned in paragraphs (a) and (c) of subsection (1) of section 24 of this Order or from among the members of the Western House of Assembly mentioned in paragraphs (n) and (o) of subsection (1) of section 29 of this Order.
(2) Of the Regional Ministers of the Western Region, (a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and
(b) the others shall be appointed by the Governor on the recommendation of the Premier.

Provided that if the Premier is a member of the Western House of Assembly, three (but not more than two) of the other Ministers shall be appointed from among the members of the Western House of Chiefs.

Composition of Executive Council of Eastern Region.

110.—The members of the Executive Council of the Eastern Region shall be:
(a) the Governor, who shall be the President of the Council; and
(b) not less than nine members appointed in accordance with the provisions of section 111 of this Order, who shall be styled Regional Ministers.

Appointment of Regional Ministers in Eastern Region.

111.—(1) Every Regional Minister of the Eastern Region shall be appointed by Instrument under the Public Seal from among the Elected Members of the Eastern House of Assembly.
(2) Of the Regional Ministers of the Eastern Region, (a) one, who shall be styled the Premier of the Region, shall be appointed by the Governor, acting in his discretion; and
(b) the others shall be appointed by the Governor on the recommendation of the Premier.

Provided that if the Premier is a member of the Eastern House of Assembly, three (but not more than two) of the other Ministers shall be appointed from among the members of the Eastern House of Chiefs and if the Premier is not a member of the Western House of Assembly, two (but not more than two) of the other Ministers shall be appointed from among the members of the Western House of Chiefs.

(3) The number of Regional Ministers of the Eastern Region who shall be appointed in addition to the Premier shall, subject to the provisions of section 111 of this Order, be such as the Governor may on the recommendation of the Premier, from time to time prescribe.

Tenure of office of Premier.

112.—The Premier shall hold his seat in the Executive Council of a Region during the Governor’s pleasure.

Provided that his seat shall in any case become vacant—
(a) when after any dissolution of the Regional Legislative House from among the members of which he was appointed, he is informed by the Governor that the Governor is about to reappoint him as Premier or to appoint another person as Premier; or
(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or
(c) if he resigns his seat by writing under his hand addressed to the Governor; or
(d) if he absents himself from Nigeria without written permission given by the Governor, acting in his discretion.

Determining of questions as to membership of Executive Councils of Regions.

114. Any question whether any person is a member of the Executive Council of a Region shall be referred to, and determined by, the Governor, acting in his discretion.

Presiding in Executive Councils of Regions.

115.—(1) The Governor shall, so far as is practicable, preside at meetings of the Executive Council of a Region.
(2) In the absence of the Governor, there shall be a member of the Executive Council of a Region—
(a) the Premier; or
(b) in the absence of the Premier, such other member of the Council as the Governor, acting in his discretion, may appoint.

Executive Councils of Regions may transact business notwithstanding vacancies etc.

116. The Executive Council of a Region shall not be disqualified for
the transaction of business by reason of any vacancy among the members thereof, including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Summing Executive Councils of Regions and quorum therein.

117.-(1) The Executive Council of a Region shall not be summoned except by the authority of the Governor, acting in his discretion.

Provided that the Governor shall summon the Council if the Premier requests him in writing so to do.

(2) No business shall be transacted in the Executive Council of a Region if objection is taken by any member present that, in addition to the Governor or other member presiding, there are present less than eight members in the case of the Executive Council of the Northern Region or less than six members in the case of the Executive Council of the Western Region or the Executive Council of the Eastern Region.

Voting in Executive Councils of Regions.

118.-(1) Where any matter is dependent upon the decision of the Executive Council of a Region, any decision shall be regarded as the decision of the Council if the majority of the votes of the members present and voting cast in favour thereof.

(2) The Governor shall not have an original vote in the Executive Council of a Region, but he may, acting in his discretion, give a casting vote if on any question the votes are equally divided.

(3) Any other member of the Executive Council of a Region shall have an original vote and, when presiding in the Council in accordance with the provisions of section 115 of this Order, may also give a casting vote if on any question the votes are equally divided.

Assignment of responsibility to members of Executive Councils of Regions.

119.-(1) (a) Subject to the provisions of this Order, the Governor may by directions in writing charge any member of the Executive Council of a Region with responsibility for any matter or group of matters to which the executive authority of the Region extends.

(b) For the purposes of this section the Governor may charge any member of the Executive Council of a Region with responsibility for any matter or group of matters to which the executive authority of the Region extends.

(2) The powers conferred by this section on the Governor of a Region shall be exercised by the Governor of the Northern Region in his discretion and shall be exercised by the Governor of the Western Region and the Governor of the Eastern Region on the recommendation of the Premier.

(3) Responsibility for legal matters which expression shall, without prejudice to its generality, include the initiation, conduct and discontinuance of civil and criminal proceedings, shall not be assigned to a Regional Minister but shall vest in the Attorney-General of each Region.

(4) Provided that a Regional Minister may be charged with responsibility for submitting questions relating to such matters to the Executive Council and for conducting government business relating to such matter in a Regional Legislative House.

Parliamentary Secretaries to Regional Ministers.

120.-(1) The Governor of a Region may appoint a Parliamentary Secretary from among those members of the Legislative Houses of the Region who are eligible for appointment as Regional Ministers in the discharge of responsibilities assigned to him in pursuance of section 119 of this Order.

(2) The office of a Parliamentary Secretary to a Regional Minister shall become vacant—

(a) if the seat of the Premier in the Executive Council of the Region becomes vacant; or

(b) if he ceases to be a member of the Regional Legislative House from among the members of which he was appointed for any reason other than a dissolution of that House; or

(c) if he resigns his office by writing under his hand addressed to the Governor, or

(d) if he absents himself from Nigeria without written permission given by the Governor; or

(e) if the Governor so directs.

(3) The powers conferred by this section on the Governor of a Region shall be exercised by him on the recommendation of the Premier.

Permanent Secretaries to supervise certain Regional departments.

121.—(1) Where any Regional Minister has been charged with responsibility for a department of government he shall exercise general direction of control over that department; and, subject to such direction and control, the department shall be under the supervision of such officer in the public service of the Region (who shall be styled a Permanent Secretary) as the Governor, acting in his discretion, may select.

(2) An officer in the public service of a Region may be a Permanent Secretary in respect of more than one department of government.

Oaths to be taken by Regional Ministers etc.

122. No person shall enter upon the duties of his office as a member of the Executive Council of a Region or as a Parliamentary Secretary to a Regional Minister until he has taken the oath of allegiance and, except in the case of the Governor, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of that Region.

Leave of absence for Regional Ministers etc.

123.—(1) The Governor of a Region may grant leave of absence from his duties to a Regional Minister or to a Parliamentary Secretary to a Regional Minister.

(2) The power conferred by this section on the Governor of a Region shall be exercised by the Governor of the Northern Region in his discretion and shall be exercised by the Governor of the Western Region and the Governor of the Eastern Region on the recommendation of the Premier.

The Executive Council of the Southern Cameroons.

Establishment of Executive Council for Southern Cameroons.

124. There shall be an Executive Council for the Southern Cameroons.

Functions of Executive Council for Southern Cameroons.

125. Subject to the provisions of this Order, the Executive Council of the Southern Cameroons shall perform such functions and duties, and exercise such powers, as may from
time to time be prescribed by or under any Order of Her Majesty in Council, and Instructions under Her Majesty's Sign Manual and Signet or subject to the provisions of such Orders and Instructions as aforesaid, or by any other law.

Composition of Executive Council of Southern Cameroons.

126. The members of the Executive Council of the Southern Cameroons shall be—

(a) the Commissioner of the Cameroons, who shall be the President of the Council,

(b) three Ex-officio Members, namely the Deputy Commissioner of the Cameroons, the Legal Secretary of the Southern Cameroons and the Financial and Development Secretary of the Southern Cameroons;

(c) four Unofficial Members, who shall be appointed by the Governor-General, acting in his discretion, by Instrument under the Public Seal of the Southern Cameroons from among the members of the House of Assembly of the Southern Cameroons mentioned in paragraphs (c), (d) and (e) of section 34 of this Order, and

(d) such Temporary Members as may be appointed in accordance with the provisions of section 128 of this Order.

Tenure of seats of Unofficial Members of Executive Council of Southern Cameroons.

127. An Unofficial Member of the Executive Council of the Southern Cameroons shall hold his seat in the Council during the Governor-General's pleasure.

Provided that he shall in any case vacate his seat—

(a) when after any dissolution of the House of Assembly of the Southern Cameroons he is instructed by the Governor-General that the Governor-General is about to re-appoint him as an Unofficial Member of the Council or to appoint another person as an Unofficial Member of the Council;

(b) if he ceases to be a member of the House of Assembly of the Southern Cameroons for any reason other than a dissolution of that House, or

(c) if he resigns his seat by writing under his hand addressed to the Governor-General;

(d) if he absents himself from Cameroon without the written permission of the Commissioner of the Cameroons.

Temporary Member of Executive Council of Southern Cameroons.

128.—(1) If an Unofficial Member of the Executive Council of the Southern Cameroons is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order, the Governor-General, acting in his discretion, may, by Instrument under the Public Seal of the Southern Cameroons, appoint a person who is a member of the House of Assembly of the Southern Cameroons to be a Temporary Member of the Council.

(2) The Commissioner there shall preside at any meeting of the Council.

(3) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

129. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

130. Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

(3) Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

132. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

133. The Executive Council of the Southern Cameroons may transact business by resolution of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.

134. Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

135. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

136. The Executive Council of the Southern Cameroons may transact business by resolution of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.

137. Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

138. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

139. The Executive Council of the Southern Cameroons may transact business by resolution of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.

140. Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

141. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

142. The Executive Council of the Southern Cameroons may transact business by resolution of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.

143. Any question whether—

(a) any person is a member of the Southern Cameroons shall be determined by the Executive Council of the Southern Cameroons.

(b) Subject to the provisions of paragraph (a) of this sub-section, the provisions of section 127 of this Order shall apply in relation to a Temporary Member of the Executive Council of the Southern Cameroons as they apply in relation to an Unofficial Member of the Council.

Provided that the Commissioner may summon the Council if three or more members of the Council so request in writing.

(2) No business shall be transacted in the Council if objection is taken by any member present that, in addition to the Commissioner or other member presiding, there are present less than three members.

Oaths to be taken by members of Executive Council of Southern Cameroons.

144. No person shall enter upon the duties of his office as a member of the Executive Council of the Southern Cameroons until he has taken the oath of allegiance and, except in the case of the Commissioner of the Cameroons, has taken an oath for the due execution of that office in the form and manner prescribed by any law enacted by the Legislature of the Southern Cameroons.

Executive Council of Southern Cameroons may transact business notwithstanding vacancies etc.

145. The Executive Council of the Southern Cameroons may transact business by resolution of any vacancy among the members thereof including any vacancies not filled when the Council is first constituted or is reconstituted at any time, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do took part in the proceedings.

Determination of questions as to membership of Executive Council of Southern Cameroons.
the Executive Council of the Southern Cameroons:

(b) any Unofficial Member of the Council is incapable of taking part in the proceedings of the Council by reason of a declaration made under section 129 of this Order, shall be referred to and determined by the Governor-General acting in his discretion.

Administrative Relations between Federation and Regions

Co-ordination of executive authority of Federation, Regions and Southern Cameroons.

135. The executive authority of a Region or of the Southern Cameroons shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation: but the question whether the executive authority of a Region or of the Southern Cameroons has in any case been exercised in accordance with the provisions of this section shall not be enquired into in any court.

Performance of Federal functions by Regional officers and of Regional functions by Federal officers.

136-(1) No functions relating to the exercise of the executive authority of the Federation or of the Southern Cameroons shall be conferred upon any officer or authority of a Region without the consent of the Governor of that Region, which consent shall, in relation to the use and operational control of the police, be given by the Governor, acting in his discretion.

(2) No functions relating to the exercise of the executive authority of a Region shall be conferred upon any officer or authority of the Federation without the consent of the Governor-General.

Directions by Governor-General to Commissioner of Cameroons

137.—(1) The Governor-General, acting in his discretion, may give to the Commissioner of the Cameroons such directions with respect to the exercise of the executive authority of the Southern Cameroons as he may decide are desirable.

(2) The Commissioner shall comply with any directions given to him under this section or shall cause them to be complied with.

(3) The question whether any, and if so what, directions have been given under this section shall not be enquired into in any court.

CHAPTER V

JUDICIAL POWERS

The Federal Supreme Court

Establishment of Federal Supreme Court.

138.—(1) There shall be a Federal Supreme Court for Nigeria.

(2) The Judges of the Federal Supreme Court shall be—

(a) a Chief Justice of the Federation;

(b) two Federal Justices or such greater number as may be prescribed by or under any law enacted by the Federal Legislature; and

(c) such acting Federal Justices as may be appointed under subsection (3) of section 139 of this Order.

(3) The Federal Supreme Court shall be a superior court of record and shall sit in Lagos and in such other places in Nigeria, if any, as the Chief Justice of the Federation may determine in accordance with the provisions of subsection (2) of section 139 of this Order.

(4) The Chief Justice of the Federation shall be President of the Federal Supreme Court and shall take precedence of all other judges of that Court, and the seniority of the other judges of that Court shall be determined in accordance with such directions as may be given by the Governor-General acting in his discretion.

Judges of Federal Supreme Court. 139.—(1) The Chief Justice of the Federation and the Federal Justices shall be appointed by the Governor-General by Instrument under the Public Seal in pursuance of instructions given by Her Majesty through a Secretary of State.

(2) A person shall not be qualified to be appointed as a Chief Justice of the Federation or a Federal Justice unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions; or

(ii) he is qualified to practise as an advocate or solicitor in such a court and he has been qualified for not less than ten years to practise as an advocate or solicitor in such a court.

(b) In computing, for the purposes of paragraph (a) of this subsection, the period during which any person has been qualified to practise as an advocate or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

(3) (a) If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall be performed by such one of the other Judges of the Federal Supreme Court as the Governor-General, acting in his discretion, may appoint for that purpose.

(b) If the office of any Federal Justice is vacant, or if any Federal Justice is appointed to act as the Chief Justice of the Federation or is for any reason unable to perform the functions of his office, the Governor-General, acting in his discretion may appoint a person qualified for appointment as a Federal Justice to act as a Federal Justice.

(4) The Chief Justice of the Federation and the Federal Justices shall hold office during Her Majesty's pleasure and acting Federal Justices shall hold office during the Governor-General's pleasure.

Provided that the office of any judge of the Federal Supreme Court shall in any case become vacant—

(a) if he resigns his office by writing under his hand addressed to the Governor-General;

(b) when he attains the age of sixty-five years; or, if the Governor-General, acting in his discretion, so directs, within six months of his attaining that age.

Oaths to be taken by judges of Federal Supreme Court

140. No person shall enter upon the duties of his office as a judge of the Federal Supreme Court until he has taken before the Governor-General, or some person authorised by the Governor-General in that behalf, the oath of allegiance and an oath for the due execution of his office in the form prescribed by any law enacted by the Federal Legislature.

Salaries of judges of Federal Supreme Court

141. There shall be paid to the judges of the Federal Supreme Court such salary and allowances as may be prescribed by any law enacted by the Federal Legislature.

Provided that the salary of any
such judge shall not be diminished during his continuance in office.

Establishment of Courts for the

Regions, the Southern Cameroons

and Lagos

Courts of Regions and Lagos.

142.—(1) Subject to the provisions of this section, the Legislature

of a Region may, by law enacted under this Order, establish

Courts of Justice for that Region, and in particular (without prejudice
to the generality of the foregoing powers) establish a High

Court of Justice for that Region.

(2) The following provisions shall apply to a High Court estab-
lished for a Region in accordance with sub-section (1) of this section:

(a) the court shall be a superior court of record and shall consist of

a Chief Justice, who shall be

President of the Court, and such number of other judges as may

be prescribed by or under any law enacted by the Legislature of

that Region;

(b) the judges of the court shall be appointed by the Governor by

Instrument under the Public Seal in pursuance of instructions given

by Her Majesty through a Secretary of State;

(c) (i) a person shall not be qualified to be appointed a judge of the
court unless he is, or has been, a judge of a court having

unlimited jurisdiction in civil and criminal matters in some part of

Her Majesty's dominions, or he is qualified to practise as an ad-
vocate or solicitor in such a court and he has been qualified for not less than

ten years to practise as an advocate or solicitor in such a court;

(ii) in computing, for the purposes of this paragraph, the period

during which any person has been qualified to practise as an

advocate or solicitor any period during which he has held judicial

office after becoming so qualified shall be included;

(d) a judge of the court shall hold his office during Her Majesty's pleasure;

Provided that his office shall in any case become vacant—

(i) if he resigns his office by writing under his hand addressed
to the Governor, or

(ii) when he attains the age of sixty-two years, or, if the Governor, acting in his discretion, so directs, within six months of his attaining that age;

(c) no person shall enter upon the duties of his office as a judge of the court until he has taken or made before the Governor, or some person authorised by the Governor in that behalf, the oath of allegiance and an oath for the due execution of his office in the form and manner prescribed by any law enacted by the Legislature of the Region;

(d) there shall be paid to the judges of the court such salary and allowances as may be prescribed by any law enacted by the Legislature of the Region;

(e) the Judges of the High Court established for the Southern Cameroons or Lagos under section 142 of this Order shall be paid such salary and allowances as may be prescribed by any law enacted by the Federation as such;

(f) in any dispute between the Federation and a Region or the Southern Cameroons or between Regions or the Southern Cameroons and a Region, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or invalidity of a legal right depends;

Provided that the High Court shall make the order in pursuance of section 146 of this Order, and in any matter relating to consular officers or other representatives of countries or of international or similar organizations outside Nigeria.

(2) If any question as to the interpretation of this Order arises in any proceedings in any court established for a Region of the Southern Cameroons or Lagos other than the High Court, the person presiding in that court may apply to the High Court for an order that High Court shall refer the question to the Federal Supreme Court.

Provided that he shall so apply to the High Court—

(a) if any party to the proceed-
ings so requires, or

(b) if the question appears to him to be a substantial question of law as to the validity of a law enacted by the Federal Legislative Council.

(3) If any application is made in pursuance of this subsection to the High Court, the person presiding in that court may apply to the High Court for an order that High Court shall refer the question to the Federal Supreme Court.

Provided that the High Court shall make the order.
High Court may, if it sees fit, refer that question to the Federal Supreme Court.

Provided that if the High Court is required by any law enacted by the Federal Legislature to refer the question to the Federal Supreme Court or, if in the opinion of the High Court the question is a substantial question of law as to the validity of a law enacted by the Federal Legislature, the High Court shall refer the question to the Federal Supreme Court.

Federal Legislature may confer original jurisdiction on Federal Supreme Court.

146. The Federal Legislature may, by law enacted under this Order, confer original jurisdiction on the Federal Supreme Court with respect to any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Federal Legislature:

Provided that no original jurisdiction shall be conferred on the Federal Supreme Court with respect to any criminal matter.

Appellate jurisdiction of Federal Supreme Court.

147.—(1) Subject to the provisions of section 148 of this Order, the Federal Supreme Court—

(a) shall, to the exclusion of any other court in Nigeria, have jurisdiction to hear and determine appeals from decisions of the High Courts established for any of the Regions and the Southern Cameroons given in the appellate jurisdiction of those High Courts as may be conferred upon it;

(b) shall have such jurisdiction as that Court, that the High Courts given in the original jurisdiction of those High Courts as the Federal Legislature may by law enacted under this Order confer upon it;

(c) shall have such jurisdiction to bear and determine appeals from decisions of the High Courts established for any of the Regions and the Southern Cameroons given in the appellate jurisdiction of those High Courts as may be conferred upon it;

(d) in respect of any matter that is included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Federal Legislature.

In respect of any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List by any law enacted by the Federal Legislature.

(2) The right to appeal to any court conferred by subsection (1) of this section shall be subject to any law and any rules of court for the purpose of those High Courts as the Federal Supreme Court may, with the approval of the Governor-General, make rules of court for use by the Court.
(b) Rules made under this section may fix the minimum number of judges who are to sit for any purpose, so, however, that no matter shall be finally determined by less than three judges.

(c) Subject to the provisions of any law enacted by the Federal Legislature in pursuance of section 131 of this Order or of any rules of court, the Chief Justice of the Federation shall determine what judges are to sit for any purpose.

(d) Subject as aforesaid, any final determination by the Federal Supreme Court shall require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court:

Provided that nothing in this paragraph shall be deemed to prevent a judgment, which does not concur from delivering a dissenting opinion.

(3) The Legislature of a Region, by law enacted under this Order, may make provision for the making of rules of court for use by the courts established for that Region:

(4) The Legislature of the Southern Cameroons may, by law enacted under this Order, make provision for the making of rules of court for use by the courts established for the Southern Cameroons.

(5) The Federal Legislature may, by law enacted under this Order, make provision for the making of rules of court for use by the courts established for Lagos.

Provision for procedure of Federal Supreme Court and enforcement of judgments etc.

151.-(1) The Federal Legislature may, by law enacted under this Order, make provision with respect to any of the matters referred to in section 150 of this Order or confer upon the Federal Supreme Court such additional or supplemental powers as may appear to be necessary or desirable for enabling the Court more effectively to exercise any jurisdiction conferred upon it by this Order or by any other law.

(2) The Federal Legislature may, by law enacted under this Order, make provision for:

(a) the service and execution in Nigeria of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court outside Nigeria, and the attendance of persons in Nigeria at any such court;

(b) the service and execution in any Region or in the Southern Cameroons or Lagos of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court in any other part of Nigeria, and the attendance of persons in any Region, the Southern Cameroons or Lagos at any such court;

(c) with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List or may be conferred upon them by any law enacted by the Legislative or the Legislative of that Region or having effect under section 52 of this Order as if it had been so enacted.

(3) The service and execution in the Southern Cameroons or Lagos of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court outside Nigeria, and the attendance of persons in the Southern Cameroons or Lagos at any such court:

(b) The Legislature of a Region may make provision for the service and execution in the Southern Cameroons or Lagos of the civil and criminal processes, judgments, decrees, orders and decisions of the Federal Supreme Court and of any court outside Nigeria, and the attendance of persons in the Southern Cameroons or Lagos at any such court.

(c) The Legislature of the Southern Cameroons may make provision for the service and execution in the Southern Cameroons of the civil and criminal processes, judgments, decrees, orders and decisions of any court, and the attendance of persons in the Southern Cameroons at any court.

Jurisdiction of courts of Regions, Southern Cameroons and Lagos

152.-(1) Subject to the provisions of this Order, the courts established for a Region shall have such jurisdiction—

(a) with respect to any matter that is included in the Exclusive Legislative List or as may be conferred upon them by any law enacted by the Federal Legislature;

(b) with respect to any matter that is included in the Concurrent Legislative List or as may be conferred upon them by any law enacted by the Federal Legislature or the Legislative of that Region;

(c) with respect to any matter that is not included in the Exclusive Legislative List or the Concurrent Legislative List or may be conferred upon them by any law enacted by the Legislative of that Region or having effect under section 52 of this Order as if it had been so enacted.

PREScribed authority.

154.-(1) In this Chapter the prescribed authority means, in relation to any declaration that is required to be made by the prescribed authority, such person or authority as the Governor-General may appoint for the purpose of making that declaration.

(2) Any declaration made under this Chapter by the prescribed authority may be varied by a subsequent declaration made by such authority and if any declaration made under this Chapter by the prescribed authority is so varied any reference in this Chapter to that declaration shall be construed as a reference to the declaration as so varied.

(3) The correctness of anything contained in any declaration made by the prescribed authority under this Chapter shall not be called in question in any court.

Import duties other than duties on motor spirit and tobacco

155.-(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of any commodity, other than motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each
156.—(1) (a) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(b) Where under any law enacted by the Federal Legislature a duty is levied on any commodity, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(c) Where under any law enacted by the Federal Legislature a duty is levied on any commodity, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(d) When under paragraph (a) of this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

157.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.

158.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.

159.—(1) Where under any law enacted by the Federal Legislature a duty is levied on any commodity, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.

160.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.

161.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.

162.—(1) Where under any law enacted by the Federal Legislature a duty is levied in respect of the import into Nigeria of motor spirit or tobacco, there shall be paid by the Federation to the Regions in respect of each quarter such sums as are declared by the prescribed authority to be equal to half of the proceeds of that duty for that quarter.

(2) When under this subsection any sum is payable by the Federation to the Regions in respect of any quarter, payment of the said sum shall be made in such manner that the sum is divided among the Regions in shares proportionate to the respective amounts of the commodity in question that are declared by the prescribed authority to have been distributed for consumption in the several Regions in the immediately preceding quarter.

(3) The Governor-General may by regulation designate, or make provision for designating, any class, variety or description of any commodity as a separate commodity for the purposes of this section, and any such class, variety or description that is so designated shall be regarded as a separate commodity for those purposes.

(4) For the purposes of this section the proceeds of a duty levied on any commodity shall be the amount that is declared by the prescribed authority to be attributable to exports of that commodity.

(5) The Governor-General may by regulation prescribe in that behalf.
modity that were purchased in that Region; or

(iii) the percentage of the said proceeds that is declared by the prescribed authority to be the appropriate percentage having regard to the respective amounts of that commodity that were purchased for export in the several Regions during the quarter immediately preceding that quarter, or

(iv) the percentage of the said proceeds that is declared by the prescribed authority to be equal to the amount of that part of that commodity that were purchased for export in that Region and any amount of a commodity that is so designated shall be regarded as a separate commodity for the purposes of this section.

Calculation of payments in certain cases.

159. When in the opinion of the Governor-General it is impossible or impracticable, owing to the imposition of a new duty or for any other reason, to calculate what sum is payable to a Region in respect of any quarter in accordance with the provisions of section 156, section 157 or section 158 of this Order, there shall be paid by the Federation to that Region a sum calculated in such manner as the Governor-General shall direct; and such sum shall be deemed to have been calculated and paid in accordance with the provisions of those sections.

Federal income tax.

160.—(1) Where under any law enacted by the Federal Legislature any tax is levied on incomes or profits, there shall be paid by the Federation to each Region in respect of each year of assessment after the thirtieth-day of March, 1954, a sum equal to the amount of that part of the proceeds of that tax for that year that is declared by the prescribed authority to be attributable to the incomes and profits of persons, other than bodies corporate, resident in that Region during that year.

(2) For the purposes of the purposes of this section the proceeds of a tax shall be the amount that is declared by the prescribed authority to be the amount remaining from the receipts from that tax after any refunds or other repayments relating to those receipts have been deducted therefrom or allowed for:

(3) The Governor-General may by regulation make provision for determining the purposes for which any minerals were extracted:

(4) References in this section to minerals include references to mineral oil.

Certain other revenues.

162.—(1) To each Region the Federation shall pay in respect of each year in respect of the Federatlon and its corporations during that year:

(a) the proceeds of any tax levied on the use of mineral oil, and

(b) any tax levied on the proceeds of the mining of small craft waters, and

(2) For the purposes of calculating what sum is payable to the Southern Cameroons in respect of any financial year, the proceeds of any tax that are derived from duties levied in respect of the import into Nigeria of commodities other than motor spirit and tobacco, one per cent shall be deemed to be attributable to the Southern Cameroons.

Annual payment to Southern Cameroons.

163.—(1) The Federation shall pay to the Southern Cameroons in respect of each financial year such sum as is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.

(2) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(3) For the purposes of this section the Federation shall pay to the Southern Cameroons:

(a) the estimated cost to the Federation of making provision for pensions for officers in the public service of the Federation in relation to their service during that year in respect of the government of the Southern Cameroons.

(4) For the purposes of this section the Federation shall pay:

(a) under any of its Ordinances (a), the Corporation Ordinance (b), the Minerals (Lead-Zinc) Ordinance (c), and any law that is declared by the Governor-General to be a law amending or substituted for any of those Ordinances.
the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

Payments by Regions to Federation. 164.—(1) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the Department of Customs and Excise that is reasonably attributable to the Regions having regard to the shares of the proceeds of the duties referred to in sections 155, 156, 157 and 158 of this Order received by the Regions under those sections in respect of that year; and each Region shall pay to the Federation a sum equal to such part of the amounts so declared as is declared by the prescribed authority to be proportionate to the share of the proceeds of those duties received by that Region under those sections in respect of that year.

(2) The prescribed authority shall in respect of each financial year declare the amount of the expenditure incurred by the Federation during that year in respect of the collection of the taxes that are referred to in section 160 of this Order; and each Region shall pay to the Federation a sum equal to such part of that expenditure as is declared by the prescribed authority to be proportionate to the share of the proceeds of those taxes received by that Region under that section in respect of that year.

(3) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be a reasonable proportion of the expenditure incurred by the Federation during that year in respect of the departments concerned with mines having regard to the amount of any sums received by that Region in respect of that year under section 161 of this Order.

(4) A Region shall pay to the Federation in respect of each financial year such sum as is declared by the prescribed authority to be equal to the amount of the expenditure incurred by the Federation during that year on—

(a) the payment to persons who have been in the public service of the Federation in respect of their service in offices allocated to that Region under section 182 of this Order; and

(b) the payment in respect of such service of pensions to widows, children, dependants and personal representatives of such persons.

(5) (a) For the purposes of this section the period beginning at the commencement of this Order and ending on the thirty-first day of March, 1955, shall be deemed to be a financial year.

(b) In this section "pension" means a pension granted under any law other than the Widows' and Orphans' Pension Ordinance (I) as from time to time amended, and includes a gratuity.

Administrative and Financial Provisions. 165.—(1) In this section—

"the Revenue Allocation Order" means the Nigeria (Revenue Allocation) Order in Council, 1951;

"the prescribed period" means the period beginning on the first day of April, 1954, and ending immediately before the commencement of this Order.

(2) If any sum that was payable to the former Northern Region, Western Region or Eastern Region either—

(a) under section 6 or section 7

(1) Laws of Nigeria, Rev. 1948, Chapter 231.
of the Revenue Allocation Order;

(b) in respect of any period before the first day of April, 1954, under section 9, 11, 12, 13 or 14 of the Revenue Allocation Order, has not been paid before the commencement of this Order, that sum shall be paid by the Federation to the Northern Region, the Western Region or the Eastern Region, as the case may be.

(3) (a) Subject to the provisions of paragraph (b) of this subsection, the Federation shall pay to the Northern Region, the Western Region and the Eastern Region respectively such sums as would under sections 9 to 14 of the Revenue Allocation Order have been payable in respect of the prescribed period to the former Northern Region, Western Region and Eastern Region respectively if—

(i) the prescribed period had been a financial year;

(ii) any regulations and orders made under the said sections of the Revenue Allocation Order (other than an order made under subsection (1) of section 10 thereof) that applied in relation to the financial year beginning on the first day of April, 1954, had applied in relation to the prescribed period;

(iii) a capitation rate had been fixed for the prescribed period under subsection (1) of section 10 of the Revenue Allocation Order equal to half the capitation rate so fixed for the financial year beginning on the first day of April, 1954;

(iv) the reference in subsection (1) of section 13 of the said Order to half the expenditure incurred in the financial year beginning in the year 1950 had been a reference to one quarter of the expenditure so incurred.

(b) If, before the commencement of this Order, any payments have been made in respect of the financial year beginning on the first day of April, 1954, to the former Northern Region, Western Region or Eastern Region under any of the sections of the Revenue Allocation Order that are referred to in paragraph (a) of this sub-section—

(i) those payments shall be deemed to have been made by the Federation to the Northern Region, the Western Region or the Eastern Region, as the case may be, in pursuance of paragraph (a) of this subsection, and the amount of the sum that is payable under the said paragraph (a) to the Region in question shall accordingly be reduced by the amount of those payments; and

(ii) if the amount of those payments exceeds the amount of the sum that is payable under the said paragraph (a) to the Region in question, that Region shall pay to the Federation a sum equal to the amount of the excess.

166.—(1) There shall be paid by the Federation to each Region a sum, in this section referred to as a "development grant", the amount of which shall be calculated in accordance with the following provisions of this section.

(2) The amount of the development grant that shall be paid to a Region shall be such amount as is declared by the prescribed authority to be equal to the amount of the estimated expenditure under the Development Plan on regional matters that is attributable to that Region reduced by the amount of any such expenditure that is declared
the prescribed authority to have been already incurred at the commencement of this Order.

(3) In this section—
(a) "Region" includes the Southern Cameroons;
(b) "expenditure" means expenditure that is not either:
(i) expenditure that has been, or would under the Development Plan fall to be, met out of money provided in pursuance of the Colonial Development and Welfare Acts, 1940 to 1950;
(ii) expenditure made under the Development Plan means the Revised Plan of Development for Welfare for Nigeria for 1951 to 1956;
(c) "funds" means funds other than funds included in the Exclusive Legislative List or the Concurrent Legislative List;
(d) "other payments by Federation to Regions" includes Regional funds, that is to say—
(i) the Northern Region three million pounds;
(ii) the Western Region two million pounds;
(iii) the Eastern Region two million pounds, and
(iv) the sums payable to the Eastern Region, which are sums of five hundred thousand pounds and two hundred and fifty thousand pounds, which further sums the first mentioned shall be paid on or before the thirty-first day of March, 1955, and the other during the financial year beginning on the first day of April, 1955.

Sums charged on revenues.

168 Any payments that are required by this Chapter to be made by the Federation to a Region or to the Southern Cameroons or by a Region to the Federation are hereby charged on the revenues of the Federation or of that Region, as the case may be.

Time and manner of making payments.

169—(1) Any sum that is required by this Chapter to be paid by the Federation to a Region in respect of a quarter shall be paid to that Region before the end of the next succeeding quarter unless either:
(a) the Governor-General and the Governor of the Region agree that the sum shall be paid on or before the next later date, in which case it shall be paid on or before that later date, or
(b) the amount of the sum is not ascertained in time for payment to be made before the end of the next succeeding quarter, in which case the sum shall be paid on or before the first day of October, 1955, the following sums respectively:
(i) to the Northern Region three million pounds;
(ii) to the Western Region two million pounds;
(iii) to the Eastern Region two million pounds, and
(iv) the sums payable to the Eastern Region, which are sums of five hundred thousand pounds and two hundred and fifty thousand pounds, which further sums the first mentioned shall be paid on or before the thirty-first day of March, 1955, and the other during the financial year beginning on the first day of April, 1955.

(2) Subject to the provisions of subsection (1) of this section and of section 167 of this Order, any payment that is required by this Chapter to be made by the Federation to a Region or by a Region to the Federation shall be made at such time and in such manner as may be provided for or in pursuance of regulations made under section 170 of this Order.

Regulations.

170.—(1) The Governor-General may, subject to the provisions of this Chapter, make provision by regulation for any of the following matters, that is to say—
(a) the time at which, and the manner in which, the Federation shall pay to a Region or a Region shall pay to the Federation any sums that are required by this Chapter to be so paid by the Federation or that Region;
(b) the periods in relation to which the proceeds of any royalty referred to in section 161 of this Order shall from time to time be calculated, and the periods in respect of which payments shall from time to time be made in pursuance of that section;
(c) the making of provisional payments by the Federation to a Region or by a Region to the Federation in respect of any sums that are required by this Chapter to be paid by the Federation to that Region or by that Region to the Federation; and the subsequent payment or repayment, as the cases may be, of any amounts by which such provisional payments are less than, or exceed, the sums in respect of which they were made;
(d) deciding in case of doubt whether any expenditure is expenditure as defined by section 166 of this Order, and whether any expenditure is expenditure on regional matters for the purposes of that section;
(e) The Governor-General may, subject to the provisions of this Chapter, provide by regulation for the manner in which any amount of money, any amount of expenditure, and any amount of a commodity, shall be calculated for the purposes of this Chapter;
(f) Save where the context otherwise requires, references in this section to a Region include references to the Southern Cameroons.

Regulations may enable prescribed authority to discharge functions.

171—(1) The Governor-General may, by regulation, make such provision as appears to him to be necessary for enabling the prescribed authority to discharge any functions that are conferred on the prescribed authority by this Chapter or by any regulations made thereunder.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, any regulations made thereunder may make provision for any of the following matters, that is to say—
(a) any amount of money; or
(b) any amount of expenditure relating to any matter;
(c) any amount of a commodity, that is to say—
(i) the imposition upon any person of a duty to furnish information relating to any matter;
(ii) the registration or licensing of any person for any purpose;
(iii) the imposition upon any person of a duty to keep books, accounts or records relating to any matter;
(iv) the prohibition of the import, export or sale of anything in respect of which any person fails to furnish information in accordance with regulations made under this section;
(v) the prohibition of the import, export or sale of anything by persons who are not registered or licensed for that purpose in accordance with regulations made under this section;
(vi) the definition of and trial of offences, connected with any such regulations and the imposition of penalties thereon.
CHAPTER VII
THE PUBLIC SERVICE
Part I—General
Interpretation.

172. In this Chapter, unless it is otherwise expressly provided or
required by the context—
(a) "established officer" means
any person who immediately be-
fore the commencement of this
Order was the holder of an
office in the former public service
of Nigeria for which specific
provision was made in the esti-
mates of the Government of
Nigeria or of the Government of
a former Region for the financial
year beginning on the first day of
April, 1954, and includes a per-
son holding any such office for a
specified term under a contract;
"existing African Officer" means
a person—
(i) who, immediately before
the commencement of this
Order, was the substantive
holder of an office declared to
be pensionable under the provi-
sions of the Pensions Ordin-
ance, 1951 (1); and
(ii) who is not an overseas
officer;
"existing overseas officer" means
a person—
(i) who, immediately before
the commencement of this
Order, was the substantive
holder of an office declared to
be pensionable under the provi-
sions of the Pensions Ordin-
ance, 1951; and
(ii) who is, either individually
or as a member of a class,
declared by the Governor-
General to be an overseas
officer;
"future overseas officer" means
a person—
(i) who is appointed after the
commencement of this Order
to an office in the public service
of the Federation or to an
office in the public service of a
Region that is a pensionable
office under the provisions of
any pensions law; and
(ii) who, either individually
or as a member of a class,
declared by the Governor-
General to be an overseas
officer;
"person law" means a law
relating to pensions, gratuities or
other like benefits that may be
granted to officers in the former
public service of Nigeria, the
public service of the Federation
or the public service of a Region
or to the widows, children,
dependants or personal representa-
tives of such officers;
"substantive holder", in relation
to any office, includes a person
who is serving in that office on
probation but does not include a
person (other than a person serv-
ning on probation) who is serving
in that office for a specified term
under a contract;
"the transitional period" means
the period beginning at the com-
 mencement of this Order and
ending two years thereafter;
"transitional period" means
the period beginning at the com-
 mencement of this Order and
ending two years thereafter;
(b) references to an office
allocated to a Region are refer-
cences to an office so allocated
under section 182 of this Order;
(c) references to an officer
assigned to perform the functions
of an office allocated to a Region
are references to an officer
assigned under section 183 of this
Order to perform the functions
of such an office;
(d) references to the provision
of any Instructions that may be issued
by Her Majesty under Her Sign
Manual and Signet or through a
Secretary of State, and any power
conferred by this section or delegat-
ed under this section shall be exer-
cised in accordance with the provi-
sions of such Instructions.
be obliged to act in accordance with the advice given to him by the Federal Commission.

Federal Commission to advise other officers.

176.—(1) The Governor-General may (in such manner as he thinks fit) require or permit any officer to whom he delegates any power under section 173 of this Order to refer to the Federal Commission for their advice, on such conditions as the Governor-General may prescribe, any matter relating to the exercise of that power.

(2) It shall be the duty of the Federal Commission to advise any officer on any question that he refers to it in accordance with the provisions of this section, and in any case in which he is required by the Governor-General to refer any matter to the Commission for their advice, that officer shall act in accordance with the advice given to him by the Commission unless the Governor-General authorises him to act otherwise.

Regulations regarding the Federal Commission.

177. Subject to the provisions of this Order, the Governor-General may make regulations for giving effect to the provisions of sections 173 to 176 of this Order and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for any of the following matters, that is to say:

(a) the membership of the Federal Commission;

(b) the appointment, tenure of office and terms of service of members of the Federal Commission;

(c) the organisation of the work of the Federal Commission and the manner in which the Federal Commission shall perform its functions;

(d) consultation by the Federal Commission with persons other than members of the Federal Commission.

(e) the appointment, tenure of office and terms of service of staff to assist the Federal Commission in the performance of its functions;

(f) the definition and trial of offences connected with the functions of the Federal Commission and the imposition of penalties for such offences.

Provided that no penalty for any offence shall exceed a fine of two hundred pounds and imprisonment for a term of one year.

Appointment etc. of Regional officers.

178.—(1) Power to make appointments to offices in the public service of a Region (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in the public service of that Region shall vest in the Governor of the Region.

(2) (a) Subject to the provisions of paragraph (b) in this subsection, the Governor of a Region may delegate (in such manner and on such conditions as he may think fit) any powers conferred on him by the Federation in relation to a Region as the Governor of the Region.

(b) The members of a Regional Commission shall be appointed by the Governor of the Region.

(2) The members of a Regional Commission shall hold office on such terms and conditions as are prescribed by regulations made under section 177, as applied by section 180, of this Order.

Regional Public Service Commissions.

179.—(1) There shall be for each Region a Public Service Commission (in this Chapter referred to in relation to a Region as "the Regional Commission") which shall consist of a Chairman and such other members as may be prescribed by regulations made under section 177, as applied by section 180, of this Order.

(2) The Regional Commission shall be appointed by the Governor of the Region.

(3) The Regional Commission shall hold office on such terms and conditions as are prescribed by regulations made under section 177, as applied by section 180, of this Order.

Regional Commissions and the Federal Commission shall each, in the performance of their functions, have the power to make regulations in accordance with the provisions of such instructions.

Transfer of offices and officers to public service of Federation.

181.—Every officer in the former public service of Nigeria shall at the commencement of this Order become an officer in the public service of the Federation.

(a) Any established officer who is holding an office in the former public service of Nigeria at the time when that office becomes an office in the public service of the Federation under subsection (1) of section 177 of this Order shall thereupon become an officer in the public service of the Federation.

(b) Every officer who becomes an officer in the public service of the Federation under this section shall,
subject to the provisions of this Order, continue to enjoy and be subject to all the terms and conditions of service that applied to him immediately before the commencement of this Order, including any rights or liabilities that may accrue to him under those terms, so, however, that he may accept any other terms and conditions that are subsequently brought into force with respect to the public service of the Federation and that are applicable to his case.

References in this section to offices in the former public service of Nigeria are references to such offices as the offices of Governor and Lieutenant-Governor as were in existence immediately before the commencement of this Order and were offices of emolument under the Crown for the purpose of the Nigeria (Constitution) Order in Council, 1951.

Allocation to Regions of offices in public service of Federation.

182.—(1) During the transitional period the Governor-General may, by Order, allocate to any Region, an office, as (a) becomes an office in the public service of the Federation under section 181 of this Order; and

(b) in his opinion primarily concerned with any matter in respect of which the Government of that Region has executive authority.

(2) Every office so allocated to a Region shall remain an office in the public service of the Federation until it is abolished under section 187, or becomes an office in the public service of a Region under section 185 of this Order.

(3) (a) Before allocating to the Northern Region, the Western Region or the Eastern Region any office that was not an office on the establishment of the former Northern Region, Western Region or Eastern Region, as the case may be, the Governor-General shall consult with the Governor of the Region.

(b) For the purposes of this subsection an office shall be deemed to have been an office on the establishment of the former Northern Region, Western Region or Eastern Region if immediately before the commencement of this Order it was an office for which specific provision was made in the estimates of the Government of that Region.

(4) This section shall not apply in relation to the office of judge of the Supreme Court of Nigeria.

Assignment of Offices.

183.—(1) (a) The functions of any office allocated to a Region shall be performed by such officer in the public service of the Federation as the Governor-General may from time to time assign to perform those functions provided that the Governor-General shall not so assign any officer other than an established officer without the consent of the Governor of the Region concerned.

(b) Nothing in this subsection shall preclude any officer from being appointed in accordance with the provisions of this Chapter to act in any office allocated to a Region but the references in the following provisions of this Chapter to officers assigned to perform the functions of offices so allocated do not include references to officers appointed to act in such offices.

(2) During the transitional period the provisions of section 173 of this Order shall apply in relation to any officer assigned to perform the functions of an office allocated to a Region, and in relation to any officer appointed to act in such an office, as if the reference therein to the Commissioner of the Government of the Federation were a reference to the Governor of that Region.

(3) Any officer assigned to perform the functions of an office allocated to a Region, or any officer in the public service of the Federation appointed to act in such an office shall notwithstanding that he is an officer in the public service of the Federation, be subject to direction and control as respects the performance of the functions of that office as if he were an officer in the public service of that Region.

Regions to be financially liable for functions of offices allocated.

184.—(1) Such sums as are from time to time declared by the Governor-General to be payable out of public funds to, or in respect of, any officer assigned to perform the functions of an office allocated to a Region, or any officer in the public service of the Federation appointed to act in such an office, shall be paid by that Region.

(2) Any officer who is transferred to the public service of a Region shall not be financially liable for any pension or gratuity granted under any law or in accordance with a contract.

Governor-General may transfer officers.

185.—(1) During the transitional period the Governor-General may, with the consent of the officer concerned, transfer any officer in the public service of the Federation to the public service of a Region.

Provided that the Governor-General shall not transfer any such officer to the public service of a Region without the agreement of the Governor of that Region unless such officer is the officer for the time being assigned to perform the functions of an office allocated to that Region.

(2) (a) Where an officer, who is the officer for the time being assigned to perform the functions of an office allocated to a Region, is transferred to the public service of a Region under this section, that office shall thenceforth become an office in the public service of that Region.

(b) The provisions of this subsection shall not apply in relation to the offices of Civil Service, Legal Secretary or Financial Secretary of the Western Region or of the Eastern Region.

(3) Where any officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region is transferred to the public service of a Region under this section, the terms and conditions of service that are applicable to that officer in respect of his service in the public service of that Region shall be less favourable to him than the terms and conditions of service that are applicable to him immediately before the commencement of this Order.

(4) If the office held by an officer at the time when he is transferred to the public service of a Region (in this paragraph referred to as his "existing office") is not the office
that was held by him immediately before the commencement of this Order, shall for the purposes of paragraph (b) of this subsection be deemed to have been holding his existing office immediately before the commencement of this Order.

(4) where it appears to the Governor-General—

(a) that a High Court will not be established for a Region in pursuance of section 142 of this Order before the end of the transitional period, or

(b) that a High Court so established for a Region will not assume its functions for the purposes of section 219 of this Order before the end of the transitional period, the Governor-General may, by Proclamation published in the Official Gazette of the Federation, direct that in relation to such offices allocated to that Region as may by specified in such Proclamation (being offices that are in the opinion of the Governor-General connected with the functioning in that Region of the Supreme Court of Nigeria) the transitional period shall, for the purposes of this section and section 186 of this Order, be deemed to extend to such date as may be specified in such Proclamation.

Established officers not accepting transfer

186—(1) An established officer who, at the expiration of the transitional period—

(a) is the officer for the time being assigned to perform the functions of an office allocated to a Region; and

(b) has not accepted an appointment either in the public service of the Federation in an office which is not so allocated or in any other pensionable office,

shall retire from the public service of the Federation.

(2) For the avoidance of doubt, it is hereby declared that an officer who retires in accordance with subsection (1) of this section shall not, by reason only of so retiring, be entitled to any pension or gratuity other than such as may be granted to him under the provisions of regulations made under Part 2 of this Chapter or of any pensions law, or to any additional pension.

(3) In this section "other pensionable office" means an office, other than an office in the public service of the Federation, service in which may, under the Pensions Ordinance, 1951 (No. 29 of 1951), be taken into account in determining whether an officer is eligible for a pension.

Abolition of offices allocated to Region

187—(1) Subject to the provisions of subsections (2) and (3) of this section, an office allocated to a Region may be abolished by direction of the Governor-General at any time before it becomes an office in the public service of a Region under section 185 of this Order.

(2) Where an established officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region retires from the public service of the Federation under subsection (1) of section 186 of this Order that office shall be deemed to be abolished immediately after the said officer has so retired.

(3) Where an officer who is the officer for the time being assigned to perform the functions of an office allocated to a Region under section 185 of this Order transferred to the public service of a Region other than the Region to which that office is allocated, that office shall be deemed to be abolished immediately after the said officer has been so transferred.

Contracts of service

188—Any contract made before the commencement of this Order by any person with the Government of Nigeria or with any person acting on behalf of the said Government to serve the said Government for a specified period in a public office shall, as from the date of the commencement of this Order, have effect as if it had been made with the Government of the Federation and references in such contract to the Government of Nigeria or to any officer of the said Government shall be construed, and any such contract shall be enforceable, accordingly.

Exercise of Powers

Chapter VII.

189—(1) In the exercise of the powers conferred on him by this Chapter the Governor-General shall act in his discretion:

Provided that in appointing the members of the Federal Commission other than the Chairman the Governor-General shall consult with the Council of Ministers but shall not be required to act in accordance with the advice of that Council.

(2) Subsection (1) of this section shall apply in relation to the Governor of a Region as it applies in relation to the Governor-General, and for that purpose shall have effect as if the references therein to the Governor-General, the Federal Commission and the Council of Ministers were references to the Governor of a Region, the Regional Commission and the Executive Council of the Region.
his dependants, as the case may be, in respect of the service of that officer in the public service of the Federation.

(3) Any law enacted by the Federal Legislature may be applied in relation to that officer or his dependants, as the case may be, to any such pensions law that applies by virtue of subsection (4) of this section, if the law enacted by the Legislature of the Region is not less favourable to such officer or his dependants, as the case may be, than the pensions law that applies by virtue of the said subsection (4).

(4) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Federation or of a Region after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first appointed to a pensionable office in such service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(5) Where any officer is transferred under section 185 of this Order to the public service of a Region any pensions law that, in accordance with the foregoing provisions of this section, applies in relation to that officer or his dependants immediately before such transfer shall continue to apply in respect of the service of that officer in the public service of that Region instead of the pensions law that applies by virtue of subsection (4) of this section, if the law enacted by the Legislature of the Region is not less favourable to such officer or his dependants, as the case may be, than the pensions law that applies by virtue of the said subsection (4).

(6) (a) Subject to the provisions of this Order, any pension, gratuity or other like benefit that may be granted to any person who is appointed to the public service of the Federation or of a Region after the commencement of this Order or to the dependants of any such person shall be governed by the law in force on the date on which that person is first appointed to a pensionable office in such service or by any law made thereafter that is not less favourable to that person or his dependants, as the case may be, and is applicable in his or their case.

(b) The reference in paragraph (a) of this subsection to any person who is appointed to the public service of the Federation or of a Region does not include a reference to any officer who becomes an officer in the public service of the Federation under section 185 or who is transferred to the public service of a Region under section 185 of this Order.

(7) Where any person is entitled to exercise an option whether one of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

(8) At any time during the transitional period, the Governor-General may, by Order published in the Official Gazette of the Federation, provide that any such pensions law as is mentioned in subsection (2) or subsection (4) of this section shall be read and construed with such adaptations and modifications as may appear to the Governor-General to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this section, or otherwise for giving effect or enabling effect to be given to those provisions, and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this Order.

Liability for pensions of certain officers

191.—(1) Subject to the provisions of section 198 of this Order, the following provisions of this section shall have effect in relation to any pension, gratuity or other like benefit (in this section referred to as "the pension") that may be payable, under any pension law or other law made under Part 2 of this Chapter, to any officer who becomes an officer in the public service of the Federation under section 181 of this Order, or to the widow, children or personal representatives of such officer:

(a) if the officer is not transferred to the public service of a Region under section 185 of this Order, or having been so transferred, to the public service of a Region is thereafter appointed to the public service of another Region, the cost of the pension shall be shared by the Federation and each Region in the public service of which the officer has served, so that the Federation shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer, in respect of his service in the public service of the Federation and each such Region shall pay such amount of the pension as is proportionate to the aggregate amount of the pensionable emoluments received by the officer, in respect of his service in the public service of that Region.

(2) For the purposes of this section, as in the former public service of the Federation shall be deemed to be service in the public service of that Region.

Part 2—Regulations relating to Certain Pensions

Regulations regarding grant of pensions and gratuities to certain persons

192.—(1) The Governor-General may, with the approval of a Secretary of State, make regulations regarding the grant of pensions and gratuities on retirement:

(a) to existing overseas officers;

(b) to other officers;

(c) to future overseas officers who complete ten years qualifying service.

(2) Subject to the provisions of this Part, any such regulations may be made to have effect from any date that is not earlier than the commencement of this Order.

Existing overseas officers

193.—(1) Regulations made under this Part shall provide—
(a) that an existing overseas officer (whether serving in the public service of the Federation or in the public service of a Region) has, after giving such notice as is prescribed by such regulations, retired at any time after the commencement of this Order;

(b) that an existing overseas officer, on retiring under the provisions of such regulations, may be granted such pension as may be prescribed therein or, in lieu of such pension, a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region;

(c) that an existing overseas officer who has been transferred to the public service of the Western Region or the Eastern Region under section 135 of this Order and has served thereafter in either or both of such public services for a total period of not less than one year, may, on retiring from the public service of the Western Region or the Eastern Region under the provisions of such regulations or of any pensions law, be granted such pension as may be prescribed therein or, in lieu of such pension, a gratuity of one quarter of the aggregate amount of his pensionable emoluments during his service in the former public service of Nigeria, the public service of the Federation and the public service of any Region.

(3) In computing for the purposes of regulations made in pursuance of paragraph (a) of subsection (1) of section 192 of this Order the period for which an officer has served in the public service of the Western Region or the Eastern Region or in both of those public services, no account shall be taken of any period spent on vacation leave for which the officer was eligible by virtue of service other than in one of those public services.

Existing African officers.

194—(1) Regulations made under this Part shall provide—

(a) that an existing African officer who has been transferred to the public service of the Western Region or the Eastern Region under section 135 of this Order and has served thereafter in either or both of such public services for a total period of not less than one year, on retiring from the public service of the Western Region or the Eastern Region under the provisions of such regulations or of any pensions law, be granted such pension as may be prescribed therein or, in lieu of such additional allowance, an additional gratuity, calculated in accordance with the provisions set out in the Fourth Schedule to this Order;

(2) In computing for the purposes of regulations made in pursuance of paragraph (a) of subsection (1) of section 192 of this Order the period for which an officer has served in the public service of the Western Region or the Eastern Region or in both of those public services, no account shall be taken of any such additional allowance.

Future overseas officers.

195.—(1) Regulations made under this Part shall provide—

(a) that a future overseas officer, after giving such notice as is prescribed by such regulations, may retire after completing ten years' qualifying service wholly in Nigeria or after completing seven years' qualifying service of which the three years immediately before his retirement were served either in the public service of the Federation or in the public service of a Region;

(b) that a future overseas officer, on retiring under the provisions of such regulations, be granted such pension as may be prescribed therein or, in lieu of such additional allowance, an additional gratuity, calculated in accordance with the provisions set out in the Fourth Schedule to this Order;

(2) In this section "qualifying service" means, in relation to any officer, service that, under the provisions of such regulations, is free of such additional allowances, an additional pension or a reduced pension or a reduced additional allowance at the rate of three-fourths of such pension or additional allowance together with a gratuity equal to twelve and one half times the amount by which such pension or additional allow-
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service of the Federation or of
that office, serving at the time, has completed
his service in Nigeria, shall be deemed to have
granted to any officer, then—

(1) No officer shall retire under the provisions of regulations made under this Part without the permission of the Governor-General in the case of an officer in the public service of the Federation, or of the Governor in the case of an officer in the public service of a Region.

Provided that the Governor-General or the Governor, as the case may be, shall not withhold his permission unless proceeding in the officer's dismissal are being taken or about to be taken.

(2) Where an officer in the public service of the Federation or of a Region retires under regulations made under this Part, the pensions law applicable to that officer—

(a) shall, subject to the provisions of this Part and of any regulations made under this Part, apply in relation to the grant of any pension in relation to any pension granted in pursuance of regulations made under this Part, as if the latter were a pension;

(b) shall, subject as aforesaid, apply in relation to the grant of any additional allowances and in relation to any additional allowance granted in pursuance of regulations made under this Part as if that additional allowance were a pension.

(1) An officer shall not while he is on probation be granted any pension or gratuity in pursuance of regulations made under this Part.

Financial responsibility for additional allowance or gratuity.

198.—(1) Where any such additional allowance or additional gratuity as is referred to in paragraph (c) of subsection (1) of section 193 or in paragraph (c) of subsection (1) of section 194 of this Order is

(i) in so far as it relates to Lagos or the Southern Cameroons as if it were a Proclamation made under paragraph (a) of subsection (1) of section 4 of this Order;

(ii) in so far as it relates to a Region as if it were a Proclamation made under paragraph (b) of subsection (1) of section 4 of this Order.

Any Proclamation that has effect by virtue of this subsection shall, for the purposes of this Order, be deemed to have been made under paragraph (a) or paragraph (b), as the case may be, of subsection (1) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a Proclamation made under paragraph (a) or paragraph (b), as the case may be, of that subsection.

(2) (a) Subject to the provisions of subsection (1) of this section, any direction given under section 4 of this Order shall be deemed to have been made under paragraph (a) or paragraph (b), as the case may be, of that subsection.

(b) Any direction that has effect by virtue of this subsection shall be deemed to have been given under subsection (2) of section 4 of this Order and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if it were a direction given under that subsection.

Financial responsibility for additional allowance or gratuity.
202.—(1) Until such day as may be appointed by the Governor of the Northern Region by Proclamation published in the Official Gazette of that Region, every person designated in accordance with section 23 of this Order, shall be deemed to have been appointed on the day on which this Order comes into operation, as a Head Chief in that Division in accordance with subsection (1) of section 25 of this Order.


204.—(1) Any regulations made under section 26 of the Nigeria (Constitution) Order in Council, 1951, in respect of the House of Chiefs of the former Western Region and in force immediately before the commencement of this Order shall be deemed to have been selected, on the day on which this Order comes into operation, as a Member of the Western House of Assembly in accordance with section 22 of this Order.

Provisions relating to section 31.

207. For the purposes of section 31 of this Order, the first sitting of the Western House of Assembly after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Provisions relating to section 37.

209.—(1) In this section—"existing regulations" means any regulations made under subsection (4) of section 37 of the Nigeria (Constitution) Order in Council, 1951 (x), or section 63 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—
(a) the existing regulations shall, except to the extent that they make provision for elections in the Division of the town of Lagos, have effect as if they were regulations made under section 37 of this Order;
(b) the persons, other than those elected in the Division of the town of Lagos, who, immediately before the commencement of this Order, were Members of the House of Assembly of the former Northern Region, the House of Assembly of the former Western Region or the House of Assembly of the former Eastern Region shall be deemed to have been elected, on the day on which this Order comes into operation, as Members of the House of Assembly of the former Northern Region, the House of Assembly of the former Western Region or the House of Assembly of the former Eastern Region, as the case may be, in accordance with the existing regulations as those regulations apply in relation to those houses by virtue of this subsection.

(3) The existing regulations shall have effect in respect of the Southern Cameroons as if they were regulations made under section 37 of this Order, and the election of Members to the House of Assembly of the Southern Cameroons, and accordingly—
(a) the provisions of paragraph (b) of subsection (2) of this section shall not apply to the persons who, immediately before the commencement of this Order, were Members of the House of Assembly of the Southern Cameroons, but
(b) those persons shall be deemed to have been elected on the day on which this Order
such of this Order shall apply to the provisions of section 65 of this Order as if it were a Bill passed by the House of Representatives.

(2) For the purposes of section 65 of this Order, a Regional Bill passed by the Legislative Houses of the former Northern Region, the former Western Region or the former Eastern Region that has not been prevented or deemed to have been presented to the Lieutenant-Governor for assent in accordance with the provisions of section 101 of the Nigeria (Constitution) Order in Council, 1951, before the commencement of this Order shall be deemed to be a Bill passed by the Legislative Houses of the Northern Region, the Western Region or the Eastern Region, as the case may be, and accordingly the provisions of this Order and in particular the provisions of section 65 of this Order shall apply to such a Regional Bill as if it were a Bill passed by the Legislative Houses of the Northern Region, the Western Region or the Eastern Region, as the case may be.

Provisions relating to section 50.

210. For the purposes of section 50 of this Order, the first sitting of a Regional Legislative House after the commencement of this Order shall be deemed to be its first sitting after a dissolution.

Chapter III

Provisions relating to section 65.

211.—(1) For the purposes of section 65 of this Order, a Central Bill passed by the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, that has not been presented to the Governor of Nigeria for assent in accordance with the provisions of section 87 of that Order before the commencement of this Order shall be deemed to be a Bill passed by the House of Representatives, and accordingly the provisions of this Order and in particular the provisions of section 65 of this Order shall apply to such a Central Bill as if it were a Bill passed by the House of Representatives.

(2) Subject to the provisions of this section—

(a) the existing Standing Orders made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, and the members thereof, shall have effect as if they were laws made under section 77 of this Order in respect of the House of Representatives and the members thereof;

(b) the existing Standing Orders made in respect of the Legislative Houses of the former Northern Region and the former Western Region and the members thereof shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the House of Representatives and the members thereof;

(c) the existing Standing Orders made in respect of the House of Assembly of the former Eastern Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the House of Assembly of the former Eastern Region and the Western Region; and the members thereof;

(d) the existing Standing Orders made in respect of the Legislative Houses of the former Eastern Region and the Western Region and the members thereof shall have effect as if they were Standing Orders made under section 77 of this Order in respect of the Legislative Houses of the former Eastern Region and the Western Region.

(3) Any existing Standing Orders that have effect in respect of the Federal Legislature or the Legislative Houses of any Region or the Southern Cameroons by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 71 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were Standing Orders made under that section.

Provisions relating to section 71.

212.—(1) In this section "the existing Standing Orders" means any Standing Orders made under section 105 of the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order.

(2) Subject to the provisions of this section—

(a) the existing Standing Orders made in respect of the House of Representatives established by the Nigeria (Constitution) Order in Council, 1951, and in force immediately before the commencement of this Order, shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the House of Representatives;

(b) the existing Standing Orders made in respect of the Legislative Houses of the former Northern Region and the former Western Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the Legislative Houses of the Northern Region and the Western Region; and the members thereof;

(c) the existing Standing Orders made in respect of the House of Assembly of the former Eastern Region shall have effect as if they were Standing Orders made under section 71 of this Order in respect of the House of Assembly of the former Eastern Region and the Western Region; and the members thereof.

(3) Any existing laws that have effect in respect of the Federal Legislature or the Legislative Houses of any Region or the Southern Cameroons by virtue of this section shall, for the purposes of this Order, be deemed to have been made under section 77 of this Order, and shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order and may be amended and revoked as if they were laws made under section 77 of this Order in respect of the Legislative Houses of the former Northern Region.

Provisions relating to section 82.

214. For the purposes of section 82 of this Order—

(a) the first sitting of the House of Representatives after the commencement of this Order...
shall be deemed to be the first sitting after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from the date of that sitting.

(b) a sitting of the Legislative Houses of the Northern Region shall be deemed to have taken place on the fourth day of January, 1952, and to have been the first sitting of those Houses after a dissolution, and accordingly, unless they have been sooner dissolved, the Governor shall dissolve those Houses at the expiration of five years from that date;

(c) a sitting of the Legislative Houses of the Western Region shall be deemed to have taken place on the first day of January, 1952, and to have been the first sitting of those Houses after a dissolution, and accordingly, unless they have been sooner dissolved, the Governor shall dissolve those Houses at the expiration of five years from that date;

(d) a sitting of the Eastern House of Assembly shall be deemed to have taken place on the sixteenth day of February, 1954, and to have been the first sitting of that House after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor shall dissolve that House at the expiration of five years from that date;

(e) a sitting of the House of Assembly of the Southern Cameroons shall be deemed to have taken place on the first day of January, 1952, and to have been the first sitting of that House after a dissolution, and accordingly, unless it has been sooner dissolved, the Governor-General shall dissolve that House at the expiration of five years from that date.

Provisions relating to section 88.

215. During such time as the Governor-General first appoints a person to be a Minister in accordance with paragraph (e) of section 88 of this Order, those persons who immediately before the commencement of this Order were Ministers in the Council of Ministers established by the Nigeria (Constitution) Order in Council, 1951, shall be members of the Council of Ministers in addition to the members of the Council mentioned in that section.

Provisions relating to section 106.

216. Until such time as the Governor first appoints a person to be Premier in accordance with subsection (2) of section 107 of this Order, those persons who immediately before the commencement of this Order were Regional Ministers in the Executive Council of the Northern Region shall be members of the Executive Council of the Northern Region in addition to the members of the Council mentioned in section 106 of this Order.

Provisions relating to section 108.

217. Until such time as the Governor first appoints a person to be Premier in accordance with subsection (2) of section 109 of this Order, those persons who immediately before the commencement of this Order were Regional Ministers in the Executive Council of the former Western Region shall be members of the Executive Council of the Western Region in addition to the members of the Council mentioned in section 108 of this Order.

Powers of West African Court of Appeal and Supreme Court of Nigeria.

219.—(1) Until such time as the Federal Supreme Court has assumed its functions, the West African Court of Appeal shall be deemed to be the Federal Supreme Court, and the provisions of sections 144, 145, 146, 147, 148, 149, 150 and 151 of this Order shall be construed accordingly.

(2) Until such time as a High Court has been established for Lagos and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of the Southern Cameroons, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(3) Until such time as a High Court has been established for the Southern Cameroons and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of the Southern Cameroons, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(4) Until such time as a High Court has been established for Lagos and has assumed its functions, the Supreme Court of Nigeria shall be deemed to be the High Court of Lagos, and the provisions of sections 79, 145, 147, 148, 149, 150, 151 and 152 of this Order shall be construed accordingly.

(5) For the purpose of this section—

(a) the Federal Supreme Court shall be deemed to assume its functions on such date as the Governor-General may appoint by Proclamation published in the Official Gazette of the Federation;

(b) the High Court established for a Region shall be deemed to assume its functions on such date after its establishment as the Governor may appoint by Proclamation published in the Official Gazette of that Region;

(c) the High Court established for the Southern Cameroons shall be deemed to assume its functions on such date after its establishment as the Governor-General, acting in his discretion, may appoint by Proclamation published in the Official Gazette of the Southern Cameroons;

(d) the High Court established for Lagos shall be deemed to as-
21. (2) The outstanding public debt of the former Eastern Region shall become the liability of the Eastern Region and shall be secured on the revenues and assets of that Region.

(3) In this section "the outstanding public debt of Nigeria" means the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of Nigeria, and references to the outstanding public debt of any former Region are references to the amount outstanding at the thirtieth day of September, 1954, on all loans secured on the revenues and assets of that Region.

Removal of difficulties.

222. If any difficulty arises in bringing into operation any of the provisions of this Order, or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order, amend any provision of this Order with effect from such date, not being a date earlier than the commencement of this Order, as may be specified in the Order.

Provided that no Order shall be made under this section after the thirtieth day of September, 1955.
### FIRST SCHEDULE
#### THE LEGISLATIVE LISTS

**Part I—The Exclusive Legislative List**

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<td>Aliens, including naturalisation of aliens.</td>
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<td>3</td>
<td>Archives, other than the public records of the Governments of the former Northern Region, the former Western Region and the former Eastern Region relating to the period between the twenty-third day of January, 1952, and the thirtieth day of September, 1954, and the public records of the Governments of the Regions and the Southern Cameroons.</td>
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<td>Company, that is to say, general provision as to the incorporation, regulation and winding up of bodies corporate, other than bodies incorporated directly by a law enacted by the Legislature of a Region or of the Southern Cameroons, and other than co-operative societies.</td>
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<td>12</td>
<td>Copyright.</td>
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<td>Customs and excise duties, including export duties.</td>
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<td>15</td>
<td>Defence.</td>
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<td>17</td>
<td>Exchange control.</td>
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<td>18</td>
<td>External affairs, that is to say, such external relations (not being relations between the United Kingdom and any Region) as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom.</td>
</tr>
<tr>
<td>19</td>
<td>The following higher educational institutions, that is to say— The University College, Ibadan. The University of Ibadan Teaching Hospital. The Nigerian College of Arts, Science and Technology. The West African Institute of Social and Economic Research. The Pharmacy School, Yaba. The Forest School, Ibadan. The Veterinary School, Vom. The Man-o-War Bay Training Centre.</td>
</tr>
<tr>
<td>20</td>
<td>Immigration into and emigration from Nigeria.</td>
</tr>
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### THE NIGERIA CONSTITUTION 1954

21 Legal proceedings between the Government of the Federation and any other person or authority or between the Governments of Regions or between the Government of a Region and the Government of the Southern Cameroons. 

22 Maritime shipping and navigation, including—
   (a) shipping and navigation on tidal waters;
   (b) shipping and navigation on the River Niger and its affluents and on such other inland waterway as the Governor-General may by Order declare to be an international waterway or to be an inter-Regional waterway;
   (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation.

23 Meteorology.

24 Mines and minerals, including oilfields and oil mining and geological surveys.

25 Museums of the Federation, that is to say—
   (a) the following existing museums, namely—
      The Jos Museum.
      The Ona Museum.
      The House of Images at Esie.
      The Nigeria Museum, Lagos;
      (b) any museums established by the Government of the Federation.

26 Nuclear energy.

27 Passports and visas.

28 Patents, trade marks, designs and merchandise marks.

29 Pensions and gratuities payable out of the revenues of the Federation.

30 Police, including bureau of intelligence and investigation.

31 Posts, telegraphs and telephones, including Post Office Savings Bank.

32 Public debt of the Federation.

33 Public relations of the Federation.

34 Public service of the Federation, including the settlement of disputes between the Federation and officers in the public service of the Federation.

35 Railways, including ancillary transport and other services.

36 Taxes on income and profits except taxes on the incomes or profits accruing in or derived from, any Region or the Southern Cameroons of Africans resident in any Region or the Southern Cameroons and African communities in any Region or the Southern Cameroons.

37 Trade and commerce among the Regions, the Southern Cameroons and Lagos.

38 Trunk roads, that is to say, the construction, alteration and maintenance of roads declared by the Governor-General by Order to be Federal Roads.
39 Water from sources declared by the Governor-General by Order, to be sources affecting more than one Region or a Region and the Southern Cameroons.
40 Weights and measures.
41 Wireless, broadcasting and television other than broadcasting and television provided by the Government of a Region or of the Southern Cameroons; allocation of times and wavelengths for wireless, broadcasting and television transmission.
42 Any matter, not mentioned elsewhere in this List, that is incidental to the execution of any power conferred by or under this Order upon the Federal Legislature, the Government of the Federation, or any department or officer of that Government.
43 Any matter, not mentioned elsewhere in this List, with respect to which power to make laws is conferred by this Order upon the Federal Legislature, not being a matter with respect to which power to make laws is also conferred upon the Legislature of a Region or the Southern Cameroons.

Part II — The Concurrent Legislative List

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<td>Bankruptcy and insolvency</td>
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<td>Commercial and industrial monopolies, combines and trusts</td>
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<td>Evidence</td>
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<td>Fingerprints, identification and criminal records</td>
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<td>11</td>
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<td>12</td>
<td>Higher education, that is to say, institutions and other bodies offering courses of a university, technological or of a professional character, other than the institutions referred to in item 19 of the Exclusive Legislative List</td>
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<td>13</td>
<td>Industrial development</td>
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<td>Movement of persons between Regions, the Southern Cameroons and Lagos</td>
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<td>17</td>
<td>National Monuments, that is to say — (a) monuments in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as National Monuments; (b) monuments in the Southern Cameroons designated by the Governor-General by Order as National Monuments</td>
</tr>
<tr>
<td>18</td>
<td>National Parks, that is to say — (a) the control of any area in a Region designated by the Governor-General by Order, with the consent of the Governor of that Region, as National Parks; (b) parks in the Southern Cameroons designated by the Governor-General by Order as National Parks</td>
</tr>
</tbody>
</table>

Part III — Provisions with Respect to Certain Orders

1. Any Order made for the purposes of any of the following items in Part I of this Schedule, that is to say, items 21, 22 and 39, or for the purposes of any of the following items in Part II of this Schedule, that is to say, items 17, 18, 20 and 22, shall be published in the Official Gazette of the Federation.

2. Where any consent is required to the making of any such Order, a notification in the Official Gazette of the Federation that the necessary consent has been given shall be sufficient evidence of that consent.
Chapter XIV (which relates to offences relating to the administration of justice) except an offence under section 128, 129, 130, 131, or 133;

Chapter XVI (which relates to offences relating to the coin) except an offence under section 156 or 160;

Chapters XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, and XL (which relate to 'tea' and like offences) provided that, in the case of an offence under any of sections 411 to 417 that involves the commission of, or the intention to commit, a felony, the felony committed or intended to be committed is an offence mentioned in this Schedule;

Chapters XLVIII, XLIX, L, LX, LXI, and LXII (which relate to forgery and like offences and personation);

Chapter XLVII (which relates to fraudulent debtors); and

Chapter LIX (which relate to secret commissions and corrupt practices)

(b) An officer under any provision of the West African Currency Notes Ordinance:

1. In this Schedule, unless the context otherwise requires—
   "additional allowance" and "additional gratuity" mean respectively
   "pensionable emoluments" and "pensionable service" have the mean-
   "additional allowance" and the additional gratuity that may be grant-
   ed to an officer under regulations made in pursuance of paragraph (c)
   of subsection (1) of section 193 or paragraph (c) of subsection (1) of
   section 194 of this Order;

   "earned pension" means the pension to which an officer would be enti-
   tled under regulations made in pursuance of paragraph (b) of sub-
   section (1) of section 193 or paragraph (a) of paragraph (b) of subsec-
   tion (1) of section 194 of this Order, if he did not accept a gratuity in
   lieu thereof and did not elect to be paid a reduced pension under sec-
   tion 196 of this Order.

   "pensionable emoluments" and "pensionable service" have the mean-
   ings assigned to those terms in the Pensions Ordinance, 1951, and the
   Pensions Regulations, 1951.

2. The additional allowance shall be calculated at the annual rate of
   one hundred and eighty part of the officer's pensionable emoluments at
   the date of his retirement for each complete period of one year of pen-
   sionable service:

(a) Laws of Nigeria, Rev. 1948, Chapter 230.

(b) Laws of Nigeria, Rev. 1948, I, p. 15.
Provided that the additional allowance shall not exceed such annual sum as would, when added to the officer's earned pension, make an annual sum equal to the pension for which the officer would have been eligible if he had continued to hold the office held by him on the date of his retirement until he had reached the age of fifty-five years and had then retired having been granted all the increments of salary for which he would have been eligible by that date.

3. The additional gratuity shall be one sixteenth part of the aggregate amount of the officer's pensionable emoluments during his total pensionable service:

Provided that the additional gratuity payable to any officer shall be subject to a reduction proportionate to the reduction to which, if he had been granted an additional allowance instead of an additional gratuity, his additional allowance would have been subject by virtue of the proviso to paragraph 2 of this Schedule.

EXPLANATORY NOTE
(This Note is not part of the Order, but is intended to indicate its general purpose)

This Order makes provision for a constitution for Nigeria, under which Nigeria is divided into three Regions, the Southern Cameroons and the Federal Territory of Lagos, which will together form the Federation of Nigeria. It establishes a Federal Legislature with power to make laws for the Federation in respect of certain matters, and to make laws for Lagos, and also establishes a Legislature for each of the Regions and for the Southern Cameroons with power to make laws in respect of certain matters.

STATUTORY INSTRUMENTS

THE NIGERIAN (OFFICE OF GOVERNOR-GENERAL AND GOVERNORS) ORDER IN COUNCIL, 1954

Made 30th August, 1954
Laid before Parliament 3rd September, 1954
Coming into Operation 1st October, 1954

At the Court at Balmoral, the 30th day of August, 1954
Present,

The Queen’s Most Excellent Majesty & Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890 (a), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

Interpretation.

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

(a) 53 & 54 Vict. c. 37
(b) S.I. 1951/1957; 1951 II, p. 89.
(c) S.I. 1954/1146
section 5 or section 14 of this Order or for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

Any reference to an officer by the term designating his office shall be construed as a reference to the holder of that office and, in the case of the Governor-General and the Governor of a Region, includes, to the extent that any duty is conferred upon him by or under this Order, the Constitution Order have such powers and duties as are set out in the Schedule to this Order.

Powers and duties of Governor-General.

The Governor-General shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office including the exercise of any powers and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor-General has in any matter complied with such instructions shall not be enquired into in any court.

Succession to government of Federation.

5. (1) Whenever the office of Governor-General is vacant or the Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office —

(a) such person as Her Majesty may designate by Instrument given under Her Majesty's Sign Manual and Signet;

(b) if there is no person in Nigeria so designated and capable of discharging the functions of the office of Governor-General, the Chief Secretary of the Federation;

(c) if the Chief Secretary of the Federation is absent from Nigeria or is from any other cause incapable of discharging the functions of the office of Governor-General, the Governor of such Region as the Governor-General may, by Instrument under the Public Seal of the Federation, designate;

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor-General and administer the government of the Federation accordingly.

(2) Before assuming the administration of the government of the Federation any such person as aforesaid shall make the oaths directed by section 3 of this Order to be made by a person appointed to the office of Governor-General.

(3) Any such person as aforesaid shall not continue to administer the government of the Federation after the person holding the office of Governor-General or some other person having a prior right to administer the government has notified him that he is about to assume, or resume, the administration.

(4) The Governor-General or any other person as aforesaid shall not, for the purposes of this section —

(a) be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor-General by reason only that he is so passing;

(b) be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor-General, at any time when there is a subsisting appointment of a Deputy to the Governor-General under section 6 of this Order.

Discharge of Governor-General's functions by Deputy.

6. —(1) Whenever the Governor-General—

(a) has occasion to be absent from Lagos but not from Nigeria or;

(b) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration;

(c) by reason of illness that he has reason to believe will be of short duration considers it desirable to do so;

he may, by Instrument under the Public Seal of the Federation, appoint any person in Nigeria to be his Deputy during such absence or illness, and in that capacity to discharge for and on behalf of the Governor-General during such absence or illness such of the functions of the office of Governor-General as may be specified in that Instrument.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a Deputy under this section otherwise than as Her Majesty may at any time think proper to direct and every such Deputy shall conform to and observe all such instructions as the Governor-General may from time to time address to him for his guidance.

(3) A person appointed as Deputy under this section shall hold that appointment for such period as may be specified in the Instrument by which he is appointed and his appointment may be revoked at any time by Her Majesty by instructions through a Secretary of State or by the Governor-General.

Privy Council for Federation.

7. There shall be a Privy Council for the Federation constituted in such manner as Her Majesty may direct by Instructions under Her Majesty's Sign Manual and Signet.

Constitution of offices for Federation, Southern Cameroons and Lagos.

8. —(1) The Governor-General, in Her Majesty's name and on Her Majesty's behalf, may constitute all
such offices for the Federation, the Southern Cameroons and Lagos as may lawfully be constituted by Her Majesty and, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any such office.

(2) The Governor-General shall, in exercise of the powers conferred upon him, by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

(a) for the Federation, the offices of Chief Secretary of the Federation, Attorney-General of the Federation, Financial Secretary of the Federation, Commissioner of the Cameroons and Deputy Commissioner of the Cameroons;

(b) for the Southern Cameroons, the offices of Legal Secretary of the Southern Cameroons and Financial and Development Secretary of the Southern Cameroons.

Governor-General's powers of pardon etc.

9.—(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

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

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence; or

(c) substitute a less severe form of punishment for that imposed by any sentence for such an offence; or

(d) remit the whole or any part of any sentence passed for such an offence.

(2) The offences to which this section applies are any offences other than offences against any law enacted by the Legislature of a Region or having effect under the Constitution Order as if it had been so enacted.

Public Seals of Federation and Southern Cameroons.

10. The Governor-General shall keep and use the Public Seal of the Federation and the Public Seal of the Southern Cameroons for sealing all things whatsoever that shall pass the said Seals.

Offices of Governors of Regions.

11.—(1) The office of Governor of the Northern Region, the office of Governor of the Western Region and the office of Governor of the Eastern Region are hereby constituted.

(2) Appointments to the said offices shall be made by Commission under Her Majesty's Sign Manual and Signet.

(3) A person appointed to the office of Governor of a Region shall, before entering upon the duties of that office, make oaths or affirmations of allegiance and for the due execution of that office in the form set out in the Schedule to this Order.

Powers and duties of Governors of Regions.

12. The Governor of a Region shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or cause to be done all things that may be necessary or expedient for the performance of any powers and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion (according to such instructions, if any as Her Majesty may from time to time see fit to give him:

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

Offices of Deputy Governors of Western and Eastern Regions.

13.—(1) The offices of Deputy Governor of the Western Region and Deputy Governor of the Eastern Region are hereby constituted.

(2) Appointments to the office of Deputy Governor of the Western Region or the Eastern Region shall be made by the Governor of the Region in pursuance of instructions given by Her Majesty through a Secretary of State.

Succession to government of Regions.

14.—(1) Whenever the office of Governor of the Northern Region is vacant or the Governor of the Northern Region is absent from Nigeria or is or the office of Governor of the Western Region is vacant or the Governor of the Western Region is absent from Nigeria or is or the office of Governor of the Eastern Region is vacant or the Governor of the Eastern Region is absent from Nigeria or is, or incapable of discharging the functions of his office—

(a) the Deputy Governor of the Western Region or the Deputy Governor of the Eastern Region, as the case may be;

(b) if the office of Deputy Governor of the Western Region or Deputy Governor of the Eastern Region is vacant or such Deputy Governor is absent from Nigeria, or is from any other cause prevented from or incapable of discharging the functions of the office of Governor, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State:

shall, during Her Majesty's pleasure, discharge the functions of the Governor of the Western Region or the Governor of the Eastern Region, as the case may be, and administer the government of that Region accordingly.

(2) Whenever the office of Governor of the Western Region or the office of Governor of the Eastern Region is vacant or the Governor of either of those Regions is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

(a) the Deputy Governor of the Western Region or the Deputy Governor of the Eastern Region, as the case may be;

(b) if the office of Deputy Governor of the Western Region or Deputy Governor of the Eastern Region is vacant or such Deputy Governor is absent from Nigeria, or is from any other cause prevented from or incapable of discharging the functions of the office of Governor, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State:

shall, during Her Majesty's pleasure, discharge the functions of the Governor of the Western Region or the Governor of the Eastern Region, as the case may be, and administer the government of that Region accordingly.

(3) Before assuming the administration of the government of a Region any such person as aforesaid shall make the oath directed by section 11 of this Order to be made by a person appointed to the office of Governor of a Region.
Any such person as aforesaid shall not continue to administer the government of a Region after the person holding the office of Governor of that Region or some other person having a prior right to administer the government of that Region has notified him that he is about to assume, or resume, the administration.

The Governor of a Region or any other person as aforesaid shall not, for the purposes of this section—

(a) be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor reason only that he is so passing;

(b) be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor, in the case of the Northern Region, at any time when there is a subsisting appointment of a Deputy to the Governor under section 15 of this Order or, in the case of the Western Region or the Eastern Region, at any time when there is a subsisting direction to the Deputy Governor of the Region under that section.

Discharge of Governor’s functions by Deputy Governor

15.—(1) Whenever the Governor of the Northern Region—

(a) has occasion to be absent from the seat of government of the Region but not from Nigeria; or

(b) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration; or

(c) by reason of illness that he has reason to believe will be of short duration, considers it desirable to do so;

he may, by Instrument under the Public Seal of the Region, appoint any person in Nigeria to be his Deputy during such absence or illness, and in that capacity to discharge for and on behalf of the Governor during such absence or illness such of the functions of the office of Governor as may be specified in that Instrument.

(2) Whenever the Governor of the Western Region or the Governor of the Eastern Region—

(a) has occasion to be absent from the seat of government of the Region but not from Nigeria; or

(b) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration, or

(c) by reason of illness that he has reason to believe will be of short duration, considers it desirable to do so;

he may, by Instrument under the Public Seal of the Region, direct the Deputy Governor of the Region, during such absence or illness, and in that capacity to discharge for and on behalf of the Governor during such absence or illness such of the functions of the office of Governor as may be specified in that Instrument.

(1) The power and authority of the Governor of a Region shall not be abridged, altered or in any way affected, in the case of the Governor of the Northern Region, by the appointment of a Deputy under subsection (1) of this section, or, in the case of the Governor of the Western Region or the Governor of the Eastern Region, by any direction given under subsection (5) of this section and transfer to any such office.

(2) Any direction given under subsection (5) of this section may at any time be revoked by the Governor of the Western Region or the Governor of the Eastern Region, as the case may be, or by Her Majesty by instructions through a Secretary of State.

Privy Councils for Regions

16. There shall be a Privy Council for each Region constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Constitution of offices for Regions

17.—(1) The Governor of a Region, in Her Majesty’s name and on Her Majesty’s behalf—

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

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed for such an offence; or

(c) subdivide a less severe form of punishment for that imposed by any sentence for such an offence; or

(d) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) The offences to which this section applies are offences against any law enacted by the Legislature of a Region or having effect under the Constitution Order as if it had been so enacted.

Public Seals of Regions

19. The Governor of a Region shall keep and use the Public Seal of that Region for sealing all things whatsoever that shall pass the said Seal.
Tenure of offices constituted by or under this Order.

20.—(1) Any person appointed to an office constituted by or under this Order shall hold that office during Her Majesty’s pleasure.

(2) Any person appointed to an office constituted under section 8 or 17 of this Order shall hold that office during Her Majesty’s pleasure, unless—

(a) in the case of an office constituted for the Federation of Lagos, not being an office mentioned in paragraph (a) of subsection (2) of section 8, it is otherwise provided by a law enacted by the Legislature of the Federation;

(b) in the case of an office constituted for the Southern Cameroons, not being an office mentioned in paragraph (a) of subsection (2) of section 8, it is otherwise provided by a law enacted by the Legislature of the Southern Cameroons;

(c) in the case of an office constituted for a Region, not being an office mentioned in subsection (2) of section 17, it is otherwise provided by a law enacted by the Legislature of that Region.

Obedience to Governor-General and Governors of Regions.

21.—(1) All officers, civil and military, and all other inhabitants of Nigeria shall be obedient, aiding and assisting unto the Governor-General.

(2) All officers, civil and military, and all other inhabitants of a Region shall be obedient, aiding and assisting unto the Governor of that Region.

SCHEDULE

OATH OR AFFIRMATION OF ALLEGIANCE

I, … do swear (or solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. (So help me God.)

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR-GENERAL

I, … do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor-General of the Federation of Nigeria. (So help me God.)

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

I, … do swear (or solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor of the … Region of Nigeria;

(So help me God.)

EXPLANATORY NOTE

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

This Order constitutes the offices of the Governor-General of the Federation of Nigeria and the Governors of the Northern, Western and Eastern Regions of Nigeria, and makes certain other provisions for the government and administration of Nigeria.
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