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L.N. 158 of 1958

REVISED EDITION (LAWS OF THE FEDERATION AND LAGOS) ORDINANCE, 1958
(No. 25 of 1958)

Revised Edition (Authorised Omissions) Order, 1958

Commencement : 2nd October, 1958

In exercise of the powers conferred by section 5 of the Revised Edition (Laws of the Federation and Lagos) Ordinance, 1958, the Minister temporarily charged with responsibility for matters relating to that Ordinance has made the following Order—

1. This Order may be cited as the Revised Edition (Authorised Omissions) Order, 1958.

2. It shall not be necessary for the Commissioner to include in the revised edition of the laws—

(a) the Trading with the Enemy Ordinance, 1914, the Trading with the Enemy Ordinance, 1939, or any other Ordinance contained in the Schedule to the Revised Edition of the Laws (Variation) Proclamation, 1948; other than—

(i) the Diplomatic Privileges (Extension) Ordinance, 1947; and
(ii) the Road Traffic Ordinance, 1947;

(b) any Ordinance enacted to remove doubts as to the validity of any marriage;

(c) any Ordinance establishing a corporation which now takes effect as a Regional Law but has some Federal effect for the purpose of conferring in corporation throughout Nigeria;

(d) any provision in an Ordinance amending the Income Tax Ordinance which provides for the survival in any circumstances of the provisions of the principal Ordinance notwithstanding the amendment;

(e) any Ordinance or any section of any Ordinance providing for the validation of past acts of the Governor-General or the former Governor of Nigeria or any member of the public service or providing for the validation of any past official act or instrument;

(f) the Ordinances and parts thereof specified in the Schedule hereto;

(g) any Ordinance the sole purpose of which is to amend an Ordinance omitted from the revised edition in pursuance of this Order.

SCHEDULE

(Authorised Omissions)

(1) Arma Ordinance (Cap. 14)

(2) Subsection (2) of section 15, and section 20 of the Cameroons Development Corporation Ordinance (Cap. 25)

(3) Cameroons under British Mandate Ordinance (Cap. 27)
(4) Section 12 of the Cameroons Development Corporation Provident Fund Ordinance (Cap. 26)

(5) Cinematograph Ordinance (Cap. 32)

(6) Customs Ordinance (Cap. 48)

(7) European Officers Pensions Ordinance (Cap. 62)

(8) Excise Ordinance (Cap. 65)

(9) Foreign Judgments (Reciprocal Enforcement) Ordinance (Cap. 72)

(10) Section 39 of the General Loan and Inscribed Stock Ordinance (Cap. 78)

(11) Government and Railway Servants (Withdrawal from Provident Funds) Ordinance (Cap. 83)

(12) Jurisdiction of Courts Extension Ordinance (Cap. 96)

(13) Lighting Control Ordinance (Cap. 113)

(14) Motor Transport Licensing Ordinance (Cap. 138)

(15) Naturalisation of Aliens Ordinance (Cap. 146)

(16) Niger Lands Transfer Ordinance (Cap. 149)

(17) Nigeria Cocoa Marketing Board Ordinance (Cap. 151)

(18) Nigerian Ex-Servicemen's Welfare Association (Vesting of Certain Charitable Funds) Ordinance (Cap. 157)

(19) Nigerian Savings Certificates Ordinance (Cap. 159)

(20) Sections 16 to 21 and sections 44 to 54 of the Police Ordinance (Cap. 172)

(21) Nigerian Military Forces, Royal West African Frontier Force Ordinance (Cap. 200)

(22) Arms Ordinance, 1942. (20 of 1942)

(23) Section 4 of Administrator-General (Amendment) Ordinance (6 of 1948)

(24) Paragraph (b) of section 3 and section 4 of the Chiefstaincy Disputes (Preclusion of Courts) Ordinance, 1948 (30 of 1948)

(25) Manilla Prohibition Ordinance, 1949 (4 of 1949)

(26) Widows' and Orphans' Pensions (Palestine Ex-Officers) Ordinance, 1949 (10 of 1949)

(27) Nigeria Groundnut Marketing Ordinance, 1949 (11 of 1949)

(28) Nigeria Oil Palm Marketing Board Ordinance, 1949 (12 of 1949)

(29) Nigeria Cotton Marketing Board Ordinance, 1949 (13 of 1949)

(30) Regional Development Boards Ordinance, 1949 (14 of 1949)

(31) Section 4 of the Mandated and Trust Territories Ordinance, 1949 (17 of 1949)

(32) Produce Inspection Ordinance, 1950 (24 of 1950)

(33) Colonial Development Corporation (Income Tax) Ordinance, 1951 (4 of 1951)

(34) Sections 6 and 46 of the Widows' and Orphans' Pension (Amendment) Ordinance, 1951 (25 of 1951)

(35) Township Servants (Withdrawal from Provident Fund) Ordinance, 1951 (35 of 1951)

(36) Minerals Development (Lead-Zinc) Ordinance, 1952 (9 of 1952)
(37) Medical Auxiliaries Registration Ordinance, 1952 (16 of 1952)
(38) Nigeria Central Marketing Board, 1955 (1 of 1955)
(39) Pensions (Special War Appointment) Ordinance, 1955 (23 of 1955)
(40) Subsection (2) of section 2 of Crown Agents (Change of Designation) Ordinance, 1956 (27 of 1956)
(41) Pensions (Repealed Provisions) Ordinance, 1957 (10 of 1957)
(42) Functions of Residents (Eastern Region) Ordinance, 1956 (33 of 1956)
(43) Functions of Residents (Western Region) Ordinance, 1957 (20 of 1957)
(44) Section 3 of the Shipping and Navigation (Amendment) Ordinance, 1957 (23 of 1957)
(45) Subsection (2) of section 1 of the Workmen's Compensation (Amendment) Ordinance, 1957 (25 of 1957)
(46) Amapetu of Mahin (Termination of Monthly Stipend) Ordinance, 1957 (28 of 1957)
(47) Distillation of Spirits Ordinance, 1957 (49 of 1957)
(49) Western Region Marketing Board Law, 1954 (W.R. Law 10 of 1954)
(50) Lagos (Administrative and Executive Functions) Ordinance, 1958 (1 of 1958)
(51) Section 5 of the Police (Amendment) Ordinance, 1958 (3 of 1958)
(52) Section 6 of the Nigerian Railway Corporation (Amendment) Ordinance, 1958 (11 of 1958)
(53) Sections 3 to 6 and the Schedule to the Widows' and Orphans' Pension (Amendment) Ordinance, 1958 (13 of 1958)
(54) Colony Development Board (Provisions for Western Region) Ordinance, 1958 (27 of 1958)

Made at Lagos this 2nd day of October, 1958.

A. J. U. Ekong,

EXPLANATORY NOTE

The Ordinance authorising the preparation of the Revised Edition contains provision that there may be omitted Ordinances which are expected to be replaced by new legislation or which are obsolescent, temporary, or of personal or restricted application. They will continue to have effect notwithstanding such omission. This Order schedules such enactments which may be omitted.

(La. 30)
L.N. 159 of 1958

MINERALS ORDINANCE (CHAPTER 134)

Minerals (Amendment No. 4) Regulations, 1958

Commencement: 2nd October, 1958

In exercise of the powers conferred by section 120 of the Minerals Ordinance, the Governor-General, after consultation with the Council of Ministers, has made the following regulations—

1. These regulations may be cited as the Minerals (Amendment No. 4) Regulations, 1958 and shall come into operation on the 2nd October, 1958.

2. The regulations referred to herein and amended hereby are the Minerals Regulations, earlier relevant amendments having been made by the Minerals (Amendment) Regulations of 1954, 1955 and 1956.

3. Regulation 67 is amended by the deletion in paragraph (3) of the word “tantalite.”

4. In regulation 67B after the expression “thorium ores” insert—
“or tantalite.”

5. In regulation 67B after the word “columbite” insert—
“or tantalite.”

6. After regulation 67G insert the following new regulation—

“Provisional royalty on tantalite.

67G. (1) A provisional royalty shall be payable on the exportation of tantalite by the person exporting the tantalite at the customs station through which the tantalite is exported.

(2) Provisional royalty shall be computed on a price per ton of high grade and low grade tantalite to be fixed by the Chief Inspector in respect of exportations during each month and to be published in the Gazette.

(3) Tantalite shall be deemed to be high grade unless the person exporting the same produces proof to the satisfaction of the Chief Inspector that it is low grade.”

7. Regulation 68 is amended—

(i) by the deletion in paragraph (e) of the word “tantalite” wherever it appears;

(ii) by the addition after paragraph (b) of the following paragraph—
“(f) in the case of tantalite ores on the final gross price per ton as shown in authenticated account sales relating to the tantalite in respect of which the royalty is being computed.”

8. Regulation 69 is amended by the addition at the end of paragraph (1) of the following—

“(i) notwithstanding the provisions of sub-paragraph (g), tantalite shall
be deemed to be that columbite ore which in the opinion of the Chief Inspector according to his knowledge of the circumstances and such evidence as may be tendered to him is sold mainly for the $\text{Ta}_2\text{O}_5$ content, and subject to regulation 67(3) shall be classed as low grade when in his opinion such content is 40 per cent or less and high grade when in his opinion it exceeds 40 per cent.

9. The Fourth Schedule is amended by the insertion after item 9 of the following—

"10. On tantalite the royalty shall be 10 per cent of the gross value when the gross value per ton does not exceed £2,500 per ton as shown by the authenticated account sales of the tantalite on which the royalty is being computed, but when such gross value exceeds £2,500 per ton the producer shall have the option of paying at a rate of £250 plus one half of such excess value per ton, or at a rate of 15 per cent on the total gross value."

Made at Lagos this 18th day of September, 1958.

A. SPRILYAN,
Acting Deputy Secretary of the Council of Ministers.

EXPLANATORY NOTE

There is no great quantity of tantalite produced in Nigeria at present and the cost of production is high. These regulations provide for a separate royalty thereon at the reduced rate of 10 per cent instead of 15 per cent, although on any high value production there is a marginal increase to the point where it will benefit a producer to elect to pay an overall royalty of 15 per cent. Tantalite ore is also the ore of columbite, and its distinctive value can only be evidenced by end sales. The regulations contain such special provisions as are necessary because the ore is a mixed ore, and provide for the final calculation of royalty by reference to an authenticated sales account.