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M I N E R A L  O I L S  A C T ,  1 9 6 2

1962, No. 24

A N  A C T  T O  C O R R E C T  A N  E R R O R  I N  S E C T I O N  S I X  O F  T H E  M I N E R A L  O I L S  A C T ,  A N D  
C O N N E C T E D  T H E R E W I T H .

[13th September, 1962]

W H E R E A S  b y  s e c t i o n  s i x  o f  t h e  M i n e r a l  O i l s  O r d i n a n c e  p r i n t e d  a s  
C h a p t e r  1 3 5  o f  t h e  1 9 4 8  e d i t i o n  o f  t h e  L a w s  o f  N i g e r i a  t h e  g r a n t  o f  
p o w e r s  t o  s e a r c h  f o r  a n d  w i n  m i n e r a l  o i l s  w a s  r e s t r i c t e d  t o  B r i t i s h  
subjects and companies;

A N D  W H E R E A S  b y  t h e  M i n e r a l  O i l s  ( A m e n d m e n t )  O r d i n a n c e ,  1 9 5 8 ,  
provision was made for waiving that restriction in certain cases;

A N D  W H E R E A S  i n  s e c t i o n  s i x  o f  t h e  M i n e r a l  O i l s  A c t  ( w h i c h  r e - 
produced the enactments aforesaid) for the reference to that restriction  
there was erroneously substituted a reference to a provision requiring  
the payment of compensation;

A N D  W H E R E A S  i t  i s  p r o p e r  t h a t  t h e  e r r o r  s h o u l d  b e  c o r r e c t e d  i n  
respect of the period which preceded the date of the Independence of  
the Federation and that the restriction should be abolished from that  
date;

N O W  T H E R E F O R E  B E  I T  E N A C T E D  b y  t h e  L e g i s l u r e  o f  t h e  
Federation of Nigeria in this present Parliament assembled and by  
the authority of the same as follows:—

1. In subsection (3) of section six of the Mineral Oils Act the  
reference to paragraph (d) of subsection (1) shall, as respects the period  
beginning with the commencement of that Act and ending with the  
thirtieth day of September, nineteen hundred and sixty, be deemed to  
have been a reference to paragraph (a) of subsection (1); and the said  
paragraph (a) and subsections (2) and (3) of that section shall be deemed  
to have been repealed at the end of that day.

2. This Act may be cited as the Mineral Oils Act, 1962, and shall  
apply throughout the Federation.
1962, No. 25

AN ACT TO REGULATE THE EXPORT OF TIN AND TIN ORE AND THE DELIVERY OF TIN ORE TO SMELTERS; TO PROVIDE FOR THE FURNISHING OF INFORMATION BY SMELTERS; AND FOR CONNECTED PURPOSES.

[See section 5 (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) Where it appears to the Minister appropriate for the purpose of giving effect to any international agreement to which Nigeria is a party that the production and export of tin and tin ore should for the time being be controlled, he may by order provide that this section shall have effect as respects such period or further period as may be specified by the order.

(2) During any period specified by an order under the foregoing subsection, no person shall export any quantity of tin or tin ore or deliver any quantity of tin ore to a smelter unless that person is authorised by a licence issued to him by the Minister to export it or, as the case may be, to deliver it to that smelter.

(3) A person who contravenes the provisions of the last foregoing subsection shall be guilty of an offence and liable—

(a) on summary conviction, to a fine of an amount not exceeding one hundred pounds;

(b) on conviction on indictment, to a fine of an amount not exceeding one thousand pounds or to imprisonment for a term not exceeding twelve months or both.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

2.—(1) No person shall deliver to a smelter or export any quantity of tin ore unless he has paid to the Minister the prescribed levy in respect of that quantity.

Duty of smelters to furnish information.
The Minister may make regulations—

(a) prescribing the amounts of the levies payable under the foregoing subsection in respect of any quantity of tin and tin ore respectively;

(b) prescribing the manner in which any such levy is to be paid; and

(c) for securing that the levy is not paid more than once in respect of the same ore;

and the regulations may contain such supplemental and incidental provisions as the Minister considers expedient for the purposes of the regulations and may make different provision (other than provision as to the rate of a levy) for different circumstances.

(3) If any person fails to pay a levy payable by him under this section, then—

(a) he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding one hundred pounds; and

(b) the Minister may recover the amount of the levy in any court of competent jurisdiction.

(4) The Minister shall in each financial year pay over to the research council, out of moneys provided by Parliament, an amount equal to not less than the aggregate amount of the sums received and the sums he estimates will be received by him during that year by way of levies under this section.

(5) In this section, “the research council” means the body commonly known as the International Tin Research Council.

3.—(1) Every smelter shall, within twenty days after the end of each month, give to the Minister a report in writing containing particulars of—

(a) his name and the addresses of all premises at which he carries on business as a smelter;

(b) the quantities of tin and tin ore respectively under his control on the last day of that month;

(c) the quantities of tin ore acquired by him during that month;

(d) the quantities of tin and tin ore respectively despatched to a destination or disposed of outside Nigeria by him during that month, specifying the countries in question;

(e) the quantities of tin and tin ore respectively disposed of within Nigeria by him during that month; and

(f) the quantity of tin, estimated in a reasonably accurate manner, in each quantity of ore mentioned in the report.

(2) A smelter who—

(a) fails to furnish a report required by the foregoing subsection; or

(b) furnishes such a report which he knows to be, or recklessly furnishes such a report which is, false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding one hundred pounds.

4.—(1) In this Act—

“export” means export from Nigeria;
“the Minister” means the Minister of the government of the Federation responsible for minerals;

“smelter” means a person who carries on the business of smelting tin ore whether or not as part of any other business carried on by him.

(2) Part I of the Tin (Production and Export Restriction) Act is hereby repealed.

5.—(1) This Act may be cited as the Tin Act, 1962, and shall apply throughout the Federation.

(2) This Act shall come into force on such a day as the Minister may by order appoint, and different days may be appointed for the purposes of different provisions.
CUSTOMS PREVENTIVE SERVICE (FIREARMS) ACT, 1962

1962, No. 26

AN ACT TO PROVIDE FOR THE ARMING OF CERTAIN OFFICERS OF THE CUSTOMS PREVENTIVE SERVICE; AND FOR CONNECTED PURPOSES.

[13th September, 1962]

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) Notwithstanding anything in any other enactment, it shall be lawful for any member of the Customs Preventive Service not below the rank of Assistant Superintendent to have firearms and ammunition in his possession or under his control on such occasions as may be specified by regulations.

(2) Provision shall be made by regulations for the safe custody of firearms and ammunition provided in pursuance of the foregoing subsection.

(3) In this section—

“ammunition” and “firearms” have the same meanings as in the Firearms Act;

“the Customs Preventive Service” means the preventive service authorised by section one hundred and seventy-one of the Customs and Excise Management Act, 1958; and

“regulations” means regulations made under the said section one hundred and seventy-one.

2. This Act may be cited as the Customs Preventive Service (Firearms) Act, 1962, and shall apply throughout the Federation.
LIVE FISH (CONTROL OF IMPORTATION) ACT, 1962

ARRANGEMENT OF SECTIONS

Section | 4. Compensation.
---|---
1. Control of import of live fish. | 5. Interpretation and saving, etc.
3. Enforcement. | 1962, No. 27

AN ACT TO REGULATE THE IMPORTATION OF LIVE FISH; AND FOR PURPOSES CONNECTED THEREWITH.

[See section 6 (2)]

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

1. No person shall import any live fish into Nigeria except—

(a) in accordance with the terms of a licence under this Act granted to him by the Minister; or

(b) on giving an undertaking to the Minister to remove the fish from Nigeria within the prescribed period (unless it is previously disposed of in the prescribed manner) and, while it remains in Nigeria, to observe the prescribed conditions in relation to the fish; or

(c) in such other circumstances (if any) as may be prescribed.

2.—(1) The Minister may, on an application made in the prescribed manner and on payment of the prescribed fee, grant to the applicant a licence under this Act.

(2) A licence may be granted either unconditionally or subject to such conditions (including, without prejudice to the generality of this subsection, conditions relating to the fish when dead) as the Minister considers expedient for the purpose of avoiding the incidence or spread of disease or parasitic states among live fish in waters from which he considers that fish may be caught for consumption in Nigeria.

(3) A licence shall not be transferable and may at any time be revoked, suspended or have its suspension removed by the Minister in the prescribed manner; but the revocation or suspension of a licence shall not affect the application of any conditions of the licence to any fish previously imported in accordance with the licence.
3.—(1) Any person who—
(a) imports any live fish into Nigeria otherwise than in accordance with this Act; or
(b) contravenes the conditions of a licence granted under this Act; or
(c) fails to comply with an undertaking given by him in pursuance of paragraph (b) of section one of this Act;
shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding twenty pounds or, in the case of a second or subsequent conviction under this section, to a fine of an amount not exceeding one hundred pounds or imprisonment for a term not exceeding six months or both.

(2) On convicting a person of an offence under this section relating to any fish, the court shall adjudge the fish or any substance into which the fish has been converted to be forfeited or, where the fish or the substance aforesaid has been destroyed, declare that but for its destruction the court would have adjudged it to be forfeited.

(3) Any superior police officer or any officer of the Board of Customs and Excise not below the rank, of Collector may, if he has reason to believe that an offence under this section has been committed with respect to any fish, seize and detain the fish with a view to instituting proceedings in respect of the offence; and any fish seized and detained in pursuance of this subsection shall be dealt with in the prescribed manner.

Compensation.

4.—(1) A person who suffers damage by reason of the seizure or detention of any fish or the dealing with it in the prescribed manner shall, unless the fish or the substance into which it has been converted is, or but for its destruction would have been, forfeited in pursuance of this Act, be entitled to receive adequate compensation from the Minister in respect of the damage; but except as provided by this subsection no compensation or damages shall be recoverable by such a person in consequence of the exercise of any power conferred by this Act.

(2) Any person who claims compensation under the foregoing subsection in respect of any fish shall be entitled, if he so desires, to have any question as to his interest in the fish or the amount of the compensation determined by the High Court of the territory (within the meaning of the Constitution of the Federation) in which the fish was seized.

(3) Any sums required by the Minister for the purpose of paying compensation under this section shall be defrayed out of monies provided by Parliament.

Interpretation and saving, etc.

5.—(1) In this Act, unless the context otherwise requires,—
“fish” does not include any fish which lives only in the sea, but includes any creature which usually lives in fresh water;
“the Minister” means the Minister of the government of the Federation charged with responsibility for fish;
“prescribed” means prescribed by regulations made by the Minister;
and any such regulations may make different provision for different circumstances.
(2) Nothing in this Act shall be construed as derogating from any provision made by or under any other enactment relating to the importation of commodities.

6.—(1) This Act may be cited as Live Fish (Control of Importation) Act, 1962, and shall apply throughout the Federation.

(2) This Act shall come into operation on such date as the Minister may by order appoint.
1962, No. 28

AN ACT TO PROVIDE FOR THE FURNISHING TO THE DIRECTOR OF FEDERAL SURVEYS OF INFORMATION RELATING TO SURVEY WORK; TO PROVIDE FOR THE CARRYING OUT OF CERTAIN ADDITIONAL OPERATIONS BY PERSONS DOING THE WORK; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[13th September, 1962]

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) No survey work within the meaning of this Act shall be carried out unless the person responsible for carrying out the work has, not later than the beginning of the period of one month ending with the day on which the work is begun, given to the Director of Federal Surveys (hereafter in this Act referred to as “the Director”) notice of the work in accordance with the provisions of this section.

(2) A notice under the foregoing subsection shall state—

(a) the name and address of the person giving the notice and, if he is carrying out the survey work in question in pursuance of a contract or arrangement with any other person, the name and address of that other person;

(b) particulars of the work and the purposes of the work, and of the area to which the work relates; and

(c) the dates on which it is proposed to begin and end the work;

and shall contain a sketch map illustrating the work.

(3) The Director shall, on receiving a notice in pursuance of this section, forthwith give notice of its receipt to the person who gave it and may, at any time before the expiration of the period of one month beginning with the date on which the first-mentioned notice was given, give a counter-notice to that person requiring him to do all or any of the following things, that is to say—

(a) to erect in connection with the survey work in question survey marks of such descriptions and at such reasonable points or within such reasonable limits as may be specified in the counter-notice;
Survey Co-ordination

(b) within the period of one month beginning with the date of the completion of the work or of the production of the thing or information in question, whichever last occurs, to furnish the Director with—

(i) two copies of every map and plan produced by or on behalf of that person in consequence of the work, showing the date on which they were made and indicating all connections with any such survey marks as are mentioned in paragraph (c) of this subsection;

(ii) the original or a copy of the negatives of all aerial photographs produced in connection with the work; and

(iii) the original or a copy of all field observations, notes and computations made for the purposes of the work and particulars of all permanent survey marks erected (otherwise than in pursuance of paragraph (a) of this subsection) in the course or in consequence of the work;

(c) in a case where there is a survey mark, or two or more survey marks, under the control of the government of the Federation or a Region and situated within a distance of less than ten miles from any point at which the work is carried out, to secure that the work is connected to the mark or, as the case may be, to such one of the marks as that person may select.

(4) It shall be the duty of the Director to give one copy of each map and plan which relates to a Region and is furnished to him in pursuance of paragraph (b) of the last foregoing subsection to the Surveyor-General of the Region.

(5) The following survey marks, that is to say—

(a) all marks erected in pursuance of paragraph (a) of subsection (3) above; and

(b) any of the marks of which particulars are furnished in pursuance of sub-paragraph (iii) of paragraph (b) thereof as to which the Director gives to the person mentioned in that subsection, within the period of one month beginning with the date of the giving of the particulars, notice that the marks are to vest in the Minister,

shall, by virtue of this section and without further assurance, vest in the Minister for an estate in fee simple free from encumbrances; and any matter furnished to the Director in pursuance of paragraph (b) of that subsection shall be the property of the Minister and may be used by the Director for the purposes of his office in such manner as he thinks fit.

(6) Without prejudice to any other means of service, a document authorised or required to be served under this section may be served by post, but shall not be treated as duly served by post unless it is sent in a registered letter.

(7) In this Act, "survey work" means the carrying out or ascertaining, with a view to determining the shape or size of any part of the surface of any land (including any natural feature of the land), of all or any of the following, that is to say—

(a) traverses with a length of ten miles or more observed by angular and linear measurements;

(b) lines of levels with a length of ten miles or more observed by optical or hydrostatic methods;

(c) linear measurements by means of radio transmission, radar or any electronic means in cases where the total linear measurements exceed a distance of ten miles;
(d) topographical or hydrographic surveys or triangulation or trilateration covering in any case an area of more than twenty-five square miles;

(e) terrestrial photography specially made for survey purposes by means of a camera-theodolite, stereo camera or similar instrument;

(f) aerial photography for survey purposes;

(g) heighting of points over an area of more than twenty-five square miles by aneroid barometer, altimeter, hypsometer or aircraft profile recorder;

(h) astronomical observations for the determination of azimuth, latitude or longitude;

but does not include any activity mentioned in the foregoing paragraphs which is undertaken—

(i) by or on the instructions of the government of the Federation or a Region; or

(ii) in any part of Nigeria specified for the purposes of this paragraph by regulations made by the Minister; or

(iii) solely for the purpose of determining boundaries of any property.

2.—(1) A person (other than the Director) who fails to comply with any requirement made by or in pursuance of the foregoing section shall be guilty of an offence and liable—

(a) on summary conviction, to a fine of an amount not exceeding two hundred pounds;

(b) on conviction on indictment, to a fine of an amount not exceeding five hundred pounds.

(2) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

3.—(1) Any person whose property is transferred to the Minister by section one of this Act, or who incurs expense or suffers loss by reason of the provisions of subsection (3) or (5) of that section, shall—

(a) be paid adequate compensation by the Minister in respect of the property, expense or loss; and

(b) be entitled to refer any question as to his interest in any relevant property and as to the amount of any compensation payable in pursuance of this section for determination by the High Court having jurisdiction in the area in which the property is situated or, in so far as the value of any property is not involved in relation to any compensation, by the High Court having jurisdiction in the area in which any part of the relevant survey work was carried out.

(2) Any expenses incurred by the Minister by virtue of the foregoing subsection shall be defrayed out of moneys provided by Parliament.

4. This Act may be cited as the Survey Co-ordination Act, 1962, and shall apply throughout the Federation.