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## DESIGNATION OF ORDINANCES ACT, 1961

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



### ARRANGEMENT OF SECTIONS

*Section*

1. Short title, etc.

2. Certain Ordinances to be Acts.

### 1961, No. 57

AN ACT TO MAKE OTHER PROVISION FOR THE DESIGNATION OF ORDINANCES  
IN NIGERIA

[28th December, 1961]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) This Act may be cited as the Designation of Ordinances Act, 1961.

Short title,  
etc.

(2) This Act shall apply throughout the Federation.

2.—(1) Where in any Act, Ordinance, Law, regulation or order immediately before the passing of this Act reference is made to an Ordinance having force of law in respect of a matter within Federal legislative competence, or reference to such an Ordinance is made in any plan, deed, instrument or other document whatsoever, the reference shall, on the commencement of this Act, be read as if the relevant Ordinance had been passed as an Act of the Parliament of the Federation, and the Ordinance shall be deemed to be amended accordingly.

Certain  
Ordinances  
to be Acts.

(2) Nothing in this section shall be construed—

(a) to amend the Nigeria Independence Act, 1960 ; or

(b) to affect the Nigeria (Constitution) Order in Council, 1960

or

(c) to confer extra-territorial operation on any Act, Ordinance, Law, regulation, order, plan, deed, instrument or other document in respect of any matter or thing made or done or omitted to be made or done before the first day of October, 1960, being the date of the coming into operation of the Nigeria (Constitution) Order in Council, 1960.

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

**SUPPLEMENTARY APPROPRIATION  
(1961-62) (No. 2) Act, 1961**

A 397

Assented to in Her Majesty's name this 26th day of December, 1961.

**NNAMDI AZIKIWE**  
*Governor-General*

(L.S.)



**ARRANGEMENT OF SECTIONS**

*Section*

- |   |   |
|---|---|
| 1. Short title.                             | 3. Appropriation of £70,000 of the Consolidated Revenue Fund into the Contingencies Fund. |
| 2. Supplementary Appropriation of £500,700. |   |

**1961, No. 58**

AN ACT TO MAKE FURTHER SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE YEAR ENDING ON THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND SIXTY-TWO ADDITIONALLY TO THAT MADE BY THE APPROPRIATION (1961-62) ACT, 1961 AND THE SUPPLEMENTARY APPROPRIATION (1961-62) ACT, 1961.

[28th December, 1961]

Commence-  
ment.

WHEREAS by the Appropriation (1961-62) Act, 1961 (hereinafter referred to as the Appropriation Act) a sum of Fifty-Two Million, Nine Hundred and Eighty-Seven Thousand, Two Hundred and Sixty Pounds was provided for the service of the Federation of Nigeria for the year ending on the 31st day of March, 1962 to be applied and expended in the manner set forth in the Schedule to that Act:

Preamble  
1961, No. 4.

AND WHEREAS by the Supplementary Appropriation (1961-62) Act, 1961 (hereinafter referred to as the Supplementary Appropriation Act) a further sum of Two Million, Nine Hundred and Seventy-Five Thousand and Seventy Pounds was provided in addition to the sum provided by the Appropriation Act for the services set forth in the First Schedule to the Supplementary Appropriation Act:

1961, No. 29

AND WHEREAS certain additional provision is required for the said year for the services set forth in the First Schedule to this Act:

BE IT THEREFORE ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Supplementary Appropriation (1961-62) (No. 2) Act, 1961.

Short  
title.

Supple-  
mentary  
Appropriation  
of  
£500,700.  
First  
Schedule.

2. The sum of Five Hundred Thousand, Seven Hundred Pounds set forth in the First Schedule hereto shall be appropriated for the services therein set forth in addition to the sum provided by the Appropriation Act as supplemented by the Supplementary Appropriation Act as fully as though set forth in the Schedule to the Appropriation Act.

Appropriation  
of  
£70,000 out  
of the Con-  
solidated  
Revenue  
Fund into  
the Contingencies  
Fund.  
Second  
Schedule.

3. The Accountant-General of the Federation may, on the warrant of the Minister of Finance, pay out of the Consolidated Revenue Fund of the Federation of Nigeria the sum of Seventy Thousand Pounds being the total of the sums withdrawn, as set forth in the Second Schedule hereto, from the Contingencies Fund and not already made good by previous appropriations from the Consolidated Revenue Fund, and the sum of Seventy Thousand Pounds shall be appropriated to the Contingencies Fund.

FIRST SCHEDULE		(Section 2)
<i>Head</i>		<i>Amount</i>
		£
21 State House .. .. .		6,850
22 Cabinet Office .. .. .		7,600
30 Ministry of Economic Development .. .. .		17,920
41 Ministry of Finance .. .. .		241,000
44 Ministry of Foreign Affairs and Commonwealth Relations .. .. .		129,950
45 Ministry of Health .. .. .		7,000
46 Ministry of Information .. .. .		30,000
49 Ministry of Justice .. .. .		3,000
51 Ministry of Lagos Affairs .. .. .		25,650
54 Coastal Agency .. .. .		6,230
61 Public Service Commission .. .. .		25,500
Total .. .. .		<u>£500,700</u>

SECOND SCHEDULE		(Section 3)
<i>Head</i>		<i>Amount</i>
		£
27 Ministry of Defence .. .. .		20,000
44 Ministry of Foreign Affairs and Commonwealth Relations .. .. .		50,000
		<u>£70,000</u>

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

# INDUSTRIAL LOANS (LAGOS AND FEDERATION) (CHANGE OF TITLE) ACT, 1961

A 399

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

### Section

- |   |   |
|---|---|
| 1. Short title, etc.  | 3. Replacement of short title, etc., to Cap 88. |
| 2. Replacement of long title to Cap. 88 and conversion of Ordinance to Act. | 4. Section 9 of Cap. 88 amended.                |

## 1961, No. 59

AN ACT TO MAKE BETTER PROVISION FOR ECONOMIC DEVELOPMENT IN NIGERIA BY CHANGE OF TITLE OF THE INDUSTRIAL LOANS (LAGOS AND FEDERATION) ORDINANCE, AND BY EXTENDING THE SCOPE OF THAT ORDINANCE AS AN ACT.

[See section 2]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Industrial Loans (Lagos and Federation) (Change of Title) Act, 1961, and shall apply throughout the Federation.

Short title,  
etc.

2. The Ordinance which as amended by the Industrial Loans (Lagos and Federation) (Amendment) Ordinance, 1958 was immediately before the passing of this Act intituled an Ordinance to provide for the establishment and functions of a Federal Loans Board, to promote industrial development in and around Lagos, and in respect of projects of a major nature, to promote industrial development throughout the Federation, and for purposes connected therewith shall, on the passing of this Act, be amended and be construed as an Act intituled an Act to promote development in and around the Federal territory and elsewhere in the Federation, to provide for the establishment and functions of a Federal Loans Board, and for other purposes connected therewith and that Act (hereinafter referred to as the principal Act), shall be read as one with this Act.

Replace-  
ment of  
long title to  
Cap. 88 and  
conversion  
of Ordinance  
to Act.  
No. 51 of  
1958.

Replace-  
ment of  
short title,  
etc., to Cap.  
88.

3. (1) Section 1 of the principal Act is amended by substituting therefor the following new section—

“Short title. 1. This Act may be cited as the Federal Loans Board Act, 1961.”

(2) References to “this Ordinance” in the principal Act other than in the Schedule shall be read as references to “this Act” and shall be amended accordingly.

(3) References to “Ordinance” in the Schedule to the principal Act shall be read as references to “Act” and shall be amended accordingly.

Section 9 of  
Cap. 88  
amended.

4. Subsection (1) of section 9 of the principal Act is amended,—

(a) by substituting the word “economic” for the word “industrial” where it twice occurs, and

(b) by repealing paragraph (b) of the proviso to that subsection.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

**SUPPLEMENTARY APPROPRIATION (1960-61)  
(No. 2) ACT 1961**

A 401

Assented to in Her Majesty's name this 26th day of December, 1961.

**NNAMDI AZIKIWE,**  
*Governor-General*

(L.S.)



**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title.

2. Additional Expenditure for 1960-61  
legalised.

**1961, No. 60**

**AN ACT TO MAKE SUPPLEMENTARY PROVISION FOR THE SERVICE OF THE  
FEDERATION OF NIGERIA FOR THE YEAR ENDED ON THE THIRTY-FIRST  
DAY OF MARCH, ONE THOUSAND, NINE HUNDRED AND SIXTY-ONE.**

[28th December, 1961]

Commence-  
ment.

WHEREAS by the Appropriation (1960-61) Ordinance, 1960 (hereinafter referred to as the Appropriation Ordinance) a sum of Forty-Six Million, Six Hundred and Twenty-Nine Thousand, Nine Hundred and Thirty Pounds was provided for the service of the Federation of Nigeria for the year which ended on the 31st day of March, 1961, to be applied and expended in the manner set forth in the Schedule to that Ordinance :

Preamble  
No. 10  
of 1960.

AND WHEREAS by the Supplementary Appropriation (1960-61) Ordinance, 1960 (hereinafter referred to as the Supplementary Appropriation Ordinance) a further sum of One Million, Two Hundred and Ninety-Two Thousand and Ninety Pounds was provided in addition to the sum provided by the Appropriation Ordinance for the services set forth in the First Schedule to the Supplementary Appropriation Ordinance :

No. 34 of  
1960.

AND WHEREAS by the Supplementary Appropriation (1960-61) (No. 2) Act, 1960 (hereinafter referred to as the Supplementary Appropriation Act) a further sum of Seven Hundred and Twenty-Nine Thousand and Sixty Pounds was provided in addition to the sums provided by the Appropriation Ordinance and the Supplementary Appropriation Ordinance for the services set forth in the Schedule to the Supplementary Appropriation Act :

1961, No. 1.



1961, No. 3.

AND WHEREAS by the Supplementary Appropriation (1960-61) Act, 1961 (hereinafter referred to as the Second Supplementary Appropriation Act) a further sum of One Million, Thirty Thousand and Fifty Pounds was provided in addition to the sums provided by the Appropriation Ordinance, the Supplementary Appropriation Ordinance and the Supplementary Appropriation Act for the services set forth in the First Schedule to the Second Supplementary Appropriation Act.

AND WHEREAS certain sums have been applied and expended in the said year for the services set forth in the Schedule hereto beyond the sums provided for those services in the Appropriation Ordinance, the Supplementary Appropriation Ordinance and the Supplementary Appropriation Act :

Enactment.

NOW THEREFORE, BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Supplementary Appropriation (1960-61) (No. 2) Act, 1961.

Additional  
Expenditure  
for 1960-61  
legalised.

2. The sums set forth in the Schedule hereto are hereby declared to have been duly and necessarily applied and expended for the services therein set forth and are hereby approved, allowed and granted in addition to the sums provided for such services by the Appropriation Ordinance, the Supplementary Appropriation Ordinance, and the Supplementary Appropriation Act.

## SCHEDULE

<i>Head</i>	<i>Amount</i>
	£
22 Office of the Governor-General .. .. .	6,747
30 Pensions and Gratuities .. .. .	385,045
33 Antiquities .. .. .	1,383
64 Contribution to the Development Fund .. .. .	302,464
	£695,639
	£695,639

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
Clerk of the Parliaments

**PENSIONS (STATUTORY CORPORATION  
SERVICE) ACT, 1961**

A 403

Assented to in Her Majesty's name this 26th day of December, 1961.

**NNAMDI AZIKIWE,**  
*Governor-General*

(L.S.)



**ARRANGEMENT OF SECTIONS**

<i>Section</i>	
1. Short title and new mode of citation of principal Act.	2. Section 3 of principal Act amended. 3. Section 4 of principal Act amended. 4. Section 5 of principal Act amended.

**1961, No. 61**

AN ACT TO AMEND AN ORDINANCE TO MAKE FURTHER PROVISION WITH RESPECT TO THE PENSIONS OF CERTAIN PERSONS EMPLOYED BY CERTAIN STATUTORY CORPORATIONS IN NIGERIA SUBSEQUENT TO RETIREMENT, OR IN CONSEQUENCE OF TRANSFER, FROM THE PUBLIC SERVICE OF NIGERIA AND TO PROVIDE A NEW SHORT TITLE THEREFOR.

[28th December, 1961]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Pensions (Statutory Corporation Service) Act, 1961, and on the passing of this Act the Ordinance heretofore known by the short title of the Pensions (Retired and Transferred Government Officers employed by Statutory Corporations) Ordinance shall be known and may be cited as the Pensions (Statutory Corporation Service) Act and this Act shall be read as one with the Pensions (Statutory Corporation Service) Act (hereinafter referred to as the principal Act).

Short title  
and new  
mode of  
citation of  
principal  
Act.

Section 3 of  
the principal  
Act  
amended.

2. Subsection (2) of section 3 of the principal Act is amended by substituting the word "Minister" for the word "Governor-General"

Section 4 of  
the principal  
Act  
amended.

3. Section 4 of the principal Act is amended,—

- (a) by renumbering the section as subsection (1) of section 4 ;
- (b) by substituting for the word "Governor-General" the words "Minister subject to the provisions of this Act" ; and
- (c) by adding a new subsection (2) as follows,—

"(2) Where after the passing of the Pensions (Statutory Corporation Service) Act, 1961, an officer is transferred to a scheduled corporation and at any time within three years from the establishment of the scheduled corporation leaves its service in circumstances set out in subsection (1) of this section, he shall be deemed to have retired on the date upon which he was first employed by the scheduled corporation and be eligible for a pension accordingly in those circumstances ; but otherwise nothing in this section shall apply to any such transferred officer."

Section 5 of  
the principal  
Act  
amended.

4. Section 5 of the principal Act is amended by substituting the word "Minister" for the word "Governor-General".

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- 1. Short title, etc.
- 2. Appointment of Sheriff.
- 3. Appointment of Deputy Sheriffs.

- 4. Section 12 of the Ordinance replaced.
- 5. Repeal.

1961, No. 62

AN ACT TO REPEAL THE SHERIFFS AND CIVIL PROCESS ACT, 1961, AND TO MAKE OTHER PROVISION FOR THE APPOINTMENT OF SHERIFFS AND TO AMEND THE SHERIFFS AND CIVIL PROCESS ORDINANCE IN ITS APPLICATION TO THE FEDERAL TERRITORY.

[See Section 1 (2)]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) This Act may be cited as the Sheriffs and Civil Process (No. 2) Act, 1961, and shall apply to the Federal territory, so however that section five of this Act shall apply throughout the Federation.

(2) This Act shall be deemed to have come into operation on the 1st day of June, 1961.

2.—(1) There shall from time to time be appointed a fit person to be Sheriff.

(2) The person who on the 1st day of June, 1961 (being the date of commencement of the Sheriffs and Civil Process Act, 1961) held office as Chief Registrar of the High Court of Lagos shall be deemed to have been appointed as Sheriff.

Commencement.

Short title, etc.

Appointment of Sheriff.

Appoint-  
ment of  
Deputy  
Sheriffs.

3.—(1) There may from time to time be appointed one or more fit persons to be Deputy Sheriffs who shall be subject to the general control of the Sheriff; and the fact that a Deputy Sheriff exercises any power shall be sufficient evidence of his authority so to do, and no person shall be concerned to enquire whether the occasion has arisen requiring or authorising him so to do.

(2) The persons who on the 1st day of June, 1961 (being the date of commencement of the Sheriffs and Civil Process Act, 1961) held the office of Registrar of any Chief Magistrate's Court in the Federal territory shall be deemed to have been appointed as Deputy Sheriffs.

Section 12  
of Ordinance  
replaced.  
Cap. 189  
1961 No. 11.

4. Section 12 of the Sheriffs and Civil Process Ordinance (as replaced by section 4 of the Sheriffs and Civil Process Act, 1961) is hereby repealed and the following new section shall be substituted therefor—

“Execution  
of sentence  
of death.

12. Where sentence of death has been pronounced upon any person, the Sheriff shall as ordered and unless the sentence is commuted or a respite is granted, cause the sentence to be carried into execution by some person appointed in writing by the Sheriff.”

Repeal  
1961 No. 11.

5. The Sheriffs and Civil Process Act, 1961, is hereby repealed.

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

# LAW REFORM (TORTS) ACT, 1961

A 407

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

### Section

- |   |   |
|---|---|
| 1. Short title, etc.                    | 7. Extent of occupier's ordinary duty.                        |
| 2. Interpretation.                      | 8. Effect of contract on occupier's liability to third party. |
| 3. Common employment.                   | 9. Landlord's liability in virtue of obligation to repair.    |
| 4. Measure of damages.                  | 10. Implied terms in contracts.                               |
| 5. Application of Part I, to the Crown. | 11. Application of Part II to the Crown.                      |
| 6. Preliminary.                         |   |

## 1961, No. 63

AN ACT TO ABOLISH THE DEFENCE OF COMMON EMPLOYMENT, TO AMEND THE LAW RELATING TO THE MEASURE OF DAMAGES FOR PERSONAL INJURY OR DEATH, TO PROVIDE FOR THE LIABILITY OF OCCUPIERS AND OTHERS FOR INJURY OR DAMAGE RESULTING TO PERSONS OR GOODS LAWFULLY ON ANY LAND OR OTHER PROPERTY FROM DANGERS DUE TO THE STATE OF THE PROPERTY OR TO THINGS DONE OR OMITTED TO BE DONE THERE AND FOR PURPOSES CONNECTED THEREWITH.

[28th December, 1961]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. This Act may be cited as the Law Reform (Torts) Act, 1961, and shall apply to the Federal Territory of Lagos.

Short title,  
etc.

### PART I.—COMMON EMPLOYMENT

2. In this Part of this Act the expression "personal injury" includes any disease and any impairment of a person's physical or mental condition, and the expression "injured" shall be construed accordingly.

Interpreta-  
tion.

3.—(1) It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by him, that that person was, at the time the injuries were caused, in common employment with the person injured, and accordingly the Employers' Liability Act, 1880 of the Parliament of the United Kingdom, to the extent to which it applies to the Federal Territory shall cease to be in force.

Common  
employment.

(2) Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto, (including a contract or agreement entered into before the commencement of this Act) shall be void insofar as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the negligence of persons in common employment with him.

Measure of  
damages.

4.—(1) In an action for damages for personal injuries (including any such action arising out of a contract) there shall,—

(a) in assessing those damages, be taken into account against loss of earnings or profits which have accrued or probably will accrue to the injured person from the injuries, such proportion as the court may in all the circumstances of the case consider just, of the value of any compensation which has been recovered or will be recovered by him under the Workmen's Compensation Ordinance;

Cap. 222.

(b) in determining the reasonableness of any expenses, be disregarded the possibility of avoiding those expenses or part of them by taking advantage of facilities available under the National Provident Fund Act, 1961.

(2) the reference in subsection (1) of this section to assessing the damages for personal injuries shall, in cases where the damages otherwise recoverable are subject to reduction under the law relating to contributory negligence or are limited by or under any enactment or by contract, be taken as referring to the total damages which would have been recoverable apart from the reduction or limitation.

(3) For the avoidance of doubts it is hereby declared—

(a) that in assessing damages in respect of the death of a person in any action under the Fatal Accidents Act, 1961, or under the Carriage by Air Act, 1932, of the United Kingdom (as applied to Nigeria by the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1953) there shall not be taken into account a right under any enactment to a benefit resulting from the death of that person; and

(b) that nothing in subsection (1) of this section shall be taken as requiring both the gross amount of the damages before taking into account the value of any compensation recovered or recoverable under the Workmen's Compensation Ordinance, and the net amount after taking it into account, to be found separately.

5. This Part of this Act shall bind the Crown.

Application  
of Part I.  
to the  
Crown.  
Preliminary.

## PART II.—OCCUPIER'S LIABILITY

6.—(1) The rules enacted in sections 7 and 8 of this Act shall have effect, in place of the rules of the common law, to regulate the duty which an occupier of premises owes to his visitors in respect of dangers due to the state of the premises or to things done or omitted to be done on them.

(2) The rules so enacted shall regulate the nature of the duty imposed by law in consequence of a person's occupation or control of premises and of any invitation or permission he gives (or is to be treated as giving) to another to enter or use the premises, but they shall not alter the rules of the common law as to the persons on whom a duty is so imposed or to whom it is owed; and accordingly for the purpose of the

rules so enacted the persons who are to be treated as an occupier and as his visitors are the same (subject to subsection (4) of this section) as the persons who would at common law be treated as an occupier and as his invitees or licensees.

(3) The rules so enacted in relation to an occupier or premises and his visitors shall also apply, in like manner and to the like extent as the principles applicable at common law to an occupier of premises and his invitees or licensees would apply, to regulate—

(a) the obligations of a person occupying or having control over any fixed or moveable structure, including any vessel, vehicle or aircraft ; and

(b) the obligations of a person occupying or having control over any premises or structure in respect of damage to property, including the property of persons who are not themselves his visitors.

7.—(1) An occupier of premises owes the same duty, the “common duty of care”, to all his visitors, except insofar as he is free to and does extend, restrict, modify or exclude his duty to any visitor or visitors by agreement or otherwise.

Extent of occupier's ordinary duty.

(2) The common duty of care is a duty to take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there.

(3) The circumstances relevant for the present purposes include the degree of care, and of want of care, which would ordinarily be looked for in such a visitor, so that (for example) in proper cases—

(a) an occupier must be prepared for children to be less careful than adults ; and

(b) an occupier may expect that a person, in the exercise of his calling, will appreciate and guard against any special risks ordinarily incident to it, so far as the occupier leaves him free to do so.

(4) In determining whether the occupier of premises has discharged the common duty of care to a visitor, regard is to be had to all the circumstances, so that (for example)—

(a) where damage is caused to a visitor by a danger of which he had been warned by the occupier, the warning is not to be treated without more as absolving the occupier from liability, unless in all the circumstances it was enough to enable the visitor to be reasonably safe ; and

(b) where damage is caused to a visitor by a danger due to the faulty execution of any work of construction, maintenance or repair by an independent contractor employed by the occupier, the occupier is not to be treated without more as answerable for the danger, if in all the circumstances he had acted reasonably in entrusting the work to an independent contractor and had taken such steps (if any) as he reasonably ought in order to satisfy himself that the contractor was competent and that the work had been properly done.

(5) The common duty of care does not impose on an occupier any obligation to a visitor in respect of risks willingly accepted as his by the visitor (the question whether a risk was so accepted to be decided on the same principles as in other cases in which one person owes a duty of care to another).



(6) For the purposes of this section, persons who enter premises for any purpose in the exercise of a right conferred by law are to be treated as permitted by the occupier to be there for that purpose, whether they in fact have his permission or not.

Effect of contract on occupier's liability to third party.

8.—(1) Where an occupier of premises is bound by contract to permit persons who are strangers to the contract to enter or use the premises, the duty of care which he owes to them as his visitors cannot be restricted or excluded by that contract, but (subject to any provision of the contract to the contrary) shall include the duty to perform his obligations under the contract, whether undertaken for their protection or not, insofar as those obligations go beyond the obligations otherwise involved in that duty.

(2) A contract shall not by virtue of this section have effect, unless it expressly so provides, of making an occupier who has taken all reasonable care answerable to strangers to the contract for dangers due to the faulty execution of any work of construction, maintenance or repair or other like operation by persons other than himself, his servants and persons acting under his direction and control.

(3) In this section, "stranger to the contract" means a person not for the time being entitled to the benefit of the contract as a party to it or as the successor by assignment or otherwise of a party to it, and accordingly includes a party to the contract who has ceased to be so entitled.

(4) Where by the terms or conditions governing any tenancy (including a statutory tenancy which does not in law amount to a tenancy) either the landlord or the tenant is bound, though not by contract, to permit persons to enter or use premises of which he is occupier, this section shall apply as if the tenancy were a contract between the landlord and the tenant.

(5) This section, insofar as it prevents the common duty of care from being restricted or excluded, applies to contracts entered into and tenancies created before the commencement of this Act, as well as to those entered into or created after its commencement; but, insofar as it enlarges the duty owed by an occupier beyond the common duty of care, it shall have effect only in relation to obligations which are undertaken after that commencement or which are renewed by agreement (whether express or implied) after that commencement.

Landlord's liability in virtue of obligation to repair.

9.—(1) Where premises are occupied by any person under a tenancy which puts on the landlord an obligation to that person for the maintenance or repair of the premises, the landlord shall owe to all persons who or whose goods may from time to time be lawfully on the premises the same duty, in respect of dangers arising from any default by him in carrying out that obligation, as if he were an occupier of the premises and those persons or their goods were there by his invitation or permission (but without contract).

(2) Where premises are occupied under a sub-tenancy, the provisions of subsection (1) of this section shall apply to any landlord of the premises (whether the immediate or a superior landlord) on whom an obligation to the occupier for the maintenance or repair of the premises is put by the sub-tenancy, and for that purpose any obligation to the occupier which the sub-tenancy puts on a landlord of the premises, or is

treated by virtue of this provision as putting on a landlord, shall be treated as put by it also on any superior landlord on whom the landlord's tenancy puts the like obligation towards the landlord.

(3) For the purposes of this section, where premises comprised in a tenancy (whether occupied under that tenancy or under a sub-tenancy) are put to a use not permitted by the tenancy, and the landlord of whom they are held under the tenancy is not debarred by his acquiescence or otherwise from objecting or from enforcing his obligation, then no persons or goods whose presence on the premises is due solely to that use of the premises shall be deemed to be lawfully on the premises, whether or not they are lawfully there as regards an inferior landlord.

(4) For the purposes of this section, a landlord shall not be deemed to have made default in carrying out any obligation to the occupier of the premises unless his default is such as to be actionable at the suit of the occupier or, in the case of a superior landlord whose actual obligation is to an inferior landlord, his default in carrying out that obligation is actionable at the suit of the inferior landlord.

(5) Nothing in this section shall relieve a landlord of any duty which he is under apart from this section.

(6) For the purposes of this section, obligations imposed by any enactment in virtue of a tenancy shall be treated as imposed by the tenancy, and "tenancy" includes a statutory tenancy which does not in law amount to a tenancy and includes also any contract conferring a right of occupation, and "landlord" shall be construed accordingly.

(7) This section applies to tenancies created before the commencement of this Act, as well as to those created after its commencement.

10.—(1) Where persons enter or use, or bring or send goods to, any premises in exercise of a right conferred by contract with a person occupying or having control of the premises, the duty he owes to them in respect of dangers due to the state of the premises or to things done or omitted to be done on them, insofar as the duty depends on a term to be implied in the contract by reason of its conferring that right, shall be the common duty of care.

Implied terms in contracts.

(2) Subsection (1) of this section shall apply to fixed and moveable structures as it applies to premises.

(3) This section does not affect the obligation imposed on a person by or by virtue of any contract for the hire of, or for the carriage for reward of persons, or goods in, any vehicle, vessel, aircraft or other means of transport, or by virtue of any contract of bailment.

(4) This section does not apply to contracts entered into before the commencement of this Act.

11.—(1) Subject to the provisions of this section, this Part of this Act shall bind the Crown.

Application of Part II to the Crown.

(2) The liability of the Crown shall be limited to the extent to which the crown is liable in tort under any enactment relating to civil liabilities and rights of the Crown and the provisions of such enactment (if any) as to the liability of the Crown in respect of failure to comply with statutory duties shall apply to duties under sections 7, 8 and 9 of this Act as statutory duties.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

# LAW REFORM (CONTRACTS) ACT, 1961

A 413

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

<i>Section</i>	
1. Short title, etc.	5. Enforcement of contracts for sale, etc., of land.
2. Interpretation.	6. Consideration for guarantee need not appear in writing.
3. Provision as to application of this Part of this Act.	7. Repeal of section 4 Sale of Goods Act, 1893.
4. Adjustment of rights and liability of parties to frustrated contract.	8. Application of Part II to the Crown.

## 1961, No. 64

AN ACT TO MAKE PROVISION FOR FRUSTRATION AND ENFORCEMENT OF CONTRACTS.

[28th December, 1961]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Law Reform (Contracts) Act, 1961, and shall apply to the Federal Territory.

Short title, etc.

### PART I—FRUSTRATED CONTRACTS

2. For the purposes of this Part of this Act—  
“court” means, in relation to any matter, the court or arbitrator by or before whom the matter falls to be determined;

Interpretation.

Provision as to application of this Part of this Act.

3.—(1) This Part of this Act shall apply to contracts, whether made before or after the commencement of this Act, as respects which the time of discharge occurs on a date not earlier than two months before the commencement of this Act, but not to contracts as respects which the time of discharge is before the said date.

(2) This Part of this Act shall apply to contracts to which the Crown is a party in like manner as to contracts between subjects.

(3) Where any contract to which this Part of this Act applies contains any provision which, upon the true construction of the contract, is intended to have effect in the event of circumstances arising which operate, or would but for the said provision operate, to frustrate the contract, or is intended to have effect whether such circumstances arise or not, the court shall give effect to the said provision and shall only give effect to section 4 of this Act to such extent, if any, as appears to the court to be consistent with the said provision.

(4) Where it appears to the court that a part of any contract to which this Part of this Act applies can properly be severed from the remainder of the contract, being a part wholly performed before the time of discharge, or so performed except for the payment in respect of that part of the contract of sums which are or can be ascertained under the contract, the court shall treat that part of the contract as if it were a separate contract and had not been frustrated and shall treat section 4 of this Act as only applicable to the remainder of that contract.

(5) This Part of this Act shall not apply—

(a) to any charter-party, except a time charter-party or a charter-party by way of demise, or to any contract (other than a charter-party) for the carriage of goods by sea ; or

(b) to any contract of insurance, save as is provided by subsection (5) of section 4 of this Act ; or

(c) to any contract to which section 7 of the Sale of Goods Act, 1893, of the United Kingdom (which avoids contracts for the sale of specific goods which perish before the risk has passed to the buyer) in its application to the Federal territory applies, or to any other contract for the sale, or for the sale and delivery, of specific goods, where the contract is frustrated by reason of the fact that the goods have perished.

Adjustment of rights and liability of parties to frustrated contract.

4.—(1) Where a contract governed by law has become impossible of performance or been otherwise frustrated, and the parties thereto have for that reason been discharged from the further performance of the contract, the following provisions of this section shall, subject to the provisions of section 3 of this Act, have effect in relation thereto.

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

Provided that, if the party to whom the sums were so paid or payable incurred expenses before the time of discharge in, or for the purpose of, the performance of the contract, the court may, if it considers

it just to do so having regard to all the circumstances of the case, allow him to retain or, as the case may be, recover the whole or any part of the sums so paid or payable, not being an amount in excess of the expenses so incurred.

(3) Where any party to the contract has, by reason of anything done by any other party thereto in, or for the purpose of, the performance of the contract, attained a valuable benefit (other than a payment of money to which subsection (2) of this section applies) before the time of discharge, there shall be recoverable from him by the said other party such sum (if any) not exceeding the value of the said benefit to the party obtaining it, as the court considers just, having regard to all the circumstances of the case and, in particular,—

(a) the amount of any expenses incurred before the time of discharge by the benefited party in, or for the purpose of, the performance of the contract, including any sums paid or payable by him to any other party in pursuance of the contract and retained or recoverable by that party under subsection (2) of this section ; and

(b) the effect, in relation to the said benefit, of the circumstances giving rise to the frustration of the contract.

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

(5) In considering whether any sum ought to be recovered or retained under the foregoing provisions of this section by any party to the contract, the court shall not take into account any sums which have, by reason of the circumstances giving rise to the frustration of the contract, become payable to that party under any contract of insurance unless there was an obligation to insure imposed by an express term of the frustrated contract or by or under any enactment.

(6) Where any person has assumed obligations under the contract in consideration of the conferring of a benefit by any other party to the contract upon any other person, whether a party to the contract or not, the court may, if in all the circumstances of the case it considers it just to do so, treat for the purposes of subsection (3) of this section any benefit so conferred as a benefit obtained by the person who has assumed the obligations as aforesaid.

## PART II—ENFORCEMENT OF CONTRACTS

5.—(1) This section applies to—

(a) every contract for the sale of land ;

(b) every contract to enter into any disposition of land being a disposition that is required by any enactment to be made by deed or instrument or in writing or to be proved in writing ;

(c) every contract to enter into any mortgage or charge on land ; and

(d) every contract by any person to answer to another person for the debt, default or liability of a third person.

Enforce-  
ment of  
contracts  
for sale, etc.  
of land.

(2) No contract to which this section applies shall be enforceable by action unless the contract or some memorandum or note in respect therefor is in writing and is signed by the party to be charged therewith or by some other person lawfully authorised by him.

(3) Nothing in this section shall—

(a) apply to any contract for the sale or other disposition of land made under customary law

(b) apply to sale of land by order of any court of competent jurisdiction; and

(c) affect the operation of the law relating to part performance.

(4) The foregoing provisions of this section shall apply only to contracts made after the commencement of this Act.

(5) For the purposes of this section,—“disposition” includes lease, assent, vesting declaration, vesting instrument, disclaimer, release and every other assurance of property by an instrument and also includes, where appropriate, a devise, bequest or appointment of property contained in a will; “land” includes land of any tenure, and mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments and also includes a rent and other incorporeal hereditaments and an easement, right, privilege, or benefit in, over, or derived from land.

(6) This section is in substitution for section 4 of the Statute of Frauds, 1677, of the Parliament of England and that section shall cease to be in force except in respect of contracts made before the commencement of this Act.

Consideration for guarantee need not appear in writing.

6. No contract whereby any person promises to answer to another person for the debt, default or liability of a third person shall, if the contract or some memorandum or note thereof is in writing and is signed by the party to be charged therewith or some other person lawfully authorised by him, be deemed insufficient to support an action or other proceeding to charge the person by whom the promise was made, by reason only that the consideration for the promise does not appear in writing or by necessary inference from a written document.

Repeal of section 4 Sale of Goods Act, 1893.

7.—(1) Section 4 of the Sale of Goods Act, 1893, of the United Kingdom (which provides for the enforcement of contracts for the sale of goods of the value of ten pounds or upwards), shall to the extent to which it applies to the Federal Territory, cease to be in force.

(2) For the purposes of this section,—

“goods” includes all chattels personal other than things in action, emblements, industrial growing crops and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale; and

“specific goods” means goods identified and agreed upon at the time a contract of sale is made.

(3) Notwithstanding the provisions of subsection (1) of this section, the said section 4 shall continue to apply as if this Act had not been passed, to contracts made before the commencement of this Part of this Act.

8. This Part of this Act shall bind the Crown.

Application of Part II to the Crown.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*



# TAFAWA BALEWA SQUARE MANAGEMENT ACT, 1961

A 419

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

### Section

- |  |   |
|--|---|
| 1. Short title, etc.   | 6. Appointment, etc, of servants.             |
| 2. Interpretation.   | 7. Funds.                                     |
| 3. Cesser of functions of Lagos Racecourse Management Board. | 8. Power of making bye-laws.                  |
| 4. Tafawa Balewa Square Management Board.                    | 9. Proceedings for breach, etc., of bye-laws. |
| 5. Term of Service.  | 10. Power to arrest offenders.                |
|  | 11. Repeal. Cap. 94.                          |

### SCHEDULE

## 1961, No. 65

AN ACT TO MAKE OTHER PROVISION FOR THE MANAGEMENT UNDER THE NAME OF TAFAWA BALEWA SQUARE OF THE LAND FORMERLY KNOWN AS THE LAGOS RACECOURSE.

[By Notice, see section 1 (2)]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) This Act may be cited as the Tafawa Balewa Square Management Act, 1961, and shall apply to the Federal territory.

Short title, etc.

(2) This Act shall come into operation on a date to be fixed by the Minister by notice in the Gazette.

2. In this Act unless the context otherwise requires—

Interpretation.

“the Board” means the Tafawa Balewa Square Board of Management under this Act ;

“the Minister” means the Minister of the Federation for the time being charged with the responsibility for Lagos Affairs ;

“the Square” means the Tafawa Balewa Square.

Cesser of  
functions of  
Lagos Race-  
course  
Management  
Board.

3. On the coming into operation of this Act, the board of management formed under the Lagos Racecourse Management Ordinance shall cease to exist and,—

(a) the land situate in the Island of Lagos and known as the Racecourse the boundaries whereof are delineated by the plan referred to in the Lagos Racecourse (Alteration of Boundaries) Order shall become Crown land within the meaning of the Crown Lands Ordinance ; and

(b) the funds of the board of management to the extent that they comprise moneys voted by the House of Representatives shall, unless the Federal Minister of Finance by writing otherwise directs, be paid to the Accountant-General and form part of the Consolidated Revenue Fund.

Vol. VIII,  
p. 1099 1958  
Laws.

Cap.

Tafawa  
Balewa  
Square  
Management  
Board.

4.—(1) There shall be, for the purposes of this Act, a Board of Management to be called the Tafawa Balewa Square Management Board which shall control the land known as Tafawa Balewa Square as described in the Schedule to this Act on behalf of the Government of the Federation and maintain the Square for the use and recreation of the residents of Lagos.

(2) The members of the Board shall be,—

(a) a fit person as Chairman to be appointed from time to time by the Minister ;

(b) three elected members of Parliament while they continue to represent the Federal territory ;

(c) three persons not being public officers, to be appointed by the Minister ;

(d) the Chief Federal Land Officer, and

(e) the Director of Antiquities.

(3) Notwithstanding the provisions of subsection (2) of this section, the Minister may at any time by notice in the Gazette—

(a) appoint additional members to the Board for such period and for such purposes as shall be specified in such notice ;

(b) vary the constitution of the Board by appointing other persons as members of the Board in substitution for those hereby appointed.

(4) In the absence of the Chairman from any meeting of the Board the members present may appoint one of their members to be chairman of that meeting.

(5) In the absence from any meeting of a person who is a member by virtue of office the member may be represented,—

(a) in the case of the Chief Federal Land Officer by another Land Officer, and

(b) in the case of the Director of Antiquities by the Curator of the Nigeria Museum,—

and where a representative attends any meeting he shall have or may exercise the powers of the member who is absent.

(6) The Board may regulate its own procedure at any meeting and where there is an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

(7) The quorum for any meeting of the Board shall be five members.

5.—(1) Members of the Board other than those appointed by office shall hold office for one year from the date of appointment, and shall be eligible for reappointment.

Term of service.

(2) In the event of the death, resignation or absence from Lagos of any member of the Board, the Minister may in any appropriate case appoint such person as he shall think fit to be a member of the Board in the place of such member.

6.—(1) The Board may, with the consent of the Minister,—

(a) appoint a secretary and approve the employment of such other servants as are necessary for the due and proper execution and enforcement of the duties of the Board under this Act ; or

(b) dismiss for any reason whatsoever any servant appointed, or employed.

Appointment, etc., of servants.

(2) Any person appointed or employed by the Board shall be paid such remuneration as the Board, with the approval of the Federal Minister of Finance, may agree.

7.—(1) The funds of the Board shall comprise moneys from time to time voted by Parliament for the management, maintenance, repair or improvement of the Square and also sums received from donations, subscriptions, or amounts received for damages, or otherwise howsoever.

Funds.

(2) The funds of the Board shall be administered by the Board as the Minister may from time to time prescribe.

8.—(1) The Board may, with the consent of the Minister, make bye-laws for all or any of the purposes following—

Power of making bye-laws.

(a) for the appointment and removal of its servants and for regulating their duties, conduct and remuneration.

(b) for the management, control and regulation of the Square, and for the use of the same by the public ;

(c) for the removal by any police constable or person authorised by the Board of any person infringing the bye-laws ;

(d) for the promotion of different forms of recreation ;

(e) for regulating foot tracks and grazing of cattle ;

(f) for the preservation of growing trees, or plants ;

(g) for preventing injury and damages to the land or to any buildings, monuments, fences or seats thereon ; and

(h) generally for carrying into effect the purposes of this Act.

(2) A court before whom any person is convicted of committing a breach of any bye-laws, may, in addition to any penalty which may be imposed, order the person convicted to pay to the Board the actual or estimated cost of repairing any damage or injury done.

9. Proceedings in respect of any breach of a bye-law or damage under this Act shall be taken in the name of the Attorney-General of the Federation.

Proceedings for breach, etc., of bye-laws.

Power to  
arrest  
offenders.

10. Any police constable, who sees any person doing any act or thing contrary to the provisions of this Act or of any bye-laws made under this Act, may arrest such person without warrant.

Repeal.  
Cap. 94.

11. The Lagos Racecourse Management Ordinance is hereby repealed.

### SCHEDULE

(Section 4)

All those two parcels of land known as Tafawa Balewa Square in the Federal territory containing respectively areas of approximately 35.19 acres and approximately 4.49 acres, the boundaries of which are described below.

*Parcel 1.*—Starting from a concrete pillar marked PBL5 1994, the co-ordinates of which are 24,386.87 feet South and 10,603.15 feet East of a concrete pillar marked L.C.S. 165P. The origin of the Lagos Cadastral Surveys. The boundaries run in straight lines the bearings and lengths of which are as follows :—

<i>From</i>	<i>Bearings</i>	<i>Length</i>	<i>To</i>
PBL51994	100° 45'	285.1 feet	PBL3252
PBL3252	102° 27'	631.0 feet	PBL3251
PBL3251	115° 51'	145.0 feet	PBL3250
PBL3250	132° 17'	443.8 feet	PBL3249
PBL3249	148° 17'	114.6 feet	PBL3277
PBL3277	180° 09'	88.6 feet	PBL3276
PBL3276	202° 04'	157.6 feet	PBL3275
PBL3275	218° 59'	163.8 feet	PBL3274
PBL3274	224° 01'	169.6 feet	PBL3265
PBL3265	233° 24'	66.3 feet	PBL3273
PBL3273	225° 07'	138.1 feet	Point 'B'
Point 'B'	134° 23'	17.0 feet	PBL5952
PBL5952	224° 22'	255.1 feet	Point 'A'
Point 'A'	236° 17'	38.0 feet	PBL5953
PBL5953	261° 14'	85.8 feet	PBL5954
PBL5954	279° 00'	34.5 feet	PBL5955
PBL5955	311° 36'	20.2 feet	PBL3271
PBL3271	314° 13'	306.5 feet	PBL3270
PBL3270	321° 35'	265.7 feet	PBL3269
PBL3269	319° 42'	252.7 feet	PBL3268
PBL3268	313° 07'	152.8 feet	PBL3267
PBL3267	301° 59'	39.2 feet	PBL52000
PBL52000	318° 58'	370.1 feet	PBL51999
PBL51999	6° 09'	125.0 feet	PBL51998
PBL51998	11° 34'	160.0 feet	PBL51997
PBL51997	33° 34'	100.0 feet	PBL51996
PBL51996	52° 08'	104.7 feet	PBL51995
PBL51995	72° 37'	105.0 feet	PBL51994

(the starting point).

All property beacons are concrete pillars, all bearings and lengths are approximate and all bearings are referred to True North.

*Parcel 2.*—Starting from a concrete pillar marked PBL5 2002 the co-ordinates of which are 25,922.67 feet South and 11,423.25 feet East of a concrete pillar marked L.C.S. 165P the origin of the Lagos Cadastral Surveys. The boundaries run in straight lines the bearings and lengths of which are as follows :—

<i>From</i>	<i>Bearings</i>	<i>Length</i>	<i>To</i>
PBL52002	44° 44'	482.2 feet	PBL52001
PBL52001	138° 53'	184.0 feet	PBL52010
PBL52010	110° 09'	109.9 feet	PBL52009
PBL52009	207° 01'	407.4 feet	PBL52024
PBL52024	230° 44'	164.8 feet	PBL52008
PBL52008	304° 35'	40.7 feet	PBL52007
PBL52007	305° 50'	80.2 feet	PBL52006
PBL52006	314° 00'	191.1 feet	PBL52005
PBL52005	321° 33'	25.1 feet	PBL52004
PBL52004	350° 17'	49.5 feet	PBL52003
PBL52003	17° 13'	31.3 feet	PBL52002

(the starting point).

All property beacons are concrete pillars, all bearings and lengths are approximate and all bearings are referred to True North.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Short title, etc.</li> <li>2. Interpretation.</li> <li>3. Broadcast statements.</li> <li>4. Slander affecting official, professional or business reputation.</li> <li>5. Slander of title, etc.</li> <li>6. Unintentional defamation.</li> <li>7. Justification.</li> <li>8. Fair comment.</li> <li>9. Qualified privilege of newspapers.</li> <li>10. Newspaper reports of proceedings in court privileged.</li> </ol> | <ol style="list-style-type: none"> <li>11. Extention of certain defences to broadcasting.</li> <li>12. Limitation on privilege at elections.</li> <li>13. Agreement for indemnity.</li> <li>14. Consolidation of actions for slander, etc.</li> <li>15. Proceedings affected and saving.</li> </ol> |
|---|---|

Schedule

- Part I—Interpretation.
- Part II—Statement privileged without explanation or contradiction.
- Part III—Statement privileged subject to explanation or contradiction.

1961, No. 66

AN ACT TO MAKE PROVISIONS WITH RESPECT TO LIBEL SLANDER AND OTHER MALICIOUS FALSEHOOD AND FOR PURPOSES CONNECTED THEREWITH.

[28th December, 1961]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. This Act may be cited as the Defamation Act, 1961, and shall apply to the Federal Territory of Lagos.

2.—(1) In this Act, unless the context otherwise requires,—

“broadcasting by means of wireless telegraphy” means publication for general reception by means of wireless telegraphy within the meaning of the Wireless Telegraphy Ordinance or any Act replacing the same, and “broadcast by means of wireless telegraphy” shall be construed accordingly ;

“court” means in relation to any claim, the court or arbitrator, as the case may be, by or before whom the claim falls to be determined and in all other cases, any court of competent jurisdiction.

Commence-  
ment.

Short title,  
etc.

Interpreta-  
tion.

(2) Any reference in this Act to words shall be construed as including a reference to pictures, visual images, gestures and other methods of signifying meaning.

(3) The provisions of Part I of the Schedule to this Act shall have effect for the purposes of the interpretation of that Schedule.

(4) Where words broadcast by means of wireless telegraphy are simultaneously transmitted by telegraph as defined by the Telegraphs Ordinance, in accordance with a licence granted thereunder by the Minister of Communications, the provisions of this Act shall apply as if the transmission were broadcasting by means of wireless telegraphy.

Broadcast statements.

3. For the purposes of the law of libel and slander, the broadcasting of words by means of wireless telegraphy shall be treated as publication in permanent form.

Slander affecting official, professional or business reputation.

4. In an action for slander in respect of words calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of the publication, it shall not be necessary to allege or prove special damage, whether or not the words are spoken of the plaintiff in the way of his office, profession, calling, trade or business.

Slander of title.

5.—(1) In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage,—

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form ; or

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 of this Act shall apply for the purposes of this section as it applies for the purposes of the law of libel and slander.

Unintentional defamation.

6.—(1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section ; and in any such case—

(a) if the offer is accepted by the party aggrieved and is duly performed, no proceedings for libel or slander shall be taken or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication) ;

(b) if the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any proceedings by him for libel or slander against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon by the person making

it to show that the words in question were published by him innocently in relation to the party aggrieved; and for the purposes of a defence under paragraph (b) of subsection (1) of this section no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(3) An offer of amends under this section shall be understood to mean an offer—

(a) in any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words;

(b) where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(4) Where an offer of amends under this section is accepted by the party aggrieved—

(a) any question as to the step to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the court whose decision thereon shall be final;

(b) the power of the court to make orders as to costs in proceedings by the party aggrieved against the person making the offer in respect of the publication in question, or in proceedings in respect of the offer under paragraph (a) of this subsection, shall include power to order the payment by the person making the offer to the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred or to be incurred by that party in consequence of the publication in question;

and if no such proceedings as aforesaid are taken, the court may, upon application made by the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in such proceedings.

(5) For the purposes of this section words shall be treated as published by one person (in this subsection referred to as the publisher) innocently in relation to another person if and only if the following conditions are satisfied, that is to say—

(a) that the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or

(b) that the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person,

and in either case that the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(6) Paragraph (b) of subsection (1) of this section shall not apply in relation to the publication by any person of words of which he is not the author unless he proves that the words were written by the author without malice.



Justifica-  
tion.

7. In an action for libel or slander in respect of words containing two or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

Fair com-  
ment.

8. In an action for libel or slander in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

Qualified  
privilege of  
newspapers.

9.—(1) Subject to the provisions of this section, the publication in a newspaper of any such report or other matter as is mentioned in the Schedule to this Act shall be privileged unless the publication is proved to be made with malice.

(2) In an action for libel in respect of the publication of any such report or matter as is mentioned in Part II of the Schedule to this Act, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the newspaper in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication of any matter the publication of which is prohibited by law, or of any matter which is not of public concern and the publication of which is not for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting immediately before the commencement of this Act.

(5) In this section, the expression "newspaper" means any paper containing public news or observations thereon, or consisting wholly or mainly of advertisements, which is printed for sale and is published in Nigeria either periodically or in parts or number at intervals not exceeding thirty-six days.

Newspaper  
reports of  
proceedings  
in court  
privileged.

10. A fair and accurate report in any newspaper of proceedings publicly heard before any court exercising judicial authority within the Federal Territory of Lagos shall, if published contemporaneously with such proceedings, be privileged :

Provided that nothing in this section shall authorise the publication of any blasphemous or indecent matter.

Extension  
of certain  
defences to  
Broadcasting.

11.—(1) Sections 9 and 10 of this Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station within Nigeria, and in relation to any broadcasting by means of wireless telegraphy of any such report or matter, as they apply in relation to reports and matters published in a newspaper and to publication in a newspaper ; and subsection (2) of the said section 9 shall have effect in relation to any such broadcasting, as if for the words "in the newspaper in which" there were substituted the words "in the manner in which".

(2) In this section "broadcasting station" means any station in respect of which a licence granted the Minister of Communications under the enactment relating to wireless telegraphy is in force, being a licence which (by whatever form of words) authorises the use of the station for the purpose of providing broadcasting services for general reception.

12. A defamatory statement published by or on behalf of a candidate in any election to a local government authority or to Parliament shall not be deemed to be published on a privileged occasion on the ground that it is material to a question in issue in the election, whether or not the person by whom it is published is qualified to vote at the election.

Limitation on privilege at elections.

13. An agreement for indemnifying any person against civil liability for libel in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe there is good defence to any action brought upon it.

Agreement for indemnity.

14.—(1) It shall be competent for a judge or the court upon an application by or on behalf of two or more defendants in actions in respect to the same, or substantially the same, libel brought by one and the same person, to make an order for the consolidation of such actions, so that they shall be tried together; and after such order has been made, and before the trial of the said actions, the defendants in any new actions instituted in respect of the same, or substantially the same, libel shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

Consolidation of actions for slander, etc.

(2) In a consolidated action under this section the judge shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately; and if the judge shall have found a verdict against the defendant or defendants in more than one of the actions so consolidated, he shall proceed to apportion the amount of damages which he shall have so found between and against the said last-mentioned defendants; and if the judge awards to the plaintiff the costs of the action, he shall thereupon make such order as he shall deem just for the apportionment of such costs between and against such defendants.

(3) This section shall apply to actions for slander and to actions for slander of title, slander of goods or other malicious falsehood as it applies to action for libel; and references to the same, or substantially the same, libel shall be construed accordingly.

15.—(1) This Act applies for the purposes of any proceedings begun after the commencement of this Act, whenever the cause of action arose, but does not affect proceedings begun before the commencement of this Act.

Proceedings affected and saving.

(2) Nothing in this Act affects the law relating to criminal libel.

### SCHEDULE

(Sections 2, 9)

#### NEWSPAPER STATEMENT HAVING QUALIFIED PRIVILEGE

##### PART I.—INTERPRETATION

1. In this Schedule the following expressions have the meaning hereby respectively assigned to them, that is to say—

“international court” means the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between States ;

“legislature” in relation to any territory comprised in Her Majesty’s dominions which is subject to a central and a local legislature, means either of those legislatures ;

“local authority” means any authority or body established under the following enactments or any legislation amending or replacing the same—

- (a) Lagos Local Government Ordinance, 1959.
- (b) Western Region Local Government Law, 1957.
- (c) Northern Region Native Authority Law, 1954, and
- (d) Eastern Region Local Government Law, 1955.

“part of Her Majesty’s dominions” means the whole of any territory within those dominions which is subject to a separate legislature.

2. In relation to the following countries and territories, that is to say, India, the Republic of Ireland, any protectorate, protected state or trust territory within the meaning of the British Nationality Act, 1948, any territory administered under the authority of a country mentioned in subsection (3) of section 1 of that Act, the Sudan and the New Hebrides, the provisions of this Schedule shall have effect as they have effect in relation to Her Majesty’s dominions, and references therein to Her Majesty’s dominions shall be construed accordingly.

#### PART II.—STATEMENT PRIVILEGED WITHOUT EXPLANATION OR CONTRADICTION

3. A fair and accurate report of any proceedings in public of the legislature of any part of Her Majesty’s dominions outside Nigeria.

4. A fair and accurate report of any proceedings in public of an international organisation of which Nigeria or Her Majesty’s Government in Nigeria is a member, or of any international conference to which that Government sends a representative.

5. A fair and accurate report of any proceedings in public of an international court.

6. A fair and accurate report of any proceedings before a court exercising jurisdiction throughout any part of Her Majesty’s dominions outside Nigeria, or of any proceedings before a court-martial held outside Nigeria under the Royal Nigerian Army Act, 1960, or the Royal Nigerian Navy Act, 1960.

7. A fair and accurate report of any proceedings in public of a body or person appointed to hold a public inquiry by the Government or legislature of any part of Her Majesty’s dominions outside Nigeria.

8. A fair and accurate copy of or extract from any register kept in pursuance of any enactment which is open to inspection by the public, or of any other document which is required by the law of any part of the Federation of Nigeria to be open to inspection by the public.

9. A notice or advertisement published by or on the authority of any court within Nigeria or any judge or officer of such a court,

**PART III.—STATEMENT PRIVILEGED SUBJECT TO EXPLANATION OR CONTRADICTION**

10. A fair and accurate report of the findings or decision of any of the following associations, or of any committee or governing body thereof, that is to say—

(a) an association formed in Nigeria for the purpose of promoting or encouraging the exercise of or interest in any art, science, religion or learning and empowered by its constitution to exercise control over or adjudicate upon matters of interest or concern to the association, or the actions or conduct of any persons subject to such control or adjudication ;

(b) an association formed in Nigeria for the purpose of promoting or safeguarding the interest of any trade, business, industry or profession, or of the persons carrying on or engaged in any trade, business, industry or profession, and empowered by its constitution to exercise control over or adjudicate upon matters connected with trade, business, industry or profession, or the actions or conduct of those persons ;

(c) an association formed in Nigeria for the purpose of promoting or safeguarding the interests of any game, sport or pastime to the playing or exercise of which members of the public are invited or admitted, and empowered by its constitution to exercise control over or adjudication upon persons connected with or taking part in the game, sport or pastime,

being a finding or decision relating to a person who is a member of or is subject by virtue of any contract to the control of the association.

11. A fair and accurate report of the proceedings at any public meeting held in Nigeria, that is to say, a meeting *bona fide* and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.

12. A fair and accurate report of the proceedings at any meeting or sitting in any part of Nigeria of—

(a) any local authority or committee of a local authority or authorities ;

(b) any magistrate or judge of a customary court acting otherwise than as a court exercising judicial authority ;

(c) any commission, tribunal, committee or person appointed for the purposes of any inquiry by law, by the Governor-General, or by a Minister of the Crown ;

(d) any person appointed by a local authority to hold a local inquiry in pursuance of any enactment ;

(e) any other tribunal, board, committee or body constituted by or under, and exercising functions under, any enactment,

not being a meeting or sitting admission to which is denied representatives of newspapers and other members of the public.

13. A fair and accurate report of the proceedings at a general meeting of any company, association registered or certified by or under any enactment or incorporated by Royal Charter, not being a private company within the meaning of the Companies Ordinance.

14. A copy or fair and accurate report or summary of any notice or other matter issued for the information of the public by or on behalf of any government department, officer of state, local authority or the Inspector-General of the Nigeria Police.

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

**B. ADE MANUWA,**  
*Clerk of the Parliaments*

# NIGERIAN EX-SERVICEMEN'S WELFARE ASSOCIATION (AMENDMENT) ACT, 1961

A 433

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
Governor-General

(L.S.)



## ARRANGEMENT OF SECTIONS

### Section

1. Short title, etc.

2. Section 15 of Ordinance replaced.

3. Section 16 of Ordinance amended.

4. Section 17 of Ordinance amended.

## 1961, No. 67

AN ACT TO AMEND THE NIGERIAN EX-SERVICEMEN'S WELFARE ASSOCIATION ORDINANCE (CHAPTER 136).

[28th December, 1961]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1.—(1) This Act may be cited as the Nigerian Ex-Servicemen's Welfare Association (Amendment) Act, 1961, and shall be read as one with the Nigerian Ex-Servicemen's Welfare Association Ordinance, (hereinafter referred to as the Ordinance).

Short title,  
etc.

(2) This Act shall apply throughout the Federation.

2. For section 15 of the Ordinance there is hereby substituted the following new section—

Section 15 of  
Ordinance  
replaced.

“Keeping of records, etc. and supply of copies to Association.

15.—(1) The Association may from time to time give directions to regional councils as to the manner in which accounts and records relating to accounts and any other matters shall be kept and any regional council to which a direction has been given shall comply therewith to the satisfaction of the Association.

(2) As soon as possible after the end of each quarter every regional council shall forward to the Association a copy of the accounts and records and of all prepared vouchers relating to that quarter and any other information in relation thereto, which the Association may from time to time request.”

Section 16 of  
Ordinance  
amended.

3. Subsection (3) of section 16 of the Ordinance is amended by substituting for all words following the word "copy", where it first occurs, the words "of the statement of accounts referred to in subsection (1) of this section, and a copy of the report of the auditor on such statement or the financial records of any of the regional council, as the case may be."

Section 17 of  
Ordinance  
amended.

4. Section 17 of the Ordinance is amended by substituting for all words following the word "annual", where it first occurs, the words "report and statement of accounts of the Association, together with the report of the auditor."

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

**B. ADE MANUWA,**  
*Clerk of the Parliament*

# AGRICULTURE (CONTROL OF PROCEEDINGS) ACT, 1961

A 435

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

*Section*

- |  |   |
|--|---|
| 1. Short title, etc.   | 3. Section 9 of Agriculture (Control of Importation) Ordinance, 1959 amended. |
| 2. Section 8 of Agriculture (Lagos) Ordinance, 1959 amended. |   |

## 1961, No. 68

AN ACT TO AMEND CERTAIN ENACTMENTS AND MAKE OTHER PROVISION FOR THE CONTROL OF PROCEEDINGS.

[28th December, 1961]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) This Act may be cited as the Agriculture (Control of Proceedings) Act, 1961.

Short title,  
etc.

(2) Section 2 of this Act shall have effect in the Federal territory and section 3 shall have effect throughout the Federation.

2. Section 8 of the Agriculture (Lagos) Ordinance, 1959 is amended by repealing subsection (2).

Section 8 of  
the Agricul-  
ture (Lagos)  
Ordinance  
1959  
amended.

3. Section 9 of the Agriculture (Control of Importation) Ordinance, 1959 is amended by repealing subsection (2).

Section 9 of  
the Agricul-  
ture (Con-  
trol of  
Import-  
ation)  
Ordinance  
1959  
amended.



This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

**B. ADE. MANUWA,**  
*Clerk of the Parliament*

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
Governor-General

(L.S.)



ARRANGEMENT OF SECTIONS

Section

- 1. Short title, etc.
- 2. Interpretation.
- 3. Pool betting without licence prohibited.

- 4. Power to inspect and confiscate postal articles and certain goods.
- 5. Licence.
- 6. Regulations.
- 7. Repeals and Savings.

1961, No. 69

AN ACT TO MAKE BETTER PROVISION FOR THE CONTROL OF THE BUSINESS OF POOL BETTING AND FOR OTHER PURPOSES CONNECTED THEREWITH

[28th December, 1961]

Commencement.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Pool Betting Control Act, 1961, and shall apply to the Federal Territory.

Short title, etc.

2. In this Act,—

Interpretation.

“pool betting business” means any business involving the receiving or negotiating of bets made by way of pool betting and includes—

(a) business involving the receiving or negotiating of such bets on behalf of any person, whether in any case the person on whose behalf the bet is received or negotiated is inside or outside the Federal Territory, and

(b) where as a part of or incidental to pool betting each of the persons making a bet knows at the time the bet is placed the amount likely to be won, the business known as “betting at fixed odds.”

“Minister” means the Federal Minister charged with responsibility for pool betting business.

3.—(1) No person shall in the Federal Territory operate any pool betting business without a licence under this Act or distribute, print, or publish any papers incidental to pool betting business not licenced under this Act.

Pool betting without licence prohibited.

(2) For the purposes of this section, where on the commencement of this Act the term of a licence granted under any other Act has six months or more to run, the licensee shall be deemed to have been granted a licence under this Act and may continue to operate thereunder for the unexpired portion of the term. If the licence has less than six months to run the licensee shall apply for a renewal of his licence under this Act within one month from the commencement of this Act; and the failure by the licensee without lawful excuse to apply for a renewal within the prescribed time shall operate as a revocation of the licence.

(3) Where a licence is deemed to have been granted under this Act, the licensee shall apply for a renewal of the licence within one month before its expiry, and the failure to apply shall operate as a bar to any subsequent application.

(4) Any person who contravenes the provisions of this section commits an offence punishable on conviction by a fine not exceeding five hundred pounds or by imprisonment for two years or by both.

Power to inspect and confiscate postal articles and certain goods.

4.—(1) Where an officer of the Posts and Telegraphs Department not below the rank of head postmaster or an officer of the Department of Customs and Excise not below the rank of collector suspects that there is, in any goods or postal articles, matter relating to a pool betting business which is not licensed under this Act, he may cause the goods or articles to be opened; and if any such matter is found therein, he shall adjudge the goods or articles in question to be forfeited.

(2) Where any goods or articles are opened in pursuance of the foregoing subsection and no such matter is found therein, it shall be the duty of the officer who authorised the opening of them to cause them to be properly closed and thereafter to be treated as if they had not been so opened.

(3) Any officer of a department mentioned in subsection (1) of this section who, otherwise than in the course of duty, discloses any information obtained by virtue of that subsection shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding three years.

(4) For the purposes of this section,—

“postal article” has the meaning assigned by the Post Office Ordinance; and

“goods” has the meaning assigned by the Customs and Excise Management Ordinance, 1958.

Cap. 156.

No. 55 of 1958.

Licences.

5.—(1) The Minister may on application made in such form as he may approve and on payment of the prescribed fee issue licences for the purposes of this Act, and may from time to time renew such licences. Licences under this section may at any time be revoked where the Minister is satisfied that there has been a breach of any condition.

(2) Licences shall be subject to any prescribed conditions or to such special conditions as the Minister may impose.

(3) The issue or renewal of any licence shall be in the discretion of the Minister, and no appeal shall lie from the refusal of the Minister to issue or renew a licence; and the Minister shall not be required to assign any reason for the refusal.

6.—(1) The Minister may make regulations generally for the purposes of this Act. Regulations.

(2) Without limiting the general power conferred by subsection (1) of this section, it is hereby declared that regulations may be made for all or any of the following purposes :—

- (a) prescribing the form of licence ;
- (b) prescribing the mode of and time for making application for licences and renewals of licences ;
- (c) prescribing the fees for licences and renewals ;
- (d) prescribing conditions in respect of licences ;
- (e) prescribing the term of any licence ;
- (f) providing for the supply to the Minister of information relating to pool betting business, and prescribing the mode of verification and the intervals at which the information is to be supplied ;
- (g) prescribing penalties for breach of any regulation made under this section.

7.—(1) Subsection (3) of section 239A of the Criminal Code Ordinance (as added by section 2 of the Criminal Code (Pool Betting) (Amendment) Ordinance, 1958) is amended by repealing the words “a pool betting business” and substituting the words “licenced pool betting business”.

Repeals  
and  
Saving.  
Cap. 42.  
No. 44 of  
1958.

(2) Subsections (1), (2) and (4) of section 239A and section 239B of the Criminal Code Ordinance are hereby repealed.

(3) Until the making of regulations under section 7 of this Act, the Criminal Code (Pool Betting) Regulations, 1959 (in this subsection called “the Regulations”) shall continue in force and notwithstanding the provisions of the Interpretation Ordinance shall be deemed to have been made under this Act ; but the Regulations shall be modified to the extent that the definition of “pool betting business” therein shall be read and construed as if there were substituted in the Regulations the definition of pool betting business under this Act.

L.N. 48 of  
1959.

Cap. 89.

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
Clerk of the Parliaments

# LAGOS UNIVERSITY TEACHING HOSPITAL ACT, 1961

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

<i>Section</i>	
1. Short title and extent.	7. Financial provisions.
2. Interpretation, etc.	8. Annual report.
<i>Establishment of Teaching Hospital and Management Board, etc.</i>	<i>Control of students and the public</i>
3. Establishment of the hospital and the board.	9. Discipline of students.
4. General duty of the board.	10. By-laws regulating behaviour of the public.
5. Powers of the board.	<i>Miscellaneous</i>
6. Use of government medical institutions by the board.	11. Inspection of institutions controlled by the board.
	SCHEDULE: Constitution, etc., of the board.

## 1961, No. 70

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TEACHING HOSPITAL FOR LAGOS AND OF A MANAGEMENT BOARD FOR THE HOSPITAL; AND FOR PURPOSES CONNECTED THEREWITH.

[28th December, 1961]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

Commence-  
ment.

### *Preliminary*

1. This Act may be cited as the Lagos University Teaching Hospital Act, 1961, and shall apply to the Federal territory.

Short title  
and extent

Interpreta-  
tion, etc.

2.—(1) In this Act, unless the context otherwise requires,—

“the board” means the Lagos University Teaching Hospital Management Board established by this Act ;

“the chairman” and “the deputy-chairman” mean respectively the chairman and deputy-chairman of the board ;

“functions” includes powers and duties ;

“the hospital” means the Lagos University Teaching Hospital established by this Act ;

“medical student” means a student whose course of instruction is—

(a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner ; or

(b) designed for the further training of medical practitioners ;

“member” means a member of the board ;

“the Minister” means the Minister of the Government of the Federation responsible for matters relating to medical and health services in the Federal territory ;

“student” means a person enrolled at an institution controlled by the board for the purpose of pursuing a course of instruction at the institution.

(2) Any direction, notice, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service, be served by post.

*Establishment of Teaching Hospital and  
Management Board, etc.*

Establish-  
ment of the  
hospital and  
the board.

3.—(1) There shall be established in the Federal territory—

(a) a teaching hospital, to be known as the Lagos University Teaching Hospital, for the purpose of providing such facilities for the training of medical students as are usually provided by teaching hospitals of internationally high repute ; and

(b) a board of management for the hospital, which shall be a body corporate by the name of the Lagos University Teaching Hospital Management Board.

(2) The provisions of the Schedule to this Act shall have effect with respect to the constitution of the board and the other matters there mentioned.

General  
duty of the  
board.

4.—(1) The board shall be charged with the general duty of constructing, equipping, maintaining and operating—

(a) the hospital ;

(b) such training schools and similar institutions as the board considers necessary for providing the hospital from time to time with a proper staff of hospital technicians and nurses ; and

(c) such clinics, laboratories, research stations and other institutions as the board considers necessary for the efficient functioning of the hospital ;

and of securing that the standards of teaching provided at all establishments controlled by the board and the standards of treatment and care provided for patients at those establishments do not fall below those usually provided by similar establishments of internationally high repute.

(2) The duty of operating the hospital imposed by the foregoing subsection shall include, without prejudice to the extent of that duty apart from this subsection, the duty of providing proper courses of instruction (including pre-clinical instruction) for medical students ; and the board may perform the last-mentioned duty by arranging, with the approval of the Minister, for medical students to attend courses of instruction at institutions not controlled by the board.

5.—(1) Subject to subsections (2) and (3) of this section, the board shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

Powers of  
the board.

(2) Except with the approval of the Minister, the board shall not have power—

(a) to incur expenditure ; or

(b) to borrow money ; or

(c) to charge fees for any facilities provided by, or by arrangement with, the board (including in particular the provision of tuition, treatment and accommodation) ; or

(d) to dispose of any immovable property or minerals.

(3) The Minister may give the board directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise of its functions by the board, and it shall be the duty of the board to comply with the directions ; but no direction shall be given which is inconsistent with the duties of the board under this Act.

6.—(1) Subject to the provisions of this section, it shall be the duty of the person in charge of any government medical institution situated in the Federal territory to make available to the board such facilities of the institution as the board may request.

Use of  
government  
medical  
institutions  
by the  
board.

(2) If at any time the person aforesaid gives notice to the board that he objects to all or part of a request under this section, the duty to comply with the request or part shall be suspended until the Minister directs that it shall take effect ; and the Minister may at any time revoke or vary a direction under this subsection by a subsequent direction.

(3) Any dispute as to whether a particular institution is a government medical institution for the purpose of this section or what constitutes such an institution shall be determined by the Minister, so however that no determination shall extend to any property held otherwise than for the purposes of the Government of the Federation.

7.—(1) The board shall prepare and submit to the Minister, not later than the thirty-first day of December in the year nineteen hundred and sixty-two and each subsequent year, an estimate of their expenditure and income (excluding payments to the board by the Minister) during the next succeeding financial year.

Financial  
provisions.

(2) The board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts, and shall cause their accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Minister of the Government of the Federation responsible for finance.

(3) The Minister may make to the board payments for the purposes of this Act, either by way of grant or by way of loan or both, of such amounts and on such terms as may be approved by the Minister of the Government of the Federation responsible for finance.

(4) Any sums required by the Minister for the purpose of making payments to the board under this Act shall be defrayed out of moneys provided by Parliament, and any sums received by the Minister by virtue of this Act shall be paid into the Consolidated Revenue Fund.

Annual  
report.

8.—(1) The Board shall prepare and submit to the Minister, not later than the thirtieth day of May in the year nineteen hundred and sixty-three and each subsequent year, a report in such form as the Minister may direct on the activities of the board during the last preceding financial year, and shall include in the report a copy of the audited accounts of the board for that year and of the auditor's report on the accounts.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before each House of Parliament.

(3) For the purposes of the board's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the board.

#### *Control of students and the public*

Discipline  
of students.

9.—(1) It shall be the duty of the board to make rules providing for the holding by a proper person of enquiries into alleged breaches of discipline (including lack of diligence) by students; and the rules may make different provision for different circumstances.

(2) The rules shall provide for the procedure to be followed and the rules of evidence to be observed at enquiries under this section, and shall secure that the student concerned—

(a) is given reasonable notice in writing of the enquiry and of particulars of the allegations to be enquired into; and

(b) is afforded a proper opportunity of hearing and considering the evidence adduced against him, of cross-examining witnesses called to give evidence against him and of giving evidence and calling and examining witnesses on his own behalf; and

(c) is entitled, if he so desires, to be represented at the enquiry by a person (whether a legal practitioner or not) of his own choosing and to exercise any of his rights under paragraph (b) above through that person.

(3) Subject to the following provisions of this section, the person by whom an enquiry into an allegation is held under this section may, if he finds the allegation proved, impose on the student concerned one or more of the following penalties, that is to say—

(a) expulsion from all or any of the institutions controlled by the board at which he is a student;



(b) suspension for a specified period of his entitlement to use or any facilities controlled by the board ;

all

(c) a fine of an amount not exceeding ten pounds ;

and shall send a report of the enquiry (including, subject to the next following subsection, a statement of his findings and of any penalty imposed by him) to the board.

(4) The rules may provide that a person appointed in accordance with the rules may, in such circumstances as may be prescribed by the rules and after considering—

(a) the report of the person by whom an inquiry into any allegation was held under this section ; and

(b) any further representations made to the person so appointed by the student concerned in the manner and within the period so prescribed, exercise as respects the allegations, to the exclusion of the person who held the enquiry, the powers conferred by the last foregoing subsection of finding whether an allegation is proved and of imposing penalties.

(5) In the case of a medical student—

(a) no penalty shall be imposed under this section in respect of any allegation unless the person holding the enquiry, or as the case may be the other person referred to in the last foregoing subsection, finds that the act or omission to which the allegation relates occurred on premises under the control of the board ; and

(b) any penalty (other than a fine) imposed under this section shall, subject to the next following subsection, not take effect until the governing body of any university hereafter established by Parliament for Lagos gives notice to the board that the governing body has confirmed the penalty ;

and in the case of any other student any penalty imposed under this section (other than a fine of an amount not exceeding ten shillings) shall not take effect until it is confirmed by the board.

(6) In the case of a medical student who is not a member of the university aforesaid (either because the university is not established or for any other reason) any such penalty as is mentioned in paragraph (b) of the last foregoing subsection shall take effect when it is confirmed by the board.

(7) Rules under this section shall not come into force before they are confirmed (with or without modification) by the Minister of Justice and published in such manner as he may determine.

(8) Paragraph (b) of subsection (1) and subsections (3), (4) and (7) of section twenty-two of the Interpretation Ordinance (which provide for the publication and coming into force of subordinate legislation and for the imposition and recovery of penalties for breaches thereof) shall not apply to rules under this section ; but a student liable to pay a fine under this section who fails to pay it within such period as may be provided by the rules shall, except in so far as the board otherwise directs, be precluded from participating in any course of instruction provided by the board until the fine is paid.

(9) Nothing in this section shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.

By-laws  
regulating  
behaviour  
of the  
public.

10.—(1) The board may make by-laws—

(a) as to the access of members of the public, either generally or of a particular class, to premises under the control of the board, and as to the orderly conduct of members of the public on those premises ;

(b) for safeguarding any property belonging to or controlled by the board from damage by members of the public ;

and the by-laws may make different provision for different circumstances.

(2) By-laws under this section shall not come into force before they are confirmed (with or without modification) by the Minister and published in such manner as he may direct.

(3) Paragraph (b) of subsection (1) and subsections (3) and (4) of section twenty-two of the Interpretation Ordinance (which provide for the publication and coming into force for subordinate legislation and for imposing penalties for breaches thereof) shall not apply to by-laws under this section ; but the by-laws may provide that a breach of the by-laws, or of a particular provision of the by-laws, shall be punishable by a fine of such amount as may be specified by the by-laws (not exceeding five pounds) and, in default of payment of the fine, by imprisonment for such a term as may be so specified (not exceeding one month).

(4) By-laws under this section shall not apply to any member of the board and shall not, in their application to a particular institution, apply to an officer or servant of the board employed in connection with the institution or to a student at the institution.

#### Miscellaneous

11. The Minister, the Permanent Secretary of the Federal Ministry of Health, the Chief Medical Adviser to the Federal Government, the chairman of the governing board of any university hereafter established by Parliament for Lagos and (on production, if so required, of his authority) any person authorised in that behalf by any of the persons aforesaid may at any time enter and inspect any institution controlled by the board.

Inspection  
of institu-  
tions con-  
trolled by  
the board.

Section 3 (2).

### SCHEDULE

#### CONSTITUTION, ETC., OF THE BOARD

##### *Membership of the board*

1.—(1) Subject to the provisions of this Schedule, the board shall consist of fifteen members and shall comprise—

(a) seven persons appointed by the Minister, of whom—

(i) one shall be designated by the Minister as the chairman of the board and shall be a person appearing to the Minister to be of outstanding ability in the fields of administration and professional or technical education ; and

(ii) the other six shall be persons appearing to the Minister to have special knowledge of the organisation of teaching hospitals or to have other qualifications likely to be of particular benefit to the board ;

(b) the Permanent Secretary of the Federal Ministry of Health ;

(c) the Chief Medical Adviser to the Federal Government ;

(d) one person appointed by the governing board of any university which may hereafter be established by Parliament for Lagos ;

(e) one person appointed by the Lagos Town Council ;

(f) two persons appointed by the Nigeria Medical Association ;

(g) two persons, of whom one shall be appointed by the Minister of the Federal Government responsible for finance and the other by the Minister of the Federal Government responsible for education from among the officers of their respective Ministries.

(2) Before exercising the power of appointment conferred on him by head (i) of clause (a) above at any time after the expiration of six months from the date of the commencement of this Act, the Minister shall consult the board with respect to the appointment.

(3) A member holding office otherwise than by virtue of clause (b), (c), or (g) above is hereafter in this Schedule referred to as a "nominated member".

#### *Tenure of office of members*

2.—(1) Subject to the provisions of this Schedule, a member holding office otherwise than by virtue of clause (b) or (c) above shall hold office for such period, not exceeding four years in the case of a nominated member, as may be specified in his instrument of appointment.

(2) A copy of each such instrument issued otherwise than by the Minister shall forthwith be sent to him by the authority which issued it, and the Minister shall send a copy of the instrument, and of any such instrument issued by him, to the board.

3.—(1) A nominated member shall vacate his office, notwithstanding that his term of office has not expired, if—

(a) he gives notice of his resignation to the board and the authority which appointed him ; or

(b) the board gives notice to the Minister stating that the member has—

(i) become incapable by reason of mental or physical infirmity of discharging his duties, or

(ii) become unfit for membership by reason of his having contravened the provisions of paragraph 12 of this Schedule, or

(iii) been absent from three consecutive meetings of the board without the leave of the board ; or

(c) he is convicted by a court of record in Nigeria of an offence involving dishonesty and the conviction still stands at a time when no appeal or further appeal is pending, or may (without extension of

time) be brought, in connection with the conviction; and a member holding office by virtue of clause (g) above shall vacate his office if the board receives from the Minister a copy of an instrument appointing another person in his place.

(2) As soon as may be after a person ceases to hold office as a member, the authority which appointed him shall fill the vacancy.

(3) A person ceasing to be a member otherwise than by virtue of head (i) or (ii) of clause (b) or clause (c) of sub-paragraph (1) of this paragraph shall be eligible for appointment as a member.

#### *Proceedings of the board*

4. Subject to the provisions of this Act and of section fifty-nine of the Interpretation Ordinance (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote), the board may make standing orders regulating the proceedings of the board or any committee thereof.

5. The quorum of the board shall be seven, and the quorum of any committee of the board shall be determined by the board.

6.—(1) The board shall elect a member to be the deputy-chairman of the board for such period as the board may determine, so however that a deputy-chairman who ceases to be a member shall cease to be deputy-chairman.

(2) At any time while the office of chairman is vacant or the chairman is in the opinion of the board permanently or temporarily unable to perform the functions of his office, the deputy-chairman shall perform those functions, and references in this Schedule to the chairman shall be construed accordingly.

7.—(1) Subject to the provisions of any standing orders of the board, the board shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the board the chairman or in his absence the deputy-chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at that meeting.

(3) A member other than a nominated member may, by an instrument signed by him, appoint a person to represent him at a particular meeting of the board, and when the instrument is produced to the proper officer of the board the representative shall be entitled to act at that meeting in the place of the member he represents.

(4) Where the board desires to obtain the advice of any person on a particular matter the board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the board and shall not count towards a quorum.

(5) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the board shall be summoned by the Minister, who may give such directions as he thinks fit as to the member who shall preside and the procedure which shall be followed at that meeting.

#### *Committees*

8.—(1) The board may appoint one or more committees to carry out, on behalf of the board, such of its functions as the board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the board, and not more than one-third of those persons may be persons who are not members of the board; and a person other than a member shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the board.

#### *Officers and servants*

9. Without prejudice to the generality of subsection (1) of section five of this Act but subject to subsections (2) and (3) of that section, the board shall have power—

(a) to appoint such officers and servants as it may determine ;

(b) to pay any member or any other person appointed to a committee of the board such remuneration (whether by way of salary, fees or otherwise) in respect of the performance of his functions under this Act, and such travelling and subsistence allowances while on any business of the board, as the board may determine ;

(c) to pay its officers and servants such remuneration as the board may determine ; and

(d) as regards any officers or servants in whose case it may determine to do so, to pay to or in respect of them such pensions and gratuities, or to provide and maintain for them such superannuation schemes (whether contributory or not), as the board may determine.

#### *Miscellaneous*

10.—(1) The fixing of the seal of the board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the board to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the board by any person generally or specially authorised to act for that purpose by the board or a committee of the board.

(3) Any document purporting to be a document duly executed under the seal of the board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11. The validity of any proceedings of the board or a committee thereof shall not be affected by any vacancy in the membership of the board or committee, or by any defect in the appointment of a member or of a person to serve on the committee, or by reason that a person not entitled to do so took part in the proceedings.

12. Any member, and any person holding office on a committee of the board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the board or a committee thereof shall forthwith disclose his interest to the board and shall not vote on any question relating to the contract or arrangement.

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

**B. ADE MANUWA,**  
*Clerk of the Parliaments*

Assented to in Her Majesty's name this 26th day of December, 1961.

**NNAMDI AZIKIWE,**  
*Governor-General*

(L.S.)



**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title and extent.
2. Repeal.

3. Amendment of Cap. 140 ss. 3 & 8 and consequential provisions.

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**1961, No. 71**

**AN ACT TO AMEND THE NON-PENSIONABLE RAILWAY SERVANTS' PROVIDENT FUND RESERVE (APPLICATION) ORDINANCE (CHAPTER 140); AND FOR CONNECTED PURPOSES.**

[28th December, 1961.]

Commence-  
ment.

**BE IT ENACTED** by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

**1.** This Act may be cited as the Railway Servants' Provident Fund Act, 1961, and shall apply throughout the Federation.

Short title  
and extent.

**2.** The Non-Pensionable Railway Servants' Provident Fund Reserve (Application) (Amendment) Act, 1961, is hereby repealed and shall be deemed never to have been enacted.

Repeal.

Amendment  
of Cap. 140,  
ss. 3 & 8,  
and conse-  
quential  
provisions.

3.—(1) The Non-Pensionable Railway Servants' Provident Fund Reserve (Application) Ordinance, shall be amended as follows, that is to say—

(a) in paragraph (b) of subsection (2) of section three, for the words from "recommended" onwards there shall be substituted the words "appearing to the Minister to have experience in dealing with the welfare of railway servants"; and

(b) in section eight, the words "such officers and servants, if any, as they think necessary" shall be omitted, and after the word "Fund" where it first occurs there shall be inserted the words "such officers and servants as may be authorised by regulations under this Ordinance".

(2) The persons who immediately before the date of the commencement of this Act held office as managing trustees of the Reserve Fund referred to in the Ordinance aforesaid shall vacate office on that date.

(3) Nothing in paragraph (b) above shall be construed as terminating the employment of any person employed in connection with the management of the Fund; but as soon as may be after the coming into force of regulations made by virtue of that paragraph it shall be the duty of the trustees appointed in accordance with paragraph (a) above to use their best endeavours to terminate the employment of any such person whose retention is not in accordance with the regulations.

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This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*



# FINANCE (REMOVAL OF RESTRICTIONS) ACT, 1961

A 453

Assented to in Her Majesty's name this 26th day of December, 1961.

NNAMDI AZIKIWE,  
*Governor-General*

(L.S.)



## ARRANGEMENT OF SECTIONS

*Section*

1. Short title and extent.

2. Removal of restrictions imposed by No. 55 of 1948, No. 22 of 1961 and No. 23 of 1961.

## 1961, No. 72

AN ACT TO REMOVE CERTAIN RESTRICTIONS ON THE POWERS OF THE FEDERAL MINISTER OF FINANCE

[28th December, 1961]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1.—(1) This Act may be cited as the Finance (Removal of Restrictions) Act, 1961.

(2) This Act shall apply throughout the Federation except that in relation to the Personal Income Tax (Lagos) Act, 1961, it shall apply only to the Federal territory.

2. The proviso to each of the following enactments, that is to say, subsection (1) of section five of the Customs and Excise Management Ordinance, 1958, subsection (5) of section four of the Companies Income Tax Act, 1961, and subsection (5) of section three of the Personal Income Tax (Lagos) Act, 1961, (which preclude the Federal Minister of Finance from exercising his powers to issue directions, etc., to the Board of Customs and Excise and the Federal Board of Inland Revenue so as to alter the assessment of any person to duty or tax or to produce the other effects mentioned in those provisos) is hereby repealed.

Commence-  
ment.

Short title  
and extent.

Removal of  
restrictions  
imposed by  
No. 55 of  
1948,  
s.5 (1), No.  
22 of 1961,  
s.4 (5) and  
No. 23 of  
1961, s.3 (5).

This printed impression has been carefully compared by me with the Bill which has passed the Federal Legislative Houses and found by me to be a true and correctly printed copy of the said Bill.

B. ADE. MANUWA,  
*Clerk of the Parliaments*