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LEGAL PRACTITIONERS ACT, 1962

ARRANGEMENT OF SECTIONS

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AN ACT TO REGULATE THE LEGAL PROFESSION; AND FOR CONNECTED PURPOSES.

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:

[See section 20 (2)]

The General Council of the Bar

1.—(1) There shall be a body, to be known as the General Council of the Bar (and hereafter in this Act referred to as “the bar council”) which shall be charged with the general management of the affairs of the Nigeria Bar Association (subject to any limitations for the time being provided by the constitution of the association) and with any functions conferred on the council by this Act or that constitution.

(2) The bar council shall consist of—

(a) the Attorney-General, who shall be the president of the council; and
(b) the Attorneys-General of the Regions; and
(c) twenty members of the association.

(3) The persons mentioned in paragraph (c) above shall—

(a) be elected to serve on the bar council at elections in which all members of the association are entitled to vote in such manner as may be provided by the constitution of the association; and
(b) hold office for such period as may be determined by or under that constitution;
and not less than seven of those persons shall be legal practitioners of not less than ten years standing.

(4) The quorum of the bar council shall be eight, and the council may make standing orders regulating the procedure of the council and, subject to the provisions of any such orders, may regulate its own proceedings; and no proceedings of the council shall be invalidated by any vacancy in the membership of the council, or by the fact that any person took part in the proceedings who was not entitled to do so.

Practice as a legal practitioner

2.—(1) Subject to the provisions of this Act, a person shall be entitled to practise as a barrister and solicitor if, and only if, his name is on the roll.

(2) The Chief Justice may, after consultation with the bar council, make rules as to the functions of a legal practitioner which are not to be performed by a person who is of counsel to Her Majesty, and until the first rules made in pursuance of this subsection come into force such a person shall not be entitled to engage in practice as a member of the legal profession otherwise than as a barrister; but nothing in this subsection shall be construed as precluding such a person from entering into, or continuing in, partnership with a legal practitioner who is not of counsel to Her Majesty.
(3) If—

(a) an application under this subsection is made to the Chief Justice by or on behalf of any person appearing to him to be entitled to practise as an advocate in any country where the legal system is similar to that of Nigeria; and

(b) the Chief Justice is of the opinion that it is expedient to permit that person to practise as a barrister for the purposes of proceedings described in the application,

the Chief Justice may by warrant under his hand authorise that person, on payment to the registrar of such fee not exceeding twenty-five pounds as may be specified in the warrant, to practise as a barrister for the purposes of those proceedings and of any appeal brought in connection with those proceedings.

(4) A person for the time being exercising the functions of any of the following offices, that is to say—

(a) the office of the Attorney-General, Solicitor-General or Director of Public Prosecutions of the Federation or a Region;

(b) such offices in the public service of the Federation or a Region as the Attorney-General of the Federation or the Region, as the case may be, may by order specify,

shall be entitled to practise as a barrister and solicitor for the purposes of that office.

(5) A certificate signed by, or by a person authorised either generally or specially in that behalf by, any of the persons mentioned in paragraph (a) of the last foregoing subsection stating that a particular individual is exercising the functions of a particular office shall, without prejudice to any other means of proof, be conclusive proof for the purposes of that subsection that the individual is exercising the functions of that office; and any document purporting to be a certificate under this subsection shall be admitted in evidence and, until the contrary is proved, be deemed to be such a certificate.

Enrolment.

3.—(1) Subject to the provisions of this section, a person shall be entitled to have his name enrolled if, and only if,—

(a) he is a citizen of Nigeria; and

(b) he produces a qualifying certificate to the registrar; and

(c) he satisfies the Chief Justice that he is of good character.

(2) The Council of Legal Education may by regulations provide that the provisions of paragraph (b) of the foregoing subsection shall not apply in such cases and on such conditions (if any) as may be specified by the regulations.

(3) The Attorney-General may, after consultation with the bar council, by regulations provide for the enrolment of the names of persons who are authorised by law to practise as members of the legal profession in any country where, in his opinion, persons whose names are on the roll are afforded special facilities for practising as members of that profession; and, without prejudice to the generality of the power conferred by the foregoing provisions of this subsection, the regulations may—
(a) require persons seeking enrolment by virtue of the regulations to pass such examinations and to pay such fees as may be specified by or under the regulations;

(b) provide for the cancellation of enrolments having effect by virtue of the regulations where, in the opinion of the Attorney-General, the facilities aforesaid are altered or withdrawn.

(4) Except in pursuance of a direction given under the following provisions of this Act by the Federal Supreme Court or by the tribunal established under those provisions, a person whose name has been struck off the roll in pursuance of a direction given either before or after the passing of this Act by that court or in pursuance of a direction of the tribunal shall not be entitled to have his name enrolled again.

(5) If, on the date when this subsection comes into force, the name of any person (other than a citizen of Nigeria) is on or deemed to be included in the roll and that person is on that date not ordinarily resident in Nigeria, his name shall by virtue of this subsection cease to be enrolled; and the registrar shall amend the roll accordingly.

4.—(1) Subject to the provisions of the next following subsection and of any enactment in force in any part of Nigeria prohibiting or restricting the right of any person to be represented by a legal practitioner in proceedings before the Sharia Court of Appeal or the Court of Resolution of Northern Nigeria or any native or customary court, a legal practitioner shall have the right of audience in all courts of law sitting in Nigeria.

(2) After the thirty-first day of July, one thousand nine hundred and sixty-three, no legal practitioner (other than such a person as is mentioned in subsection (4) of section two of this Act) shall be accorded the right of audience in any court in Nigeria in any year unless he has paid to the registrar in respect of that year a practising fee of ten guineas in the case of a person of counsel to Her Majesty, of five guineas in the case of a person of five years or more standing as a legal practitioner at the beginning of that year, and of three guineas in any other case; and it shall be the duty of the registrar—

(a) to issue to each person by whom a practising fee is paid in respect of any year a receipt for the fee in the prescribed form; and

(b) as soon as reasonably practicable after the end of January in each year, and thereafter from time to time during the year as he considers appropriate, to cause to be printed in the prescribed form and put on sale a list or supplementary list of the legal practitioners by whom the practising fee has been paid in respect of that year; and

(c) to pay over to the association as soon as may be after the end of each year a sum equal to three-quarters of the aggregate amount of the practising fees received by him in pursuance of this subsection during that year;

and a receipt purporting to be issued and a list purporting to be printed in pursuance of this subsection in respect of any year shall be evidence that the person named in the receipt or, as the case may be, that any person named in the list has paid to the registrar the practising fee in respect of that year.
3. Legal practitioners appearing before any court, tribunal or person exercising jurisdiction conferred by law to hear and determine any matter (including an arbitrator) shall take precedence among themselves according to the table of precedence set out in the First Schedule to this Act.

5.—(1) Subject to the provisions of this section, a person shall not be immune from liability for damage attributable to his negligence while acting in his capacity as a legal practitioner, and any provision purporting to exclude or limit that liability in any contract shall be void.

(2) Nothing in the foregoing subsection shall be construed as preventing the exclusion or limitation of the liability aforesaid in any case where a legal practitioner gives his services without reward either by way of fees, disbursements or otherwise.

(3) Nothing in subsection (1) of this section shall affect the application to a legal practitioner of the rule of law exempting barristers from the liability aforesaid in so far as that rule applies to the conduct of proceedings in the face of any court, tribunal or other body.

Professional discipline

6.—(1) There shall be a tribunal, to be known as the Legal Practitioners Disciplinary Tribunal (and hereafter in this Act referred to as "the tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section, and any other case of which the tribunal has cognisance under the following provisions of this Act.

(2) The tribunal shall consist of—
(a) one judge of the High Court of each territory appointed by the Chief Justice of that court;
(b) the Attorneys-General of the Federation and the Regions; and
(c) fifteen legal practitioners of not less than five years standing appointed by the association.

(3) There shall be a body, to be known as the Legal Practitioners Investigating Panel (and hereafter in this Act referred to as "the panel"), which shall be charged with the duty of conducting a preliminary investigation into any case where it is alleged that a person whose name is on the roll has misbehaved in his capacity as a legal practitioner or should for any other reason be the subject of proceedings before the tribunal, and of deciding whether the case should be referred to the tribunal.

(4) The panel shall consist of the Attorneys-General of the Federation and the Regions and ten legal practitioners of not less than five years standing appointed by the association.

(5) The provisions of the Second Schedule to this Act shall, so far as applicable to the tribunal and the panel respectively, have effect with respect to those bodies.

(6) Any expenses of the tribunal and the panel approved by the Minister of the government of the Federation responsible for justice shall be defrayed out of moneys provided by Parliament; and the Minister of the government of the Federation responsible for finance may make regulations as to the custody of, and the making of payments from, any such moneys held by or on behalf of the tribunal or the panel.
7.—(1) Where—

(a) a person whose name is on the roll is judged by the tribunal to be guilty of infamous conduct in any professional respect; or

(b) a person whose name is on the roll is convicted, by any court in Nigeria having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the tribunal is incompatible with the status of a legal practitioner; or

(c) the tribunal is satisfied that the name of any person has been fraudulently enrolled,

the tribunal may, if it thinks fit, give a direction—

(i) ordering the registrar to strike that person's name off the roll; or

(ii) suspending that person from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction; or

(iii) admonishing that person.

(2) The tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under the foregoing subsection until a subsequent meeting of the tribunal; but no person shall be a member of the tribunal for the purposes of reaching a decision which has been deferred or further deferred unless he was present as a member of the tribunal when the decision was deferred.

(3) It shall be the duty of the bar council to prepare, and from time to time revise, a statement as to the kind of conduct which the council considers to be infamous conduct in a professional respect, and the registrar shall send to each person whose name is on the roll and whose address is shown in the records of the Federal Supreme Court relating to legal practitioners, by post to that address, a copy of the statement as for the time being revised; but the fact that any matters are not mentioned in such a statement shall not preclude the Federal Supreme Court or the tribunal from adjudging a person to be guilty of infamous conduct in a professional respect by reference to such matters.

(4) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (b) of that subsection unless the conviction 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.

(5) When the tribunal gives a direction under subsection (1) of this section, the tribunal shall cause notice of the direction to be served on the person to whom it relates.

(6) The person to whom such a direction relates may, at any time within twenty-eight days from the date of service on him of the notice of the direction, appeal against the direction to the Federal Supreme Court; and the tribunal may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the tribunal, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(7) A direction of the tribunal under subsection (1) of this section shall take effect—
(a) where no appeal under this section is brought against the
direction within the time limited for the appeal, on the expiration of
that time;
(b) where such an appeal is brought and is withdrawn or struck out
for want of prosecution, on the withdrawal or striking out of the
appeal;
(c) where such an appeal is brought and is not withdrawn or struck
out as aforesaid, if and when the appeal is dismissed;
and shall not take effect except in accordance with the foregoing
provisions of this subsection.

8.—(1) Where it appears to the Federal Supreme Court that a
person whose name is on the roll has been guilty of infamous conduct in
any professional respect with regard to any matter of which the court or
any other court of record in Nigeria is or has been seised, the Federal
Supreme Court may if it thinks fit, after hearing any representations
made and evidence adduced by or on behalf of that person and such other
persons as the court considers appropriate, give such a direction as is
mentioned in subsection (1) of the last foregoing section, and the
direction shall take effect forthwith; and except in the case of an admoni-
tion the court shall cause notice of the direction to be published in the
Gazette of the Federation.

(2) Where it appears to the Chief Justice that a legal practitioner
should be suspended from practice, either with a view to the insti-
tution against him of proceedings under this Act before the Federal Supreme
Court or the tribunal or while any such proceedings are pending, the
Chief Justice may if he thinks fit, after affording the practitioner in
question an opportunity of making representations in the matter, give
such a direction as is authorised by paragraph (ii) of subsection (1)
of the last foregoing section; and in deciding whether to give such a
direction in consequence of the conviction of a legal practitioner, the
Chief Justice shall be entitled to disregard the provisions of subsection (4)
of that section.

(3) Where—

(a) a person serves on the panel—

(i) an affidavit made by him stating that he believes there are
grounds on which proceedings before the tribunal should be taken
against some other person whose name is stated in the affidavit,
and specifying those grounds; and

(ii) a statement of an address in Nigeria at which a notice under
the following paragraph may be served; and

(b) within the period of three months from the date of service of
the affidavit, no notice from the panel addressed to him is delivered
to that address stating that the case has been referred to the tribunal,
he may at any time before the expiration of the period of six months
from the date aforesaid, after giving to the panel and that other person
the prescribed notices, apply to the Federal Supreme Court for an
order requiring the panel to refer the case to the tribunal; and the
panel shall be the respondent to the application.

9.—(1) Where either before or after the passing of this Act the
name of any person has been struck off the roll or a person has been
or is deemed to have been suspended from practice, he may, subject
to the provisions of the following subsection, make an application for
the restoration of his name to the roll or the cancellation of the suspen-

(a) if the striking off or suspension was ordered by the Chief
Justice or the Federal Supreme Court, to that court; and
(b) in any other case, to the tribunal.

(2) A direction under subsection (1) of section seven of this Act
or subsection (1) of the last foregoing section may prohibit an application
under the foregoing subsection until the expiration of the period specified
in the direction; and where such an application is duly made to the
Federal Supreme Court or the tribunal, the court or tribunal may
direct that no further application shall be made under the foregoing
subsection until the expiration of the period specified in the direction
under this subsection.

Remuneration of practitioners

10.—(1) There shall be a committee, to be called the Legal Prac-
titioners Remuneration Committee, which shall consist of—

(a) the Attorney-General of the Federation, who shall be the chair-
man of the committee;
(b) the Attorneys-General of the Regions; and
(c) the chairman of the association and three other members of the
association.

(2) The quorum of the committee shall be three, of whom one shall
be the chairman of the committee or some other member of the commit-
tee nominated by him to act as chairman of the committee on the
occasion in question.

(3) The committee shall have power to make orders regulating
generally the charges of legal practitioners and, without prejudice to
the generality of that power, any such order may include provision
as to all or any of the following matters, that is to say—

(a) the maximum charges which may be made in respect of any
transaction or activity of a description specified by the order;
(b) the ascertainment of the charges appropriate for any transaction
or activity by reference to such considerations as may be so specified;
(c) the taking by practitioners of security for the payment of their
charges and the allowance of interest with respect to the security;
(d) agreements between practitioners and clients with respect to
charges.

(4) The committee shall not make an order under this section
unless they have served a copy of the proposed order on the chairman
of the association and have considered any representations in writing
made to the committee by the association within the period of three
months beginning with the date of service of the copy; and if either
House of Parliament, on any of the twenty days on which it sits next
after the day on which an order under this section comes into force,
resolves that the order be annulled it shall, except in relation to anything
previously done by virtue of the order, cease to have effect on the day
next following the date of the resolution and be deemed never to have
had effect.
(5) Until the first order made in pursuance of this section comes into force, nothing in this section shall be construed as affecting the law in force in any part of Nigeria with respect to the remuneration of legal practitioners.

(6) Nothing in this section shall apply to the fee marked on a brief to appear in any proceedings which is delivered to a person of counsel to Her Majesty.

Recovery of charges, etc.

11.—(1) Subject to the provisions of this Act, a legal practitioner shall be entitled to recover his charges by action in any court of competent jurisdiction.

(2) Subject as aforesaid, a legal practitioner shall not be entitled to begin an action to recover his charges unless—

(a) a bill for the charges containing particulars of the principal items included in the bill and signed by him, or in the case of a firm by one of the partners or in the name of the firm, has been served on the client personally or left for him at his last address as known to the practitioner or sent by post addressed to the client at that address; and

(b) the period of one month beginning with the date of delivery of the bill has expired.

(3) In any case in which a legal practitioner satisfies the court, on an application made either ex parte or if the court so directs after giving the prescribed notice,—

(a) that he has delivered a bill of charges to a client; and

(b) that on the face of it the charges appear to be proper in the circumstances; and

(c) that there are circumstances indicating that the client is about to do some act which would probably prevent or delay the payment to the practitioner of the charges,

then, notwithstanding that the period mentioned in paragraph (b) of the last foregoing subsection has not expired, the court may direct that the practitioner be authorised to bring and prosecute an action to recover the charges unless before judgment in the action the client gives such security for the payment of the charges as may be specified in the direction.

(4) The court may, if it thinks fit, on the application of a client—

(a) order a legal practitioner to deliver his bill of charges to the client;

(b) make an order for the delivery up of, or otherwise in relation to, any documents in the control of the practitioner which belong to or were received by him from or on behalf of the client;

and without prejudice to the generality of the powers of the court to punish for contempt or to the provisions of this Act relating to the
discipline of legal practitioners, the court may punish for contempt any practitioner who refuses or fails to comply with an order under this subsection.

(5) The value of any consideration received by any person for anything done by a legal practitioner in his capacity as a legal practitioner shall, in so far as the value exceeds the maximum charges to which by virtue of this Act the practitioner is entitled in respect of that thing, be recoverable from any person who received the consideration or from the practitioner by the person from whom the consideration moved either directly or indirectly.

12.—(1) Except where a direction providing for the giving of security is given under subsection (3) of the last foregoing section and security is not given in accordance with the direction, the court shall, on an application made by a client within the period of one month from the date on which a bill of charges was delivered to him, order that the bill shall be taxed and that no action to recover the charges shall be begun until the taxation is completed.

(2) Subject to the provisions of the next following subsection, the court may if it thinks fit, on an application made after the expiration of the period aforesaid by the legal practitioner or (except as aforesaid) by the client in question—

(a) order that the bill shall be taxed;
(b) order that until the taxation is completed no action to recover the charges mentioned in the bill shall be begun and any such action already begun shall be stayed;

and an order under this subsection may be made on such terms (other than terms as to the costs of the taxation) as the court may determine.

(3) No order shall be made under the last foregoing subsection—

(a) in any case, after the period of twelve months from the date on which the bill in question was paid;
(b) except in a case where the court determines that there are special reasons for making such an order, if twelve months have expired since the date of the delivery of the bill or if judgment has been given in an action to recover the charges in question;

and an order made by virtue of paragraph (b) of this subsection may contain terms as to the costs of the taxation.

13.—(1) The taxation of bills of charges shall be in accordance with the provisions of any order in force under section ten of this Act; and where no such order is in force or any item falling to be taxed is not dealt with by the order, the charges to be allowed on taxation of the item shall not exceed such as are reasonable having regard to the skill, labour and responsibility involved and to all the circumstances of the case.

(2) If at the time and place appointed in pursuance of rules of court for the taxation of a bill one of the parties appears and any other party does not, the taxing officer shall proceed to tax the bill unless for special reasons he determines to adjourn or further adjourn the taxation so as to afford an absent party an opportunity to be present; and where he does so determine he may also determine by whom any costs of the adjournment or further adjournment shall be payable.
(3) Where on the taxation of a bill it appears to the taxing officer
that there are circumstances of the case which make it appropriate to
refer the taxation to the court, he shall so refer it; and the court may
either—

(a) proceed itself to tax the bill and notify to the taxing officer the
amount to be declared and stated in his certificate in pursuance of the
next following subsection; or

(b) refer the taxation back to the taxing officer with its directions in
the matter.

(4) On the completion of the taxation of a bill, the taxing officer
shall forthwith declare the amount due in respect of the bill and shall
file in the records of the court a certificate signed by him stating that
amount; and any party to the taxation shall be entitled on demand to
have issued to him free of charge an office copy of the certificate.

(5) If any party to the taxation is dissatisfied with a determination
under subsection (2) of this section or the amount stated in a certificate
filed in pursuance of this section (other than a certificate stating the
amount notified by the court under subsection (3) of this section), he
may, within twenty-one days from the date of the determination or filing,
appeal to the court.

(6) The certificate of the taxing officer in respect of a bill of charges,
or where the certificate is varied on appeal the certificate as so varied,
shall be conclusive as to the amount of the charges payable in respect
of the bill; but nothing in this subsection shall be construed as relieving a
legal practitioner of any obligation to prove that a client is liable to pay a
bill of charges, or as precluding a client from disproving that he is so
liable.

(7) Subject to the provisions of any order made by virtue of sub-
section (3) of the last foregoing section, if the amount stated in a certi-
ficate under this section relating to a bill of costs, or in such a certificate
as varied on appeal, is less than the amount of the bill before taxation
and the difference is equal to one-sixth or more of the amount of the
bill before taxation, the costs of the taxation shall be payable by the legal
practitioner, and in any other case those costs shall be payable by the
client.

14.—(1) Without prejudice to the provisions of section nineteen of
this Act, in the four last foregoing sections and this section (hereafter
in this section referred to as “the remuneration provisions”) the following
expressions have the following meanings unless the context otherwise
requires, that is to say—

“bill of charges” means such a bill as is mentioned in paragraph (a)
of subsection (2) of section eleven of this Act;

“charges” means any charges (whether by way of fees, disburse-
ments, expenses or otherwise) in respect of anything done by a legal
practitioner in his capacity as a legal practitioner;

“client” means the person or any of the persons alleged to be
liable to pay the charges of a legal practitioner;

“the court” means the High Court of the territory in which the
legal practitioner in question usually carries on his practice or usually
resides or in which the client in question usually resides or has his
principal place of business or, in the case of a practitioner authorised
to practise by warrant, the High Court of the territory in which the
proceedings specified in the application for the warrant were begun;
"taxation" means taxation by the proper officer of the court, and cognate expressions shall be construed accordingly.

(2) For the purposes of the remuneration provisions, a bill of charges is delivered if it is served on or left for or sent to the client as mentioned in subsection (2) of section eleven of this Act and, in relation to a bill of charges, "deliver" and cognate expressions shall be construed accordingly.

(3) The remuneration provisions shall apply to a firm consisting of legal practitioners in partnership as they apply to a legal practitioner.

(4) For the purposes of the remuneration provisions, a person shall be deemed to be a legal practitioner in relation to any charges if he was a legal practitioner when he performed the services to which the charges relate.

Safeguards for clients, etc.

15.—(1) Subject to subsection (4) of this section, the bar council shall, within the period of six months beginning with the coming into force of this section, and may from time to time thereafter as the council considers expedient, make rules—

(a) as to the opening and keeping by legal practitioners of accounts at banks for clients' money; and

(b) as to the keeping by legal practitioners of records containing particulars and information as to moneys received, held or paid by them for or on account of their clients; and

(c) as to the opening and keeping by a legal practitioner who is the sole trustee, or who is a co-trustee only with one or more of his partners, clerks or servants, of an account at a bank for moneys of any trust of which he is the sole trustee or such a co-trustee as aforesaid; and

(d) as to the keeping by such a practitioner as is mentioned in the last foregoing paragraph of records containing particulars and information as to moneys received, held or paid by him for or on account of any such trust as is so mentioned; and

(e) empowering the bar council to take such action as it thinks necessary to enable it to ascertain whether the rules are being complied with.

(2) Rules made under the foregoing subsection shall not come into force until they are approved by order of the Attorney-General, either without modification or with such modifications as he thinks fit; but before approving any such rules with modifications the Attorney-General shall afford the bar council an opportunity of making representations with respect to the proposed modifications, and shall consider any representations made in pursuance of this subsection.

(3) If it appears to the Attorney-General that any rules should be made, revoked or altered in exercise of the powers conferred on the bar council by this section, he shall make a recommendation in that behalf to the bar council; and if within the period of six months beginning with the date of the recommendation the council has not acted in accordance with the recommendation, the Attorney-General may, within the period of twelve months beginning with that date, make rules giving effect to the recommendation.
(4) Rules under this section shall not require the keeping of accounts or records—

(a) by a legal practitioner in respect of moneys received, held or paid by him as a member of the public service of the Federation or a Region; or

(b) in such other circumstances as may be specified by the rules.

(5) For the purposes of this section, "trustee" includes personal representative, and in relation to a personal representative any reference to a trust shall be construed as a reference to the deceased’s estate.

16.—(1) A bank at which a legal practitioner keeps an account for clients’ moneys shall not, in respect of any liability of the practitioner to the bank which does not arise in connection with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against moneys standing to the credit of that account.

(2) A bank shall not, in connection with any transaction in respect of an account of a legal practitioner kept for clients’ moneys with that or with any other bank (other than an account kept by him as trustee for a specified beneficiary) incur any liability, or be under any obligation to make any inquiry, or be deemed to have any knowledge of any right of any person to any money paid or credited to the account, which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to the account.

General

17.—(1) Subject to the provisions of this section, if any person other than a legal practitioner—

(a) practises, or holds himself out to practise, as a legal practitioner; or

(b) takes or uses the title of legal practitioner; or

(c) wilfully takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is a legal practitioner or is qualified or recognised by law to act as a legal practitioner; or

(d) prepares for or in expectation of reward any instrument relating to immovable property, or relating to or with a view to the grant of probate or letters of administration, or relating to or with a view to proceedings in any court of record in Nigeria,

he shall be guilty of an offence and liable, in the case of an offence under paragraph (a) of this subsection or a second or subsequent offence under paragraph (d) of this subsection, to a fine of an amount not exceeding one hundred pounds or imprisonment for a term not exceeding two years or both, and in any other case to a fine of an amount not exceeding fifty pounds.

In this subsection "instrument", in relation to immovable property, means any document which confers, transfers, limits, charges or extinguishes any interest in the property or which purports so to do, and "immovable property" includes unextracted minerals.

(2) Nothing in the foregoing subsection shall prevent a person from being dealt with for contempt of court, but no proceedings for an offence under this section shall be brought or continued against a person in respect of any act if he has been dealt with for contempt of court in respect of that act.
(3) Nothing in paragraph (d) of subsection (1) of this section shall be construed as making it an offence for any person to prepare an instrument—

(a) in the course of his activities as a pupil of a legal practitioner, or of his employment as a clerk or servant of a legal practitioner;
(b) relating only to property in which he has or claims an interest (including an interest as a personal representative or as a person entitled to any part of the estate of a deceased person);
(c) relating only to proceedings to which he is a party, or prepared with a view to proceedings to which he may be a party;
(d) for the purpose only of recording information or expert opinion intended for use in, or with a view to, any proceedings;
(e) which is, or is intended to be, a will or other testamentary instrument;
(f) of such a class or description as the Attorney-General may by order determine.

(4) Where an offence under this Act 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.

(5) No proceedings for an offence under this section shall be begun after the expiration of the period of three years beginning with the date of the offence.

(6) It is hereby declared that any agreement to transfer, either directly or indirectly, any money or thing in consideration of any act which constitutes an offence under this section is void; and any money or thing so transferred, or the value of the thing, shall be recoverable by the transferor from the transferee or from any other person by whom the offence was committed, whether or not any proceedings have been brought in respect of the offence or the time for bringing such proceedings has expired.

18.—(1) It shall be the duty of the registrar to continue to maintain the roll of court kept immediately before the passing of this Act in pursuance of rule 5 of Order XVI of the Supreme Court (Civil Procedure) Rules; and in this Act "the roll" means the roll maintained in pursuance of this subsection.

(2) Subject to the provisions of subsection (5) of section three of this Act, any name which, immediately before the repeal by this Act of section ten of the Legal Practitioners Act, was deemed by virtue of that section to be included in the roll shall be inserted in the roll and shall be deemed to have been so inserted on the date on which it was entered or last entered on the old roll within the meaning of that section.

(3) The association shall pay any sums received by it by virtue of section four of this Act into a separate fund which shall be used for the purposes of the association; and it shall be the duty of the association—

(a) to keep proper accounts in respect of the fund and proper records in relation to the accounts; and
(b) to cause the accounts to be audited in each year by an auditor approved, as respects that year, by the Minister of the government of the Federation responsible for finance; and

(c) to cause a copy of the accounts and of the auditor's report thereon to be sent to the registrar and to each person by whom a practising fee has been paid in respect of the year in question in pursuance of the said section four.

(4) In calculating for the purposes of this Act the period of a person's standing as a legal practitioner, there shall be taken into account any period before the passing of this Act during which he was entitled by law to practise as a barrister and solicitor in any part of Nigeria.

(5) Except as otherwise provided by or under this Act, any document authorised or required to be served by or under this Act may, without prejudice to any other means of service, be served by post in a registered letter.

(6) Any application to a court or judge in pursuance of this Act shall be made in the prescribed manner.

Interpretation, etc.

19.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the association" means the Nigeria Bar Association;

"the Attorney-General" means the Attorney-General of the Federation;

"the bar council" has the meaning assigned to it by section one of this Act;

"the chairman of the association" means the person for the time being holding office as chairman of the association in accordance with the constitution of the association;

"the Chief Justice" means the Chief Justice of the Federation;

"legal practitioner" means a person entitled in accordance with the provisions of this Act to practise as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings;

"the panel" has the meaning assigned to it by section six of this Act;

"prescribed" means prescribed by rules of court;

"public service of the Federation" has the same meaning as in the Constitution of the Federation;

"qualifying certificate" has the same meaning as in the Legal Education Act, 1962;

"the registrar" means the Chief Registrar of the Federal Supreme Court;

"the roll" has the meaning assigned to it by subsection (1) of the last foregoing section, and cognate expressions shall be construed accordingly;

"rules of court" means rules of court made by the Federal Supreme Court;

"territory" has the same meaning as in the Constitution of the Federation;

"the tribunal" has the meaning assigned to it by section six of this Act;
"warrant" means a warrant issued by the Chief Justice under section two of this Act.

(2) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any other enactment.

(3) Any power conferred by this Act to make an order or regulations shall include power to make different provision by the order or regulations for different circumstances.

20.—(1) This Act may be cited as the Legal Practitioners Act, 1962, and shall apply throughout the Federation.

(2) The provisions of this Act shall come into force on such day as the Attorney-General may by order appoint, and different days may be appointed for the purposes of different provisions.

(3) The enactments specified in the first and second columns of Part I of the Third Schedule to this Act are hereby repealed to the extent shown in the third column of that Part; and the enactment specified in Part II of that Schedule shall have effect subject to the amendment there specified (being an amendment consequential on the passing of this Act).
SCHEDULES

FIRST SCHEDULE

Table of precedence

1. The Attorney-General of the Federation.
2. The Attorney-General of the Regions in order of seniority as counsel to Her Majesty and thereafter in order of seniority of enrolment.
3. Counsel to Her Majesty in order of seniority.
4. Persons authorised to practise as legal practitioners by virtue of paragraph (b) of subsection (4) of section two of this Act.
5. Persons whose names are on the roll in order of seniority of enrolment.
6. Persons not of counsel to Her Majesty authorised to practise by warrant.

For the purposes of this table, orders of seniority shall be ascertained by reference to the date of the relevant letters patent, appointment, first enrolment or warrant (the earlier the date, the greater the seniority) and, in the case of persons taking seniority within the same category from the same date, in such manner as the Chief Justice may direct.

SECOND SCHEDULE

Supplementary provisions as to the disciplinary tribunal and investigating panel

The tribunal

1. The quorum of the tribunal shall be five of whom a judge of a High Court shall be one.

2.—(1) The Chief Justice shall make rules as to the selection of members of the tribunal for the purposes of any proceedings and as to the procedure to be followed and the rules of evidence to be observed in proceedings before the tribunal.

(2) The rules shall in particular provide—

(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person against whom the proceedings are brought;

(b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;

(c) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the tribunal;

(d) for enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of subsection (6) of section seven of this Act, as to the costs of proceedings before the tribunal;

(f) for requiring, in a case where it is alleged that the person against whom the proceedings are brought is guilty of infamous conduct in any professional respect, that where the tribunal adjudges that the
allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;

(g) for publishing in the Gazette of the Federation notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off the roll or that a person shall be suspended from practice.

3. For the purposes of any proceedings before the tribunal, any member of the tribunal may administer oaths and any party to the proceedings may sue out of the registry of the Federal Supreme Court writs of subpoena ad testificandum and duces tecum; but no person appearing before the tribunal shall be compelled—

(a) to make any statement before the tribunal tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. It shall be the duty of the registrar to afford to the tribunal such facilities, whether by way of accommodation, secretarial assistance or otherwise, as the tribunal may reasonably require for the purpose of its functions.

The panel

5. The quorum of the panel shall be three of whom an Attorney-General shall be one.

6.—(1) The panel may, at any meeting of the panel attended by not less than seven members of the panel including not less than two Attorneys-General, make standing orders with respect to the panel.

(2) Subject to the provisions of any such standing orders, the panel may regulate its own procedure.

Miscellaneous

7.—(1) A person appointed by the association to be a member of the tribunal or the panel shall, unless he previously resigns, hold office for such term, not exceeding three years, as may be specified in his instrument of appointment.

(2) A person ceasing to be a member of the tribunal or the panel shall be eligible for reappointment as a member of that body.

(3) A person may, if otherwise eligible, be a member of both the tribunal and the panel; but no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case.

8. The Attorney-General of the Federation or a Region may, if he thinks fit, direct the Solicitor-General of the Federation or, as the case may be, of the Region to act in his place as a member of the tribunal or the panel for the purposes of any case; and references to an Attorney-General in this Schedule or section six of this Act shall be construed accordingly.

9. The tribunal or the panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to subparagraph (3) of paragraph 7 above) by reason
of the fact that any person who was not entitled to do so took part in the proceedings of that body.

10. The tribunal and the panel may each sit in two or more divisions.

11. Any document authorised or required by this Act to be served on the tribunal or the panel shall be served on the registrar.

Section 20.

**THIRD SCHEDULE**

**PART I**

**Repeals**

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<tr>
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<th>Short title</th>
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<tr>
<td>Cap. 80</td>
<td>The High Court of Lagos Act.</td>
<td>Section eighty.</td>
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<tr>
<td>Cap. 100</td>
<td>The Law Officers Act.</td>
<td>Sections two and three.</td>
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<tr>
<td>Cap. 101</td>
<td>The Legal Practitioners Act.</td>
<td>In section five, from the beginning to the words “or solicitors and”.</td>
</tr>
<tr>
<td>No. 54 of 1958</td>
<td>The Queen’s Counsel Act, 1958.</td>
<td>In the Schedule, the entry beginning “Admission”, except in its application to a notary public, and the entry beginning “Licence to act temporarily as a solicitor”.</td>
</tr>
<tr>
<td>1962, No. 12</td>
<td>The Legal Education Act, 1962.</td>
<td>In section fourteen, in subsection (1), the words from “entitled by” onwards, and subsection (2).</td>
</tr>
<tr>
<td>No. 5 of 1942</td>
<td></td>
<td>The whole of the rules.</td>
</tr>
</tbody>
</table>

**PART II**

**Modification of enactment**

**The Interpretation Act (Cap. 89)**

In section three, in the definition of “legal practitioner”, for the words from “means” onwards there shall be substituted the words “has the meaning assigned to that expression by the Legal Practitioners Act, 1962.”

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AN ACT TO CONFER JURISDICTION IN ADMIRALTY MATTERS ON THE HIGH COURTS OF THE REGIONS AND LAGOS AND TO ABOLISH THE ORIGINAL JURISDICTION IN ADMIRALTY MATTERS OF THE FEDERAL SUPREME COURT; AND FOR PURPOSES CONNECTED THEREWITH.

[See Section 2 (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) Any exclusion from the jurisdiction of the High Courts of the territories (within the meaning of the Constitution of the Federation) of original jurisdiction in relation to Admiralty matters is hereby abolished; and the enactments conferring original jurisdiction on those courts shall be construed accordingly, and in particular the words “other than Admiralty jurisdiction” in section ten of the High Court of Lagos Act shall cease to have effect.

(2) Section seventeen of the Federal Supreme Court Act, 1960 (which confers on that court a limited jurisdiction in Admiralty matters) is hereby repealed; but nothing in this Act shall be construed as purporting to prejudice the jurisdiction to hear and determine appeals from High Courts which is exerciseable by the Federal Supreme Court by virtue of section one hundred and ten of the Constitution.

(3) Nothing in this Act shall affect any proceedings pending immediately before the commencement of this Act, and any such proceedings may be continued as if this Act had not been passed.

2. — (1) This Act may be cited as the Admiralty Jurisdiction Act, 1962, and shall apply throughout the Federation.

(2) This Act shall come into force on such day as the Governor-General may by order appoint.
ARRANGEMENT OF SECTIONS

Section

1. Extension of tax relief for gratuities paid on Nigerianisation, etc., of employment with public bodies.
2. Apportionment over a period of rent paid in advance and included in company profits.
3. Extension to non-Nigerian companies of provisions for setting off tax already paid on dividends, etc.
4. Extension of income tax relief to cases of separated spouses.
5. Collection of tax for which a deceased person was answerable.

1962, No. 35

AN ACT TO AMEND THE LAW RELATING TO INCOME TAX.

[See section 6 (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. Paragraph 6 of the Fourth Schedule to the Income Tax Management Act, 1961 (which provides that, in the case of an employee whose employment ceases after a period of less than five years, any gratuity or similar payment made to him from an approved pension or provident fund in respect of the employment shall be treated as income in so far as it exceeds a payment at the rate of one hundred and fifty pounds a year for that period) shall, as respects a person who is not a citizen of Nigeria and who ceases to be employed by such a body corporate or unincorporate as is mentioned in that paragraph, have effect subject to the following provisions of this section, that is to say—

Extension of tax relief for gratuities paid on Nigerianisation, etc., of employment with public bodies. 1961, No. 21.
(a) if the relevant tax authority within the meaning of the Act aforesaid is satisfied that the employment in question ceased with a view to the employment of a citizen of Nigeria in the place of that person, the provisions of the said paragraph 6 shall not apply in relation to that employment; and

(b) the relevant tax authority may if it thinks fit, in a case not falling within the foregoing paragraph, determine that those provisions shall apply in relation to that employment with the substitution for the reference to the rate aforesaid of a reference to such larger rate as may be specified in the determination.

2. Where any payment on account of such a rent as is mentioned in paragraph (b) of section seventeen of the Companies Income Tax Act, 1961, is made before the expiration of the period to which it relates and is included for the purposes of that section in the profits of a company, then, so much of the payment as relates to any period beginning with the date on which the payment is made shall be treated for those purposes as accruing to the company proportionately from day to day over the last-mentioned period or over the five years beginning with that date, whichever is the shorter.

3. Section thirty-five of the Companies Income Tax Act, 1961 (which provides for the setting off and repayment of amounts in respect of tax which has been deducted from dividends included in the assessable profits of Nigerian companies, or which is deemed to have been deducted from profits which are treated as distributed and are so included) shall apply in relation to the assessable profits of non-Nigerian companies as it applies in relation to the assessable profits of Nigerian companies; and accordingly the word “Nigerian” in the second place where it occurs in subsection (1) and the first and third places where it occurs in subsection (2) of that section is hereby repealed.

4.—(1) The deduction to be allowed to an individual in pursuance of paragraph (a) of section nineteen of the Personal Income Tax (Lagos) Act, 1961 (which provides for a deduction of one hundred pounds in the case of a married man who had a wife living with or maintained by him during the year preceding the year of assessment or of the amount of any alimony not exceeding one hundred pounds paid under a court order to a former spouse) shall include a deduction of the amount of any payments made by the individual during the said preceding year, in accordance with a deed of separation or an order of a court, to a spouse from whom the individual was then separated by such a deed or order, so however that the aggregate amount of any deduction allowed to the individual for any year of assessment by virtue of that paragraph as amended by this subsection shall not exceed one hundred pounds.

(2) Accordingly, for the said paragraph (a) there shall be substituted the following paragraph—

“(a) a deduction of—

(i) one hundred pounds in the case of a married man who at any time during the year preceding the year of assessment had a wife living with or maintained by him;

(ii) the amount of any alimony paid by the individual during the said preceding year to a former spouse in accordance with an order of a court made in consequence of the dissolution of their marriage; and
(iii) the amount of any payments made by the individual during the said preceding year, in accordance with a deed of separation or an order of a court, to a spouse from whom he was then separated by such a deed or order:

Provided that the aggregate amount of any deduction allowed to any individual for any year of assessment by virtue of sub-paragraphs (i), (ii) and (iii) of this paragraph shall not exceed one hundred pounds;”.

5.—(1) Where an individual dies, the amount of—

(a) any tax in respect of income of his arising before the death; and

(b) any tax for which, but for his death, he would have been answerable in respect of other income so arising,

shall be payable by the person administering the deceased’s estate out of the assets of the estate.

(2) For the purpose of determining and securing payment of the amount aforesaid, the Income Tax Management Act, 1961, and the Personal Income Tax (Lagos) Act, 1961, shall apply in relation to the person administering the estate as they would have applied in relation to the deceased but for his death, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) it shall be the duty of that person to make such returns and to do such other things as would but for the death have fallen to be made or done for that purpose by the deceased.

(3) In this section, “tax” has the same meaning as in the Personal Income Tax (Lagos) Act, 1961.

6.—(1) This Act may be cited as the Income Tax Act, 1962.

(2) Sections one to four of this Act shall have effect as respects the year of assessment beginning on the first day of April, 1962 and subsequent years of assessment, and section five of this Act shall have effect as respects the year of assessment beginning on the first day of April, 1961, and subsequent years of assessment; but nothing in this Act shall be construed as purporting to prejudice the provisions of subsection (7) of section twenty-one of the Constitution of the Federation (which prevents the conviction of any person on account of any act or omission which was not an offence when the act or omission took place).

In this subsection, “year of assessment” has the same meaning as in the Income Tax Management Act, 1961.

(3) This Act shall apply throughout the Federation, so however that sections four and five of this Act and so much of the last foregoing subsection as relates to those sections shall apply to the Federal territory only.
FLAGES AND COATS OF ARMS ACT, 1962

1962, No. 36

AN ACT TO AMEND THE FLAGS AND COATS OF ARMS ACT, 1960 BY MAKING BETTER PROVISION FOR THE NATIONAL FLAG AND OTHER FLAGS IN NIGERIA.

[27th December, 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) Subject to the provisions of this section, if in any public place in Nigeria the National Flag is to be exhibited or flown for any purpose, it shall not be exhibited with or be flown on the same staff or cross bar with the flag of any Region, or the flag of any Commonwealth or foreign country. The National Flag or any other flag when exhibited or flown shall not appear in a defaced or tattered condition; but the National Flag shall not be deemed to be defaced by reason only of the fact that it is embodied in or forms part of a Regional flag.

(2) Where the flag of any Region is flown in the Region to which it relates or elsewhere than in the Federal Territory, it shall not be necessary for the National Flag to be flown at the same time; but if the flag of a Region and the National Flag are to be flown at the same time in a public place in that Region or elsewhere in Nigeria, the National Flag of at least the same size as the Regional flag shall fly above that of any Regional flag.

(3) The Federal Minister charged with responsibility for internal affairs may from time to time by notice either generally or specially authorise the flying of the flag of any Commonwealth country or of any foreign country in any public place, either alone or at the same time as the National Flag, and upon such terms and conditions as he thinks fit. For the avoidance of doubt and to give effect to any diplomatic convention, no embassy, high commission, or consulate shall be a public place, and no means of transport when used by members of any embassy, high commission, or consulate shall, for the purposes only of this subsection, be deemed to be operating in a public place.

(4) Nothing in this section shall be construed so as to prohibit the flying by any ship other than a Nigerian ship, of the flag of the country where the ship is registered, or the flying of the National Flag by any ship entering or leaving a port in Nigeria.

(5) The failure to comply with the requirements of this section shall be an offence against this Act.

(6) Subsection (3) of section three of the Flags and Coats of Arms Act, 1960 (as amended by the Flags and Coats of Arms (Amendment) Act, 1961) is hereby repealed.
2. For the avoidance of doubt, nothing in the Flags and Coats of Arms Act, 1960 shall be construed so as to require a licence to exhibit or fly any flag within the meaning of subsection (2) of section three of that Act, if the person flying or exhibiting any such flag in a public place is actuated by no other motive than that of patriotism, the proof whereof shall lie upon such person.

3.—(1) This Act may be cited as the Flags and Coats of Arms Act, 1962 and this Act and the Flags and Coats of Arms Act, 1960 may be cited together as the Flags and Coats of Arms Act, 1960 and 1962.

(2) This Act shall apply throughout the Federation.
## Arrangement of Sections

| Establishment, constitution and functions of the university and its constituent bodies, etc. | 10. Discipline of students.  
Miscellaneous and general  
11. Exclusion of discrimination on account of race, religion, etc.  
13. Appointment of committees, etc.  
14. Miscellaneous administrative provisions.  
15. Interpretation, etc.  
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Second Schedule—Constituent bodies of the university.  
Third Schedule—Organisation of faculties.  
Fourth Schedule—Transitional provisions as to property, etc. |
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<td>3. Functions of the chancellor and pro-chancellor.</td>
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<td>6. Functions of the vice-chancellor.</td>
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| 7. Transfer to university of college property, etc.  
Supervision and discipline |  |
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| 9. Removal of chancellor and other officers, etc. |  |
(2) It shall be the general function of the university to encourage the advancement of learning throughout Nigeria and to hold out to all persons, without distinction of race, creed or sex, the opportunity of acquiring a liberal education; and for the purpose of carrying out that function it shall be the duty of the university, so far as its resources permit,—

(a) to provide such facilities for the pursuit of learning and the acquisition of a liberal education as are appropriate for a university of the highest standing; and

(b) to make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

2.—(1) The university shall consist of—

(a) a chancellor;
(b) a pro-chancellor and a council;
(c) a vice-chancellor and a senate;
(d) a body to be called congregation;
(e) a body to be called convocation;
(f) the persons holding offices constituted by the First Schedule to this Act and not mentioned in the foregoing provisions of this section;
(g) all graduates and undergraduates; and
(h) all other persons who are members of the university in accordance with provision made by statute in that behalf.

(2) The First Schedule to this Act shall have effect with respect to the principal officers of the university there mentioned; and the Second Schedule to this Act shall have effect with respect to the bodies referred to in the foregoing subsection.

3.—(1) The chancellor shall, in relation to the university, take precedence before all other members of the university, and when he is present shall preside at all meetings of congregation held for conferring degrees and at all meetings of convocation.

(2) The pro-chancellor shall, in relation to the university, take precedence before all other members of the university except the chancellor and except the vice-chancellor when acting as chairman of congregation or convocation and except the deputy vice-chancellor when so acting; and the pro-chancellor shall when he is present be the chairman at all meetings of the council.

4.—(1) Subject to the provisions of this Act relating to the visitor, the council shall be the governing body of the university and shall have the general management of the affairs of the university and in particular the control of the property and expenditure of the university.

(2) Subject to subsection (6) of this section, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of the activities of the university.

(3) The council may make statutes regulating the constitution and conduct of the university and regulating any authority or matter connected with the university; and a statute may alter or repeal any provision of this Act but shall not—
(a) come into force until it has been confirmed by the Minister; or
(b) have effect in any part of Nigeria in so far as it is inconsistent with the law in force in that part of Nigeria.

(4) The Minister shall, on confirming a statute, forthwith lay a copy of it before each House of Parliament; and if either House, on any of the twenty days on which it sits next after the day on which the statute is laid before it, resolves that the statute be annulled it shall cease to have effect on the day next following the date of the resolution and be deemed never to have had effect.

(5) Nothing in subsection (3) or (4) of this section shall be construed as preventing the council from giving instructions, in writing or otherwise, for the purpose of exercising any power conferred on it by subsection (2) of this section.

(6) The council shall not have power to dispose of or charge any lands or an interest in any lands (including any lands transferred to the university by this Act) which are held by or on behalf of the university except with the prior written consent, either general or special, of the Minister.

(7) There shall be a committee of the council, to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the council, exercise control over the property and expenditure of the university, and shall consist of—

(a) the pro-chancellor, who shall be the chairman of the committee at any meeting at which he is present; and
(b) the vice-chancellor; and
(c) eight other members of the council appointed by the council, of whom—

(i) not less than two shall be teachers; and
(ii) if the council has appointed a treasurer, one shall be the treasurer;

and the quorum of the committee shall be four and (subject to the provisions of this subsection) the committee may regulate its own procedure.

(8) The council shall keep proper accounts in respect of the period of twelve months ending with the thirtieth day of June in each year, and proper records in relation to those accounts; and without prejudice to any other requirement as to accounting or control imposed, whether by an enactment or otherwise, with respect to the finances of and the lands, endowments and other property held by or for the purposes of the university, the council shall cause the accounts kept in pursuance of this subsection for any period to be audited as soon as may be after the end of that period by an approved auditor within the meaning of section fifteen of the Banking Act (which provides for the accounts of banks to be audited by a member of a professional body approved by the Minister of the government of the Federation responsible for finance).

(9) The council shall prepare and submit to the Prime Minister, not later than the thirty-first day of January in each year, a report in such form as the Prime Minister may direct on the activities of the university during the period of twelve months ending with the preceding thirty-first day of August, and shall include in the report a copy of the last accounts audited in accordance with subsection (8) of this section.
and a copy of the auditor's report on the accounts; and the Prime
Minister shall cause a copy of each report made to him in pursuance of
this subsection to be laid before each House of Parliament.

5.—(1) Subject to the last foregoing section and the provisions
of this Act relating to the visitor, it shall be the general function of
the senate to organise and control the teaching at the university and
the admission and discipline of students and to promote research at
the university.

(2) Without prejudice to the generality of the foregoing subsection
and subject as there mentioned, it shall in particular be the function
of the senate to make provision for—

(a) the establishment, organisation and control of faculties and
other departments of the university, and the allocation to different
departments of responsibility for different branches of learning;

(b) the appointment and promotion of teachers at the university;

(c) the organisation and control of courses of study at the university
and of the examinations held in conjunction with those courses;

(d) the award of degrees, and such other qualifications as may be
prescribed, in connection with examinations held as aforesaid;

(e) the making of recommendations to the council with respect
to the award to any person of an honorary fellowship or honorary
degree or the title of professor emeritus;

(f) the selection of persons for admission as students at the univer-
sity;

(g) the establishment, organisation and control of halls of residence
and similar institutions at the university;

(h) the supervision of the welfare of students at the university and
the regulation of their conduct;

(i) the grant of fellowships, scholarships, prizes and similar
awards, in so far as the awards are within the control of the university;

and

(j) determining what descriptions of dress shall be academic
dress for the purposes of the university, and regulating the use of
academic dress.

(3) The senate may make regulations for the purpose of exercising
any function conferred on it either by the foregoing provisions of this
section or otherwise.

(4) Regulations shall provide that at least one of the persons
appointed as the examiners at each examination held in conjunction
with any course of study at the university is not a teacher at the univer-
sity but is a teacher of the branch of learning to which the course
relates at some other university of high repute.

(5) Any department established for the university and designated
by regulations as a faculty of the university shall be organised in accord-
ance with the provisions of the Third Schedule to this Act.

6.—(1) The vice-chancellor shall, in relation to the university,
take precedence before all other members of the university except the
chancellor and, subject to section three of this Act, except the pro-
chancellor and any other person for the time being acting as chairman
of the council.
(2) Subject to the two last foregoing sections and the provisions of this Act relating to the visitor, the vice-chancellor shall have the general function, in addition to any other functions conferred on him by this Act or otherwise, of directing the activities of the university.

Transfer to the university of the property, etc., of University College, Ibadan

7.—(1) On the appointed day—

(a) all property held immediately before that day by or on behalf of the college shall, by virtue of this subsection and without further assurance, vest in the university and be held by it for the purposes of the university; and

(b) the college shall cease to exist; and

(c) the University College, Ibadan, Act and, subject to the following subsection, any instruments in force by virtue of that Act shall cease to have effect; and

(d) in item 17 of Part I of the Schedule to the Constitution of the Federation (which specifies higher educational institutions as respects which Parliament has exclusive legislative powers) for the words “The University College at Ibadan” there shall be substituted the words “The University of Ibadan”.

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to, and to matters arising from, the transfer by this section to the university of the property of the college and with respect to the other matters mentioned in that Schedule.

Supervision and discipline

8.—(1) The Governor-General shall be the visitor of the university and may at any time conduct a visitation of the university or direct that a visitation of the university shall be conducted by such persons and for such purposes as may be specified in the direction.

(2) It shall be the duty of the bodies and persons comprising the university—

(a) to make available to the visitor, and to any other persons conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation; and

(b) to give effect to any instructions consistent with the provisions of this Act which may be given by the visitor in consequence of a visitation.

9.—(1) If it appears to the Governor-General that the chancellor should be removed from office on the ground of misconduct or of inability to perform the functions of his office, the Governor-General may by notice in the Gazette of the Federation remove the chancellor from office.
(2) If it appears to the council that the pro-chancellor or a member of the council (other than the pro-chancellor, the vice-chancellor or the deputy vice-chancellor) should be removed from office on either of the grounds aforesaid, the council shall make a recommendation to that effect to the Governor-General; and if the Governor-General, after making such enquiries (if any) as he considers appropriate, approves the recommendation he may, by an instrument in writing signed by him, remove the person in question from office.

(3) If it appears to the council that there are reasons for believing that the vice-chancellor, the deputy vice-chancellor or any other person employed as a member of the staff of the university should be removed from his employment on either of the grounds aforesaid, the council shall—

(a) give notice of those reasons to the person in question;  
(b) afford him an opportunity of making representations in person on the matter to the council; and  
(c) if he or any three members of the council so request within the period of one month beginning with the date of the notice, make arrangements—  
(i) for a joint committee of the council and the senate to investigate the matter and to report on it to the council; and  
(ii) for the person in question to be afforded an opportunity of appearing before and being heard by the committee with respect to the matter;  
and if the council, after considering any representations and report made in pursuance of this subsection, is satisfied that the person in question should be removed as aforesaid, the council may so remove him by an instrument in writing signed on the directions of the council.

(4) If it appears to the vice-chancellor that a person appointed as an examiner for any examination organised by the senate ought to be removed from his appointment, then, except in such cases as may be prescribed, he may, after affording to the examiner an opportunity of making representations in person on the matter to the vice-chancellor, remove the examiner from the appointment by an instrument in writing signed by the vice-chancellor; and, subject to the provisions of regulations made in pursuance of subsection (4) of section five of this Act, the vice-chancellor may appoint an appropriate person as examiner in the place of an examiner removed in pursuance of this subsection.

(5) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.

(6) If it appears—

(a) in the case of the vice-chancellor, to the council;  
(b) in the case of the deputy vice-chancellor or any other person employed as mentioned in subsection (3) of this section, to the vice-chancellor,

that the person in question should be removed from his employment in accordance with that subsection, the council or, as the case may be, the vice-chancellor may by a notice signed on the directions of the
council or by the vice-chancellor, prohibit him from exercising the functions of his employment with a view to his removal; and on exercising his powers under this subsection the vice-chancellor shall forthwith refer the case to the council, and the council shall give such directions in the matter as it thinks proper.

(7) Nothing in the last foregoing subsection shall be construed as affecting a person’s entitlement to the emoluments of his employment during the period of any prohibition imposed in pursuance of that subsection.

(8) Nothing in subsection (3) or (6) of this section shall apply to employments of such descriptions as may be prescribed.

10.—(1) Where it appears to the vice-chancellor that any student at the university has been guilty of misconduct, the vice-chancellor may, without prejudice to any other disciplinary powers conferred on him by regulations, direct that—

(a) the student shall not, during such period as may be specified in the direction, participate in such activities of the university, or make use of such facilities of the university, as may be so specified;

(b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;

(c) the student be rusticated for such period as may be specified in the direction;

(d) the student be expelled from the university.

(2) Where a direction is given under paragraph (c) or (d) of the foregoing subsection in respect of any student, the student may, within the prescribed period and in the prescribed manner, appeal from the direction to the council; and where such an appeal is brought the council shall, after causing such inquiry to be made in the matter as the council considers just, either confirm or set aside the direction or modify it in such manner as the council thinks fit.

(3) The fact that an appeal from a direction is brought in pursuance of the last foregoing subsection shall not affect the operation of the direction while the appeal is pending.

(4) Lack of diligence shall be treated as misconduct for the purposes of this section.

(5) Nothing in this section shall be construed as preventing the restriction or termination of a student’s activities at the university otherwise than on the ground of misconduct.

Miscellaneous and general

11. No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the university, the holder of any degree of the university or of any appointment or employment at the university, or a member of any body established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage, in relation to the university, by reference to any of those matters.
12. For the purposes of the Public Lands Acquisition Act (which provides for the compulsory acquisition of land for public purposes) the purposes of the university shall be public purposes of the Federation; and where an estate or interest in lands is acquired by the Governor-General in pursuance of this section, he may, by a certificate under the hand and seal of the Chief Federal Land Officer, transfer it to the university.

13.—(1) Any body of persons established by this Act, shall, without prejudice to the generality of the powers of that body, have power to appoint committees consisting of members of that body and, subject to the provisions of subsection (7) of section four of this Act, to authorise a committee established by it to exercise, on its behalf, such of its functions as it may determine.

(2) Subject as aforesaid, any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section shall be such as may be specified by the bodies which determine to establish the committee or hold the meeting.

(4) Nothing in the foregoing provisions of this section shall be construed as—
   (a) enabling the council to empower any other body to make statutes; or
   (b) enabling the senate to empower any other body to make regulations or to award degrees or other qualifications.

(5) The pro-chancellor and the vice-chancellor shall be members of every committee of which the members are wholly or partly appointed by the council (other than a committee appointed to inquire into the conduct of the officer in question); and the vice-chancellor shall be a member of every committee of which the members are wholly or partly appointed by the senate.

14.—(1) The seal of the university shall be such as may be determined by the council and approved by the chancellor; and the fixing of the seal of the university shall be authenticated by the signature of the chancellor or the pro-chancellor or the vice-chancellor or such other person as may be provided by statute.

(2) Any document purporting to be a document executed under the seal of the university authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(3) 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 university by any person generally or specially authorised by the council to do so.
(4) The validity of any proceedings of any body established in pursuance of this Act shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body, or by reason that any person not entitled to do so took part in the proceedings.

(5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.

(6) Nothing in section twenty-two of the Interpretation Act (which provides for the application, in relation to subordinate legislation, of certain incidental provisions) shall apply to statutes or regulations made in pursuance of this Act; but the power conferred by this Act to make statutes or regulations shall include power to revoke or vary any statute or regulation by a subsequent statute or, as the case may be, by a subsequent regulation, and statutes and regulations may make different provision in relation to different circumstances.

(7) No stamp or other duty shall be payable in respect of any transfer of property to the university by virtue of section seven or section twelve of this Act.

(8) Any notice or other instrument authorised or required to be served by virtue of this Act may, without prejudice to any other mode of service, be served by post.

15.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say,—

“the appointed day” means the day on which this Act comes into force;

“the college” means the University College, Ibadan;

“the council” means the council established by this Act for the university;

“graduate” means a person on whom a degree (other than an honorary degree) has been conferred by the university, and includes a person on whom a degree has been conferred by the university of London, or such other university as may be prescribed, as the result of an examination taken in conjunction with a course of study at the college;

“the Minister” means the Minister of the government of the Federation responsible for education;

“notice” means notice in writing;

“prescribed” means prescribed by regulations;

“property” includes rights, liabilities and obligations;

“professor” means a person designated as a professor of the university in accordance with provision in that behalf made by regulations;

“regulations” means regulations made by the senate;

“the senate” means the senate established by this Act for the university;

“statute” means a statute made by the council and having effect in accordance with section four of this Act;

“student” means an undergraduate and a person of such description as may be prescribed for the purposes of this definition;
“teacher” means a person holding a full-time appointment as a member of the teaching or research staff of the university;

“undergraduate” means a person in statu pupillari at the university, other than a graduate or a person of such description as may be prescribed for the purposes of this definition; and

“the university” means the university established by this Act.

(2) References in this Act to any other enactment are references to that enactment as amended by or under any subsequent enactment.

(3) Nothing in this Act shall be construed as purporting to prejudice the provisions of section eighty-six of Constitution of the Federation (which requires the Governor-General, except as there provided, to act in accordance with the advice of Ministers).

16.—(1) This Act may be cited as the University of Ibadan Act, 1962, and shall apply throughout the Federation.

(2) This Act shall come into force on such date as the Minister may by order appoint.

SCHEDULES

FIRST SCHEDULE

Principal officers of the university

The Chancellor

1. The chancellor shall be appointed by the Governor-General.

2. The chancellor shall take office on the date when notice of his appointment is published in the Gazette of the Federation and, subject to the provisions of this Act, shall hold office for a period of seven years beginning with that date.

The Pro-Chancellor

3.—(1) The pro-chancellor shall be appointed by the chancellor, acting in accordance with the advice of the council.

(2) Subject to the provisions of this Act, the pro-chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Vice-Chancellor

4.—(1) Without prejudice to the generality of section seven of this Act, the first vice-chancellor shall be Kenneth Onwuka Dike, Master of Arts, Doctor of Philosophy, Doctor of Laws and Principal of the University College, Ibadan.

(2) Subject to the foregoing sub-paragraph, the vice-chancellor shall be appointed by the council after consideration of any recommendation with respect to the appointment made, within the period of four months beginning with the date when the office became vacant, by a joint meeting of the council and the senate.

(3) Subject to the provisions of this Act, the vice-chancellor shall hold office for such period and on such terms as to the emoluments of his office as may be specified in his instrument of appointment.

The Deputy Vice-Chancellor

5.—(1) There shall be a deputy vice-chancellor, who shall act in the place of the vice-chancellor when the office of vice-chancellor is vacant or the vice-chancellor is for any reason (including absence from the
precincts of the university) unable to perform his functions as vice-chancellor; and references in this Act to the vice-chancellor shall be construed accordingly.

(2) The deputy vice-chancellor shall be appointed by the council after consideration of any recommendation with respect to the appointment made as mentioned in subparagraph (2) of the last foregoing paragraph.

(3) Subject to the provisions of this Act, the deputy vice-chancellor shall hold office for a period of two years beginning with the first day of August of the year in which he is appointed, and on such terms as to the emoluments of his office as may be specified in his instrument of appointment.

(4) If the deputy vice-chancellor vacates office before the expiration of his period of office, the council may if it thinks fit appoint a successor to hold office for the unexpired portion of that period.

(5) A person who has held office as deputy vice-chancellor for a continuous period of four years or longer, or would so have held it but for his resignation, shall not be eligible for appointment as deputy vice-chancellor during the two years immediately following the end of that period.

Other principal officers of the university

6.—(1) There shall be a registrar, who shall be responsible to the vice-chancellor for the day to day administration of the affairs (other than academic and financial affairs) of the university.

(2) There shall be a bursar, who shall be responsible to the vice-chancellor for the day to day administration of the financial affairs of the university.

(3) There shall be a librarian, who shall be responsible to the vice-chancellor for the administration of the library of the university in accordance with regulations.

(4) The officers aforesaid shall be appointed by the council for such period and on such terms as to the emoluments of their offices as may be specified in their respective instruments of appointment.

(5) Any question as to what are academic or financial affairs of the university for the purposes of this paragraph shall be determined by the vice-chancellor.

Resignation and reappointment

7.—(1) An officer mentioned in the foregoing provisions of this Schedule may resign his office—
(a) in the case of the chancellor, by notice to the Governor-General;
(b) in any other case, by notice to the council.

(2) Subject to subparagraph (5) of paragraph 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for appointment to that office.
SECOND SCHEDULE

Constituent bodies of the university

The Council

1.—(1) The council shall consist of—
   (a) the pro-chancellor;
   (b) the vice-chancellor and the deputy vice-chancellor;
   (c) four persons appointed by the Minister;
   (d) a number of persons equal to twice the number of the Regions of which Nigeria consists for the time being, of whom two shall be appointed by the Governor of each Region respectively;
   (e) four persons appointed by the senate from among the members of that body;
   (f) two persons appointed by congregation from among the members of that body;
   (g) one person appointed by convocation from among the members of that body; and
   (h) such persons, not exceeding four in number, as may be appointed by the council to be members of the council.

(2) Any member of the council holding office otherwise than in pursuance of paragraph (a) or (b) above may, by notice to the council, resign his office.

(3) A member of the council holding office otherwise than in pursuance of paragraph (a) or (b) above shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with the first day of August of the year in which he is appointed.

(4) Where a member of the council holding office otherwise than by virtue of paragraph (a), (b) or (h) above vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may, and shall if the vacancy occurs more than three months before the expiration of that period, appoint a successor to hold office (unless he previously vacates it) for the residue of the term of his predecessor.

(5) A person ceasing to hold office as a member of the council otherwise than by removal for misconduct shall be eligible for appointment as such a member.

(6) The quorum of the council shall be eight.

(7) If the pro-chancellor is not present at a meeting of the council, such other member of the council present at the meeting as the council may appoint as respects that meeting shall be the chairman at that meeting; and subject to section three of this Act and the foregoing provisions of this subparagraph, the council may regulate its own procedure.

(8) The registrar, or in his absence such member of his department as he may designate, shall act as secretary at any meeting of the council.
2. If it appears to the council that one of its members holding office by virtue of paragraph (c) or (d) above is specially qualified to advise the council in relation to the property and expenditure of the university, the council may confer on him, for the remainder of his period in office, the style of treasurer of the university.

The Senate

3. The senate shall consist of—
(a) the vice-chancellor;
(b) the deputy vice-chancellor;
(c) the professors, and the director of extra-mural studies;
(d) the librarian;
(e) the persons for the time being holding such appointments on the staff of the university as may be specified by the vice-chancellor;
(f) such teachers as may be elected to be members of the senate in accordance with paragraph 5 of this Schedule (hereafter in this Schedule referred to as "elected members").

4.—(1) The vice-chancellor shall be the chairman at all meetings of the senate when he is present; and when he is not present the deputy vice-chancellor, or in his absence such other member of the senate present at the meeting as the senate may appoint for that meeting, shall be the chairman at the meeting.

(2) The quorum of the senate shall be twenty; and subject to the foregoing subparagraph the senate may regulate its own procedure.

(3) An elected member may, by notice to the senate, resign his office.

5.—(1) Subject to subparagraph (5) of this paragraph, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the vice-chancellor may from time to time determine, and at which all members of congregation shall be entitled to vote.

(2) Regulations shall secure that voting at elections held in pursuance of this paragraph is by secret ballot and that votes are cast either in person or by post.

(3) The number of persons to be elected at any election held in pursuance of this paragraph in any year shall be one half, or the nearest whole number less than one half, of the total of non-elected members, so however that the said number of persons shall be reduced by the number of elected members whose periods of office do not expire during that year.

(4) An elected member shall hold office for the period of two years beginning with the first day of August in the year of his election, and may be a candidate at any election held in pursuance of this paragraph in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.

(5) No election shall be held in pursuance of this paragraph in any year if the number specified in the certificate given in pursuance of the next following subparagraph does not exceed by more than one
the figure which is twice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of the last foregoing subparagraph; but for the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after the thirtieth day of April in any year in which he is to continue in or take office as an elected member.

(6) In this paragraph, "total of non-elected members" means, as respects any year, such number as may be certified by the vice-chancellor on the thirtieth day of April of that year to be the number of persons holding office as members of the senate on that day otherwise than as elected members.

Congregation

6.—(1) Congregation shall consist of—
(a) the vice-chancellor and the deputy vice-chancellor;
(b) all teachers within the meaning of this Act; and
(c) the persons holding such other appointments at the university as the council, after consultation with the vice-chancellor, may from time to time determine.

(2) Subject to section three of this Act, the vice-chancellor shall be the chairman at all meetings of congregation when he is present and when he is not present the deputy vice-chancellor, or in his absence such other member of congregation present at the meeting as congregation may appoint for that meeting, shall be the chairman at the meeting.

(3) The quorum of congregation shall be one-third, or the whole number nearest to one-third, of the total number of members of congregation.

(4) A certificate signed by the vice-chancellor specifying—
(a) the total number of members of congregation for the purposes of any particular meeting or meetings of congregation; or
(b) the names of the persons who are members of congregation during a particular period,
shall be conclusive evidence of that number or, as the case may be, of the names of those persons.

(5) Subject to the foregoing provisions of this paragraph, congregation may regulate its own procedure.

7. Congregation shall have such functions, in addition to the function of appointing members of the council, as may be provided by statute.

Convocation

8. Convocation shall consist of—
(a) the officers of the university mentioned in the First Schedule to this Act;
(b) all teachers within the meaning of this Act; and
(c) all other persons whose names are registered in accordance with the next following paragraph.

9.—(1) A person shall be entitled to have his name registered as a member of convocation if—
(a) he is either a graduate or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
(b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees;
and regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and, subject to the next following subparagraph, may provide for the payment from time to time of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.

(2) The person responsible for maintaining the register shall, without the payment of any fee, ensure that the names of all persons who are for the time being members of convocation by virtue of paragraph (a) or (b) of paragraph 8 above are entered and retained on the register.

(3) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register, or a copy of the register, at the principal offices of the university at all reasonable times.

(4) The register shall be conclusive evidence that any person named therein is, and that any person not named therein is not, a member of convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.

10.—(1) The quorum of convocation shall be one-third, or the whole number nearest to one-third, of the total number of members of convocation.

(2) Subject to section three of this Act, the vice-chancellor shall be the chairman at all meetings of convocation when he is present, and when he is not present the deputy vice-chancellor, or in his absence such other member of convocation present at the meeting as convocation may appoint for that meeting, shall be the chairman at the meeting.

11. Convocation shall have such functions, in addition to the function of appointing a member of the council, as may be provided by statute.

THIRD SCHEDULE
Organisation of faculties
Branches of the faculty

1. The faculty shall be divided into two or more branches in the prescribed manner.

The faculty board

2.—(1) The faculty shall be under the direct control of a body, to be known as the faculty board (and hereafter in this Schedule referred to as "the board"), which shall consist of—

(a) the vice-chancellor and the deputy vice-chancellor;
(b) the persons severally in charge of the branches of the faculty;
(c) such of the teachers assigned to the faculty and having the prescribed qualifications as the board may determine; and

(d) such persons, whether or not members of the university, as the board may determine with the general or special approval of the senate.
(2) The quorum of the board shall be three or one-third (or the whole number nearest to one-third) of the members for the time being of the board, whichever is the greater; and, subject to paragraph 3 of this Schedule and to any provision made by regulations in that behalf, the board may regulate its own procedure.

The dean of the faculty

3.—(1) The board shall, in the prescribed manner, from time to time appoint one of the professors assigned to the faculty to be the dean of the faculty; and the person so appointed shall, on his appointment being confirmed by the senate, hold office as dean on such terms (including terms as to the period of tenure of office) as may be prescribed.

(2) The dean shall be the chairman at all meetings of the board when he is present.

(3) It shall be a function of the dean to present to congregation for the conferment of degrees persons who have qualified for degrees of the university at examinations held in the branches of learning for which responsibility is allocated to the faculty.

FOURTH SCHEDULE

Transitional provisions as to property, etc.

Transfer of property

1.—(1) Every agreement to which the college was a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned by the college, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraph, have effect from the appointed day, so far as it relates to property transferred by this Act to the university, as if—

(a) the university had been a party to the agreement;

(b) for any reference (however worded and whether express or implied) to the college there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the university; and

(c) for any reference (however worded and whether express or implied) to an authority or officer of the college there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the authority or officer of the university who corresponds as nearly as may be to the authority or officer in question of the college.

(2) Other documents, including enactments, which refer, whether specially or generally, to the college shall be construed in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by the operation of any of them or of section seven of this Act, any right, liability or obligation vests in the university, the university and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making
or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the university.

(4) Any legal proceedings or application to any authority pending on the appointed day by or against the college and relating to property transferred by this Act to the university may be continued on or after that day by or against the university.

(5) If the law in force at the place where any property transferred by this Act is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply with the necessary modifications to the transfer of the property aforesaid; and it shall be the duty of the council to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of functions, etc.

2.—(1) The first meeting of the council shall be convened by the Minister for such date (not being later than three months after the appointed day) and in such manner as he may determine; and the Minister may give directions as to the procedure and agenda for that meeting.

(2) The council of the college shall be deemed to be the council of the university until the date determined in pursuance of the foregoing subparagraph, and shall cease to exist on that date.

(3) The foregoing provisions of this paragraph shall apply to the senates of the university and the college as they apply to the councils of the university and the college.

(4) Any person who, immediately before the appointed day, held office as the chairman or a nominated or co-opted member of the council of the college by virtue of any provision repealed by this Act shall on that day become the pro-chancellor or, as the case may be, a member of the council of the university, and shall be deemed—

(a) to have been appointed to that office in pursuance of the provision of this Act corresponding to the repealed provision in question; and

(b) to have been so appointed on the date on which he took office, or last took office, in pursuance of the relevant repealed provision;

and for the purposes of this subparagraph the provisions of subparagraphs (i) and (ii) of paragraph (a) of Statute 3 set out in the First Schedule to the University College, Ibadan, Act shall be treated as corresponding to the provisions of paragraph (c) of subparagraph (1) of paragraph 1 of the Second Schedule to this Act.

(5) The faculties, faculty boards and students of the college shall, on the appointed day, become faculties, faculty boards and students of the university; and, without prejudice to the generality of the provisions of this Schedule relating to the transfer of property, any person who, immediately before the appointed day, was a member of the staff of the college within the meaning of the University College, Ibadan, Act shall on that day become the holder of an appointment at the
university with the status, designation and functions which correspond as nearly as may be to those which appertained to him in his capacity as a member of that staff.

(6) For the purposes of paragraph 5 of the First Schedule to this Act, a person holding office as deputy vice-chancellor by virtue of this Schedule shall be treated as having held that office during any period when he was vice-principal of the college, and as having been appointed to that office on the first day of August of the year in which his appointment as vice-principal was last renewed.

(7) All regulations, rules and similar instruments made for the purposes of the college and in force immediately before the appointed day shall, except in so far as they are subsequently revoked or amended by any authority having power in that behalf, have effect, with any necessary modifications, as if duly made for the corresponding purposes of the university.
ARRANGEMENT OF SECTIONS

Section
1. Exemption from customs duties of goods temporarily exported.
2. Relaxation of import duty on composite goods.
3. Exemption from excise duty of exported spirits.
4. Extension to all dutiable goods of provisions as to warehousing.
5. Provision of living accommodation for officers at premises licensed for excise purposes.
6. Recovery of Board’s expenses in refunding excess payments of duty.
7. Possession of arms by members of Customs Preventive Service.
8. Power of officers to search licensed premises.

1962, No. 38

AN ACT TO AMEND THE LAW RELATING TO CUSTOMS AND EXCISE.

[27th December, 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. Where—
(a) any goods are entered outwards for the purpose of being exported from Nigeria; and
(b) by virtue of section five of the Customs Tariff Act, 1958 (which relates to export duties) a duty of customs is chargeable on the goods; and
(c) the Board of Customs and Excise is satisfied that it is proposed to import those goods into Nigeria within such period as the Board may determine in the case of those goods;

then, subject to the provisions of subsection (2) of that section,—

(i) the goods shall be treated as comprising only those articles which form a part or ingredient of the goods and which would be chargeable with such a duty if imported separately (excluding any of them of which, in the opinion of the Board, the quantity is negligible); and
(ii) the amount of the duty in respect of the goods shall be the amount or aggregate amount which would have been chargeable on the article or articles taken into account in accordance with paragraph (i) above if it or they had been imported separately.

(2) The Customs Tariff (Amendment) Act, 1961 (which amended the said section twelve) is hereby repealed and shall be deemed never to have been enacted.

3.—(1) The Governor-General may by regulations provide for the exportation and loading as stores of spirits without the payment of any excise duty chargeable on spirits apart from this section.

(2) Regulations under this section may make different provision for different circumstances and may contain such incidental and supplemental provisions as the Governor-General considers expedient for the purposes of the regulations, including in particular provision for the imposition of fines in respect of offences against the regulations (not exceeding a fine of two hundred pounds for each offence) and provision for forfeitures in connection with such offences.

4. Nothing in the customs or excise laws shall be construed as limiting to imported goods the provisions of those laws relating to the warehousing of goods ; and accordingly the words " upon first importation " in section seventy-three of the Customs and Excise Management Act, 1958, the words " on first importation " in subsection (1) of section seventy-four of that Act, and the words " on importation " in subsection (2) of section seventy-eight of that Act are hereby repealed.

5. The requirements which the Board is authorised to impose on the holder of an excise licence by subsection (1) of section one hundred and eleven of the Customs and Excise Management Act, 1958, shall include the requirement to provide at his own expense and lease to the Board, on such reasonable terms as the Board may determine, living accommodation which the Board considers suitable for occupation by, and by the household of, any officer charged with duties which, in the opinion of the Board, make it desirable that he should reside on or near the premises for which the excise licence in question is granted; and the provisions of subsection (2) of that section (which provide for the revocation or suspension of an excise licence for failure to comply with a requirement made in pursuance of the said subsection (2)) shall have effect accordingly.

6. Where a claim is made to the Board for the repayment of any sum in respect of an amount paid by way of duty in excess of the amount chargeable in respect of that duty, the Board may if it thinks fit require the claimant to defray, in accordance with such reasonable scales as the Board may determine, the administrative expenses incurred by the Board in connection with the repayment.

7. The authorisation to possess and control arms and ammunition given by the Customs Preventive Service (Firearms) Act, 1962, to members of the Customs Preventive Service not below the rank of Assistant Superintendent shall extend to officers of that service not below the rank of Senior Preventive Officer, and to members of that service below that rank when, but only when, they are acting under the personal supervision of such an officer.
8.—(1) Any officer who is authorised in writing by the Board to exercise the powers conferred by this subsection may, for the purpose of enforcing the customs or excise laws, at any time, on production if so required of his authority and if need be by force, enter and search any premises in respect of which he reasonably believes that a licence under the Liquor ( Licensing) Act, 1959, is in force and any room or place adjacent to and communicating with the premises.

(2) Any person who obstructs an officer acting in pursuance of the foregoing subsection shall be liable on summary conviction to imprisonment for a term not exceeding two years or to a fine of an amount not exceeding five hundred pounds or to both; and where a person who has committed an offence under this subsection is the manager or servant of the holder of such a licence as aforesaid in respect of the premises in question, the holder also shall be deemed to have committed the like offence and shall be liable to be proceeded against and punished accordingly.

(3) The provisions of paragraph (c) of section twenty, section forty-two and section forty-five of the said Act of 1959 (which provide for the endorsement on licences of convictions under that Act and for the refusal and forfeiture of licences) shall apply in relation to a conviction under this section as they apply in relation to a conviction under that Act.

9.—(1) This Act may be cited as the Customs and Excise Act, 1962, and shall apply throughout the Federation, except that section eight of this Act shall apply only to the Federal territory.

(2) This Act shall be construed as one with the Customs and Excise Management Act, 1958.
OFFICIAL SECRETS (AMENDMENT) ACT, 1962

1962, No. 39

AN ACT TO LIMIT, IN RELATION TO THE REGIONS, THE REPEAL BY THE OFFICIAL SECRETS ACT, 1962, OF OTHER ENACTMENTS RELATING TO PUBLIC SAFETY.

[27th December, 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) Subsection (3) of section ten of the Official Secrets Act, 1962, shall not be construed as repealing the Official Secrets Act (herein-after referred to as "the former legislation") in so far as, apart from that subsection, the former legislation has effect as part of the law of a Region and is not inconsistent with or made redundant by the said Act of 1962; and the former legislation shall have effect accordingly.

(2) Nothing in this section shall affect any power of the Legislature of a Region to make laws with respect to public safety which are not inconsistent with the provisions of the said Act of 1962 and, in particular, to make laws repealing the former legislation in so far as it has effect as part of the law of the Region.

2.—(1) This Act may be cited as the Official Secrets (Amendment) Act, 1962.

(2) This Act shall apply throughout the Federation, and shall apply to citizens of Nigeria elsewhere than in the Federation.

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ARRANGEMENT OF SECTIONS

Section

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1962, No. 40

AN ACT TO CONSOLIDATE AND AMEND THE LAW AS TO WEIGHTS AND MEASURES AND TO MAKE PROVISION FOR METRIC WEIGHTS AND MEASURES AND FOR CONNECTED MATTERS.

[By notice section 45]

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:—

PART I—UNITS AND STANDARDS OF MEASUREMENT

1.—(1) The yard or the metre shall be the unit of measurement of length, and the pound or the kilogramme shall be the unit of measurement of mass by reference to which any measurement involving a measurement of length or mass shall be made in Nigeria; and—

(a) the yard shall be 0.9144 metre exactly;

(b) the pound shall be 0.45359237 kilogramme exactly.

(2) The Minister shall within two years after the commencement of this Act procure and thereafter at intervals of not more than ten years cause to be checked and maintained as standards for Nigeria, copies representing and corresponding to the units of measurement of length and of mass to which this section applies, and the copies when procured shall be verified—

(a) in the case of imperial units, against the corresponding standards of the Board of Trade in England; and

(b) in the case of metric units, against the corresponding standards of the International Bureau of Weights and Measures in France,

and when brought into Nigeria, the Minister shall by order declare the copies to be the Nigerian primary standards, by reference to which all other standards of those units and of any other unit of measurement derived wholly or partly from any of those units shall be maintained.

(3) Subject to the next succeeding subsection, the First Schedule to this Act shall have effect for defining for the purposes of measurements falling to be made in Nigeria the units of measurement in that Schedule; and for the purposes of any measurement of weight falling to be so made, the weight of any thing may be expressed by reference to the units of measurement set out in Part V of that Schedule, in the same terms as its mass,
Until an order is made under subsection (2) of this section, the Nigerian primary imperial standards shall be—

(a) in the case of the yard, the bar and stand described in Part I of the Second Schedule to this Act; and

(b) in the case of the pound, the figure or shape described in Part II of the Second Schedule,

and such yard and pound which with such parts or multiples thereof as were immediately before the date of the commencement of this section in the custody of the Treasury in the Federal Territory, shall on the commencement of this section be the Nigerian primary imperial standards and continue to be under the control of the Accountant-General of the Federation and of the Director of Federal Surveys as joint wardens; and the Minister may make such order as to Nigerian primary metric standards, as he thinks necessary to implement the provisions of this section.

Any order made under this section shall be laid before both Houses of Parliament if then in session or within three days after the commencement of the next ensuing meeting after the making of the order; and if not so laid, the order shall be void but without prejudice to anything purporting to have been done thereunder before such date. Any such order may include provision for the custody of the Nigerian primary standards.

2.—(1) The Minister shall maintain secondary standards in accordance with the provisions of this section, which shall be known collectively as Nigerian trade standards.

(2) The secondary standards shall consist of standards of all the measures set out in Parts I and IV and all the weights set out in Part V of the Third Schedule to this Act; and any such standard shall be constructed, and while it remains in use, from time to time at intervals not exceeding five years have its value re-determined by reference to such one or more of the Nigerian primary standards, as may appear to the Minister to be appropriate.

(3) The Nigerian trade standards shall be provided or replaced at the direction of the Minister from time to time as may appear to him necessary or expedient, and they shall be in such form and of such material, and be kept under such control in the Ministry responsible for trade as the Minister may direct; and a secondary standard of any linear or capacity measure may as the Minister thinks fit,—

(a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fractions of such a unit or have no such marking.

(4) Any standard of any such measure or weight as aforesaid provided under any Act repealed by this Act and in use as a secondary standard in the Ministry of Commerce and Industry immediately before the date of the commencement of this section, shall be deemed for the purposes of this Act, to be a secondary standard provided under this section.
3.—(1) The Minister shall provide for use by inspectors under this Act and cause to be maintained or from time to time replaced such standards (in this Act referred to as “working standards”) of such of the measures and weights set out in the Third Schedule to this Act, together with such testing equipment and stamping equipment as he may from time to time approve or require as being proper and sufficient for the efficient discharge by inspectors of their functions under this Act.

(2) Working standards and testing and stamping equipment provided under this section shall be of material and form approved by the superintendent of weights and measures, and except so far as may be necessary for the purposes of their use elsewhere, they shall be kept under such control as the superintendent may from time to time direct or approve; and a working standard of a linear or capacity measure shall as the superintendent may from time to time direct,—

(a) be provided either as a separate standard or by means of divisions marked on a standard of a larger measure, and

(b) either be marked in whole or in part with subdivisions representing any smaller unit of measurement or multiples or fraction of such a unit or have no such markings.

(3) The Minister shall by regulations make provision—

(a) for working standards to be from time to time tested by comparison with, and if necessary adjusted to within such limits of error as may be specified in the regulations by reference to other working standards more recently tested, or as the case may require, Nigerian trade standards;

(b) with respect to the testing, adjustment and limits of error of testing equipment provided under this section;

and no article shall be used by an inspector as a working standard or as testing equipment unless the relevant requirements of those regulations are for the time being satisfied with respect thereto.

(4) Any working standard or testing or stamping equipment lawfully in use by inspectors immediately before the commencement of this section, shall be deemed for the purposes of this Act, to have been provided under this section.

4.—(1) No person shall—

(a) use for trade any unit of measurement of length, area, volume, capacity, mass or weight which is not included in the First Schedule to this Act;

(b) use for trade, or have in his possession for use for trade any linear, square, cubic or capacity measure which is not so included in the Third Schedule to this Act or any weight which is not so included.

(2) No person shall use the carat (metric) for trade except for the purposes of transactions in precious stones or pearls; and no person shall use the ounce troy for trade except for the purposes of transactions in gold, silver or other precious metals or in articles made from gold or silver, including gold or silver thread, lace or fringes.

(3) No person shall use the ounce apothecaries, drachm, scruple, fluid drachm or minim for trade otherwise than for the purpose of transactions in drugs.
(4) Save as may be prescribed—

(a) a linear measure specified in Part I of the Third Schedule to this Act may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths;

(b) no capacity measure specified in Part IV of the said Third Schedule shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.

(5) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence, and any measure or weight used, or in the possession of any person for use, in contravention of any of those provisions shall be liable to be forfeited.

(6) The Minister may by order prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in the First Schedule to this Act in terms of any other unit of measurement so included.

(7) Paragraph (a) of subsection (1) of this section shall not apply to the prescribing of, or to the dispensing of a prescription for, drugs, and nothing in any order under subsection (6) of this section shall apply to any transaction in drugs; but the Federal Minister charged with responsibility for health and the Minister acting jointly may by order which shall have effect notwithstanding anything in any other written law—

(a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement which is or at the date of commencement of this section was included in the First Schedule to this Act in terms of any other such unit;

(b) require that any person carrying out any such dealing with drugs as is specified in the order for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under paragraph (a) of this subsection as is so specified.

(8) The Minister may from time to time by order amend the said Third Schedule by adding to or removing from any of Parts I to IV thereof any measure of length, area, volume or capacity, as the case may be, or by adding to or removing from Part V thereof any weight.

5.—(1) The provisions of this section shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed, and regulations by virtue of this subsection may be made with respect to equipment whatever the nature of the measurement made thereby (including measurement in terms of number) and whether or not the equipment is constructed to give an indication of the measurement made or other information determined by reference to that measurement:

(2) No person shall use any article for trade as equipment to which this section applies, or have any article in his possession for such use, unless that article, or equipment to which this section applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector as fit for such use and, except as otherwise expressly provided by or under this
Act, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear. If any person contravenes this subsection he shall be guilty of an offence, and any article in respect of which the offence was committed shall be liable to be forfeited.

(3) The requirements of subsection (2) of this section with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

PART II.—ADMINISTRATION

6.—(1) Subject to subsections (2) and (3) of this section, there shall be appointed a fit person to be superintendent of weights and measures who shall be charged with the administration of this Act, and such number of other fit persons as deputy superintendents and inspectors as may from time to time be required to assist the superintendent under this Act, and to be subject to his direction and control.

(2) The Minister, after consultation with the Governor of any Region other than the Federal Territory, may create inspectorial districts and assign thereto such number of duly appointed inspectors as may be required, and subject thereto the Minister may delegate to any local council or local authority established under any written law, the power to appoint inspectors within the area of administration of any such local council or local authority; but the question whether any consultation was held, or what was its substance, shall not be enquired into by any court.

(3) Where immediately before the commencement of this section—
(a) any person is the holder of an office designated in subsection (1) of this section, that person shall on the commencement of this section continue in office and be deemed for the purposes only of this Act to have been appointed to his office under this section:
(b) inspectorial districts are in existence in a Region, they shall, on the commencement of this section, continue in existence and be deemed to have been created under this section.

7.—(1) The Minister shall from time to time provide such weighing instruments and measuring instruments for use by inspectors as he may consider necessary for the purposes of their duties under this Act.

(2) Weighing instruments and measuring instruments for use by inspectors shall be verified at such time and in such manner as the superintendent may in writing from time to time direct.

8.—(1) Subject to the provisions of this section, no inspector shall repair, alter or adjust any weight, measure, weighing instrument or, measuring instrument.

(2) If the Superintendent is satisfied that it is in the public interest that an inspector should be allowed to adjust weights, measures, weighing instruments and measuring instruments within the inspectorial district to which he is assigned, the superintendent may authorise the inspector to act as an adjuster accordingly; and it shall be an offence for an inspector so authorised to adjust any weight, measure, weighing instrument or measuring instrument without payment of the prescribed fee.
9.—(1) The superintendent may from time to time require any inspector to attend with his working standards and other equipment (if any) at such time and place as the superintendent may direct. An inspector shall attend where so required and examine and if necessary, verify any weight or measure brought to him or otherwise made available for inspection by him in the locality. If the inspector is satisfied that any weight or measure when produced to or inspected by him is accurate, or is otherwise within the requirements as prescribed, he shall verify the same by means of a stamp, and shall issue to the person entitled a certificate of verification in the form in the Fourth Schedule to this Act or to the like effect; and the certificate of verification shall, unless extended under this section, remain in force for a period of twelve months.

(2) Where any weight or measure by reason of its shape or size may not conveniently be brought to the inspector he may, if requested to do so, attend at the premises where the weight or measure is, and there examine and verify the weight or measure. If for any reason it is not possible for the inspector to attend such premises, and the owner or user of any weight or measure in such premises produces to the inspector a current certificate of verification under this section, the inspector may by endorsement on that certificate, extend its operation for not more than one further period not exceeding twelve months.

(3) The neglect or refusal by an inspector to deliver a certificate of verification under this section shall be an offence against this Act and the inspector shall be liable on summary conviction to a fine of five pounds.

(4) For the purposes of this section, “weight or measure” includes any weighing instrument or measuring instrument; and for the avoidance of doubt a certificate of verification issued under any Act repealed by this Act shall in respect of any period unexpired on the commencement of this section continue in force for the unexpired period, as if it had been issued under this section.

10.—(1) Subject to the production of his credentials if requested, an inspector may within the area for which he was appointed inspector,—

(a) at all reasonable times—

(i) inspect and test any weighing or measuring equipment which is used for trade or which he has reasonable cause to believe may be so used, or which is in the possession of any person or upon any premises for such use;

(ii) inspect any goods to which any of the provisions of this Act or any instrument made thereunder for the time being applies or which he has reasonable cause to believe to be such goods;

(iii) enter any premises at which he has reasonable cause to believe there is any such equipment or goods as aforesaid, not being premises used only as a private dwelling-house; and

(b) at any time seize and detain any article for the purpose of comparing the article with the appropriate standard.

(2) If a magistrate on sworn information in writing is satisfied that there is reasonable ground to believe that any such equipment, goods or articles as are mentioned in subsection (1) of this section are on any premises, or that any offence under this Act has been or is likely to be committed on any premises, and that—
(a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,—

the magistrate, by warrant under his hand, which shall continue in force for a period of one month, may authorise an inspector to enter the premises, and if need be by force.

(3) Where an inspector enters any premises by virtue of a warrant under this section he may take with him such other persons and equipment as may appear to him necessary; and on leaving any such premises which at the time of entry were unoccupied or from which the occupier during such entry was temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(4) If any inspector or other person who enters any work-place by virtue of this section discloses to any person any information obtained by him in the work-place with regard to any manufacturing process or trade secret he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(5) In the exercise of his powers under this section an inspector shall exercise them so that as far as is practicable he will not impede or obstruct work in progress.

(6) Nothing in this section shall authorise an inspector to stop any vehicle on a highway.

11.—(1) Any person who—

(a) wilfully obstructs any inspector acting in the execution of his duty under this Act; or

(b) wilfully fails to comply with any requirement properly made of him by an inspector entering under section ten of this Act; or

(c) without reasonable cause fails to give to any inspector acting as aforesaid any other assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under this Act or any order or regulation made thereunder,—

shall be guilty of an offence.

(2) If any person, in giving to an inspector any such information as is mentioned in the foregoing subsection, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

12.—(1) Any inspector who—

(a) stamps any weight, measure, weighing instrument, or measuring instrument without verifying it, as prescribed by this Act; or

(b) unless authorised under this Act is paid for the making, adjusting or selling of any weight, measure, weighing instrument or measuring instrument; or
(c) commits any breach of duty imposed on him under this Act, or otherwise misconducts himself in the execution of his office,— shall be guilty of an offence, and in addition to any other penalty imposed on conviction thereof, his appointment as an inspector may be cancelled. 

(2) Any person who without proper authority, acts or purports to act as an inspector whether for the purposes of subsection (1) or not, shall be guilty of an offence against this Act. 

13. Where any fraud is wilfully committed in the use of any weight, measure, weighing instrument or measuring instrument, the person committing such fraud, and every person party to such fraud, shall be guilty of an offence and shall be liable on summary conviction in respect of a first offence to a fine of fifty pounds, and in respect of a second or any subsequent offence to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both. 

14. Any person who, refuses when requested by an inspector to produce to the inspector any weight, measure, weighing instrument or measuring instrument in his possession or custody or obstructs, or hinders any inspector in any examination under this Act of any weight, measure, weighing instrument or measuring instrument, shall be guilty of an offence. 

15. Any person who knowingly imports, makes or sells or knowingly causes to be imported, made or sold any unjust weight, measure, weighing instrument or measuring instrument, shall be guilty of an offence and shall be liable on summary conviction in respect of a first offence to a fine of not less than twenty pounds and, in respect of a second or any subsequent offence to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both. 

16. Any person who forges or counterfeits or causes to be forged or counterfeited or knowingly assists in forging or counterfeiting, any stamp or mark used for stamping or marking any weight, measure, weighing instrument or measuring instrument under this Act, shall be guilty of an offence and shall on summary conviction be liable to a fine of not less than fifty pounds or more than one hundred pounds or to imprisonment for a term of six months, or to both. 

17. Any person who knowingly sells or disposes of any weight, measure, weighing instrument or measuring instrument with any forged or counterfeited stamp or mark thereon resembling or intended to resemble any stamp or mark used under this Act, shall be guilty of an offence. 

18. Any person who with intent to defraud—

(a) alters any weight, measure, weighing instrument or measuring instrument stamped or marked in accordance with this Act; or 
(b) uses in any sale, contract, or other dealing any such altered weight, measure, weighing instrument or measuring instrument,— shall be guilty of an offence.
19. Any person who sells any article by weight, measure, or number and delivers or causes to be delivered to the purchaser a less weight, measure, or number, as the case may be, than is purported to be sold, shall be guilty of an offence.

20. Any person who, in connection with the sale or the exposing or offering for sale of anything makes any misrepresentation howsoever or does or omits any act, matter or thing calculated or likely to mislead the seller or purchaser or prospective seller or purchaser as the case may be, as to its weight or measure, or if sold or offered for sale by number, as to the number sold or offered for sale, shall be guilty of an offence.

21.—(1) Subject to subsection (3) of this section, every person shall be guilty of an offence who—
   (a) sells, offers, or exposes for sale any bread otherwise than by nett weight; or
   (b) sells or has in his possession for sale or delivery under a contract of sale any loaf of bread of less nett weight than one half pound or greater multiples thereof, or as may be prescribed from time to time.

   (2) Every person selling or having in his possession for the purpose of sale or carrying to a purchaser for sale any bread, shall if so required by an inspector, permit the inspector to weigh the bread.

   (3) Nothing in this section shall apply—
   (a) to rolls or pieces of bread not exceeding four ounces in weight; or
   (b) to loaves supplied under contract where the contract provides for weighing of the bread on delivery.

22.—(1) Subject to the provisions of this Act as to the use of any indigenous weight or measure, any person who sells any butchers' meat or fresh fish otherwise than by nett weight shall be guilty of an offence.

   (2) Nothing in this section shall apply to the sale or offer for sale of fresh fish on any beach, or to the sale or offer for sale anywhere of shell fish.

23.—(1) Subject to the provisions of this section, any person who for the purposes of any sale, contract, or other dealing uses or has in his possession for use—
   (a) any weight, measure, weighing instrument or measuring instrument which is false or unjust; or
   (b) any weight, measure, weighing instrument or measuring instrument not stamped or marked as required by this Act, or in respect of which no certificate of verification is in force,—

shall be guilty of an offence.

   (2) Until the Minister by notice prescribes a date in respect of which paragraph (b) of subsection (1) of this section shall apply to any of the things referred to in paragraph (a), (b) or (c) of this subsection, nothing in that paragraph shall operate to create an offence in respect of any of the following, that is to say—
   (a) tank wagons of any description;
   (b) any receptacle intended for use as a volumetric measure and forming part of a vehicle;
   (c) instruments used or specially designed for use for the measurement of liquid fuel, or lubricating oil.
24. Any person who sells goods by weight or measure for himself or on behalf of any other person in any warehouse, market, store, or other public place and when required by the person to whom the goods are delivered refuses to weigh or measure the goods in the presence of the person to whom they are delivered, shall be guilty of an offence.

Part III—Miscellaneous and General

25.—(1) Where there is a sale by weight or measurement and the weighing or measurement is to be done by any weight or measure prohibited by this Act, the sale shall be void.

(2) In this section, "sale" includes any contract or other transaction whatsoever.

26.—(1) Where an offence under this Act 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 who was purporting to act in any such capacity, any such director or other person mentioned in this subsection as the case may be, 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) For the purposes of this section, the expression "director" in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body corporate.

27. In any proceedings under this Act in respect of an alleged deficiency in the weight of any article delivered to a purchaser it shall be a good defence on any prosecution if the defendant proves to the special satisfaction of the court that the alleged deficiency was due to unavoidable evaporation or drainage, and that he took all reasonable care to avoid such deficiency.

28.—(1) Any person prosecuted for an offence under this Act, on giving to the prosecution three clear days' notice of his requirement and with the leave of the court, shall be entitled to have brought before the court in the proceedings any other person to whose act or default the defendant alleges responsibility for the commission of the offence. If on proof of commission of the offence, the original defendant proves that its commission was due to the act or default of the other person brought before the court and that the original defendant took all reasonable care to avoid the commission of the offence by him or by any person under his control, he shall be acquitted and discharged; and the court, if it thinks fit, may enter a conviction against the other person brought before the court.

(2) Where it appears to any authority by or on whose behalf proceedings may be instituted that an offence under this Act has been committed and that authority is reasonably satisfied that the offence was due to any act or default of some other person, the authority may
cause proceedings to be taken against that other person alone; and in any such proceedings that other person may be charged with, and may be convicted of that offence, notwithstanding the failure to prosecute the first mentioned person.

29. Unless otherwise prescribed by regulations under this Act, nothing in this Act shall—

(a) be construed to prohibit the sale, or subject any person to a penalty under this Act for the sale of an article in a container of any description where such container is not represented as containing any amount of imperial or metric measure; or

(b) subject any person to a penalty under this Act for the possession of any such container where the court or an inspector, as the case may be, is satisfied that the container was not intended for use as a measure.

30. The fact that any act or omission is an offence under this Act for which a person may be prosecuted shall not affect any civil remedy to which a person aggrieved by the offence may be entitled.

31.—(1) Unless otherwise prescribed by this Act, every transaction of what nature soever in any Region involving the use of any weight or measure not in accordance with the Act shall be void, and any person who uses any such weight or measure shall be guilty of an offence against this Act.

(2) All tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the weights or measures under this Act or to some part or multiple thereof.

32. Any weight, measure, weighing instrument or measuring instrument which is the subject matter of any proceeding leading to conviction for an offence under this Act may, unless otherwise prescribed by this Act be forfeited, and may be broken up or otherwise disposed of as the court may direct.

33. The provisions of this Act and of any other enactment for the time being in force in Nigeria relating to weights, measures, weighing instruments or measuring instruments used for the purposes of any sale, contract or dealing shall extend to any weight, measure, weighing instrument or measuring instrument used in any factory or workshop for the purpose of checking or ascertaining the wages of any person employed therein in like manner as if they were used for the purpose of any sale, contract or dealing under this Act.

34. No weight, measure, weighing instrument or measuring instrument marked or stamped by an inspector under this Act shall, during the currency of any certificate of verification given in respect thereof, be objected to unless the superintendent is satisfied on reasonable grounds that the certificate of verification was issued under a mistake of fact, or that the weight, measure, weighing instrument or measuring instrument when checked with the appropriate standard is incorrect.

35. Where any weight, measure, weighing instrument or measuring instrument is found in the possession of any person upon premises of any description used for trade, that person shall be deemed to be in possession of the weight, measure, weighing instrument or measuring instrument for use for trade until the contrary is proved.
36. Any authority to whom powers are delegated under this Act shall have power to make, or to authorise an inspector to make on behalf of that authority such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of this Act are being complied with.

37. Unless otherwise prescribed for an offence under this Act, it shall not be necessary on any prosecution to prove knowledge or intent; but where the prosecution is in respect of an offence of doing anything knowingly or with a specified intent, the onus of disproving that he did such thing knowingly or with such intent shall be on the defendant.

38. Where there is a dispute between an inspector and any person as to the method of testing or verifying any weight, measure, weighing instrument or measuring instrument, the matter in dispute shall at the request of either party to the dispute be determined by the superintendent, whose decision shall be final.

39. Actions and other proceedings by an inspector for things done or omitted under this Act shall be commenced within four months after the matter complained of was done or omitted and not later; and notice in writing of any such action or other proceeding with full particulars of the cause thereof, shall be given to the defendant seven days at least before the commencement of such action or proceeding.

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

(2) Without prejudice to the general power conferred by subsection (1) of this section, it is hereby declared that regulations may be made for—

(a) prescribing the fees to be paid on the stamping, marking, verifying, repairing or adjusting of any weight, measure, weighing instrument or measuring instrument by an inspector;

(b) prescribing the requirements for the verification and stamping or marking of weights, measures, weighing instruments and measuring instruments;

(c) prescribing the circumstances and the manner in which stamps or marks may be obliterated or defaced and any certificate of verification cancelled;

(d) prescribing the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights, measures, weighing instruments and measuring instruments;

(e) prescribing the limits of error to be allowed on verification and to be tolerated on inspection either generally or as respects any trade;

(f) standardising any indigenous weights or measures and providing for the inspection, testing and verification of such weights and measures, and prohibiting the use of any such weight or measure which is false or unjust;

(g) prescribing any district or other area in which any weight or measure other than imperial or metric weight or measure may continue to be used;

(h) prescribing the quantity in weight or measure by which any prepacked article of food may be sold;

(i) requiring any prepacked articles of food to be marked or labelled with an indication of their weight or measure;
(j) prescribing articles not elsewhere included in this Act which are not to be sold otherwise than by weight or measure.

**Fees.**

41.—(1) The fees in the Fifth Schedule to this Act shall be the prescribed fees for the purposes of this Act.

(2) The Minister may by order from time to time amend, vary or replace the Fifth Schedule. Any order made under this section shall be laid before both Houses of Parliament as soon as possible after the commencement of the next meeting following the making thereof and if not so laid shall be void, but without prejudice to anything done or purported to have been done thereunder.

**Penalties.**

42.—(1) Any person guilty of an offence under any of the following provisions of this Act, that is to say—

(a) subsection (5) of section four;

(b) subsection (2) of section eight;

(c) subsection (1) of section eleven; or

(d) section fourteen,

shall be liable on summary conviction to a fine of fifty pounds.

(2) Any person guilty of an offence under any other provision of this Act shall unless otherwise prescribed, be liable on summary conviction to a fine of fifty pounds or in the case of a second or any subsequent offence under the same provision one hundred pounds or to imprisonment for a term of six months, or to both.

(3) Subject to the exercise by the Director of Public Prosecutions of the Federation of his powers, any proceedings under this Act may be instituted by any inspector.

(4) All penalties imposed under this Act shall, when recovered, be paid into the Consolidated Revenue Fund.

**Restriction on operation of Act.**

43.—(1) Nothing in this Act shall—

(a) without the approval of the Minister apply to any instrument, measure or meter of any description used or installed or to be used or installed for the purpose of—

(i) any dealing with land;

(ii) the measurement of consumption of electricity, gas or water; or

(iii) the hire of any taxi:

(b) in any case, be construed to permit or allow the use at one and the same time in any sale or computation by length or mass, of both imperial standards and metric standards.

(2) For the purposes of this section, "dealing with land" includes the survey or other admeasurement of land whether or not in respect of any sale, lease or mortgage thereof.

**Interpretation.**

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

"capacity measurement" means measurement in terms of a unit of measurement included in Part IV of the First Schedule to this Act;
“container” includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or confining band;

“food” includes drink, chewing gum or special products of a like nature and use, and articles or substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) water, live animals or birds,
(b) fodder or feeding stuffs for animals, birds or fish, or
(c) articles or substances used only as drugs, or medicine for internal or external use;

“inspector” means an inspector of weights and measures appointed under this Act or as the case may be, the superintendent or any deputy superintendent of weights and measures so appointed;

“mark” includes label;

“measuring instrument” includes any instrument for the measurement of length, capacity, surface or volume;

“Minister” means the Federal Minister charged with responsibility for commerce and industry;

“occupier” in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

“premises” includes any place and any stall, vehicle, ship or aircraft;

“prescribed” means prescribed by this Act or regulations under this Act;

“ship” includes any boat and any other description of vessel used in navigation;

“stamp” means a mark for use as evidence of the passing of weighing or measuring equipment as fit for use for trade, whether applied by impressing, casting, engraving, etching, branding, or otherwise however, and cognate expressions shall be construed accordingly;

“superintendent” means the superintendent of weights and measures appointed under this Act;

“weighing instrument” includes scales with the weights applied thereto, scale-beams, balances, spring balances, steelyards, weighing machines, weighbridges, counter scales, automatic scales, self-indicating and semi-self-indicating scales, personal weighing machines and other instruments for weighing, including instruments constructed also to calculate and indicate the price in money.

(2) The expression “use for trade” means use in any Region in connection with, or with a view to, a transaction for—

(a) the transferring or rendering of money or money’s worth in consideration of money or money’s worth; or
(b) the making of a payment in respect of any toll or duty, where—

(i) the transaction is by reference to quantity in terms of measurement of length, area, volume, capacity or weight or in terms of number, or is a transaction for the purposes of which there is made or implied a statement of the quantity in such terms of goods to which the transaction relates; and

(ii) the use is for the purpose of the determination or statement of that quantity,

but, except where the transaction is a retail transaction or a transaction for the making of a payment in respect of a toll or duty leviable in Nigeria or in respect of carriage within or from Nigeria, does not include any case where the goods in respect of which the determination or statement of quantity is made are goods required for despatch to a destination outside Nigeria.

(3) Unless the context otherwise requires, any reference in this Act to any person, other than a reference to an inspector, shall be construed as a reference to that person or some other person acting on his behalf in the matter in question.

(4) A statement as to the weight or measure of a prepacked article shall, unless otherwise specified thereon, be deemed to be a statement of the nett weight or measure of such article.

(5) The Federal territory shall, unless the context otherwise requires, be deemed to be a Region for the purposes of this Act.

45.—(1) This Act may be cited as the Weights and Measures Act 1962 and shall apply throughout the Federation.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice, and the Minister may appoint different days for different sections of this Act, or may apply all or any of the provisions of this Act to any Region or part of a Region.

(3) The Weights and Measures Act is hereby repealed.

SCHEDULES

FIRST SCHEDULE

DEFINITIONS OF UNITS OF MEASUREMENT

PART I

Measurement of length

<table>
<thead>
<tr>
<th>Imperial Units</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mile</td>
<td>= 1760 yards</td>
</tr>
<tr>
<td>Furlong</td>
<td>= 220 yards</td>
</tr>
<tr>
<td>Chain</td>
<td>= 22 yards</td>
</tr>
<tr>
<td>Yard</td>
<td>= 0.9144 metre</td>
</tr>
<tr>
<td>Foot</td>
<td>= 1/3 yard</td>
</tr>
<tr>
<td>Inch</td>
<td>= 1/36 yard</td>
</tr>
</tbody>
</table>
Wights and Measures

Metric units

2. Kilometre  

\[ \text{M} \text{e} \text{t} \text{e} \text{r} \text{e} = 1,000 \text{ metres.} \]

shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the metre in force at the date of the making of the order.

Decimetre  

\[ = 1/10 \text{ metre.} \]

Centimetre  

\[ = 1/100 \text{ metre.} \]

Millimetre  

\[ = 1/1000 \text{ metre.} \]

PART II

Measurement of area

Imperial Units

1. Square mile  

\[ = 640 \text{ acres.} \]

Acre  

\[ = 4,840 \text{ square yards.} \]

Rood  

\[ = 1,210 \text{ square yards.} \]

\[ \text{S} \text{q} \text{u} \text{a} \text{r} \text{i} \text{e} \text{ Y} \text{a} \text{r} \text{d} \]

\[ = \text{a superficial area equal to that of a square each side of which measures one yard.} \]

Square foot  

\[ = 1/9 \text{ square yard.} \]

Square inch  

\[ = 1/144 \text{ square foot.} \]

Metric units

2. Hectare  

\[ = 100 \text{ ares.} \]

Dekare  

\[ = 10 \text{ ares.} \]

Are  

\[ = 100 \text{ square metres.} \]

\[ \text{S} \text{q} \text{u} \text{a} \text{r} \text{e} \text{ M} \text{e} \text{t} \text{r} \text{e} \]

\[ = \text{a superficial area equal to that of a square each side of which measures one metre.} \]

Square decimetre  

\[ = 1/100 \text{ square metre.} \]

Square centimetre  

\[ = 1/100 \text{ square decimetre.} \]

Square millimetre  

\[ = 1/100 \text{ square centimetre.} \]

PART III

Measurement of volume

Imperial units

1. Cubic Yard  

\[ = \text{a volume equal to that of a cube each edge of which measures one yard.} \]

Cubic foot  

\[ = 1/27 \text{ cubic yard.} \]

Cubic inch  

\[ = 1/1728 \text{ cubic foot.} \]

Metric units

2. Cubic Metre  

\[ = \text{a volume equal to that of a cube each edge of which measures one metre.} \]

Cubic decimetre  

\[ = 1/1000 \text{ cubic metre.} \]

Cubic centimetre  

\[ = 1/1000 \text{ cubic decimetre.} \]
PART IV
Measurement of capacity

Imperial units
1. Gallon
   = the space occupied by 10 pounds weight of distilled water of density 0.998859 gramme per millilitre weighed in air of density 0.001217 gramme per millilitre against weights of density 8.136 grammes per millilitre.
   Quart = 1/4 gallon.
   Pint = 1/2 quart.
   Gill = 1/4 pint.
   Fluid ounce = 1/20 pint.
2. Bushel
   = 8 gallons.
   Peck = 2 gallons.
3. Fluid drachm
   = 1/8 fluid ounce.
   Minim = 1/60 fluid drachm.

Metric units
4. Hectolitre
   Litre
   = 100 litres.
   shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the litre in force at the date of the making of the order.
   Decilitre = 1/10 litre.
   Centilitre = 1/100 litre.
   Millilitre = 1/1000 litre.

PART V
Measurement of mass or weight

Imperial units
1. Ton
   = 2,240 pounds.
   Hundredweight = 112 pounds.
   Cental = 100 pounds.
   Quarter = 28 pounds.
   Stone = 14 pounds.
   Pound = 0.45359237 kilogramme.
   Ounce = 1/16 pound.
   Dram = 1/16 ounce.
   Grain = 1/7000 pound.
2. Ounce troy
   = 480 grains.
3. Pennyweight
   = 24 grains.
4. Ounce
   apothecaries = 480 grains.
   Drachm = 1/8 ounce apothecaries.
   Scruple = 1/3 drachm.
Weights and Measures 1962, No. 40 A 463

Metric Units

5. Metric ton = 1000 kilogrammes.
   Quintal = 100 kilogrammes.
   Kilogramme shall have the meaning from time to time assigned by order by the Minister, being the meaning appearing to the Minister to reproduce in English the international definition of the kilogramme in force at the date of the making of the order.

   Hectogramme = 1/10 kilogramme.
   Gramme = 1/1000 kilogramme.
   Carat (metric) = 1/5 gramme.
   Milligramme = 1/1000 gramme.

PART VI
Measurement of electricity

1. The following units of measurement, that is to say—
   (a) the Ampere (as the unit of measurement of electrical current);
   (b) the Ohm (as the unit of measurement of electrical resistance);
   (c) the Volt (as the unit of measurement of difference of electrical potential); and
   (d) the Watt (as the unit of measurement of electrical power),
shall have the meanings from time to time respectively assigned by order by the Minister, being the meanings appearing to the Minister to reproduce in English the international definition of the ampere, ohm, volt or watt, as the case may be, in force at the date of the making of the order.

2. Kilowatt 1000 watts.
   Megawatt one million watts.

SECOND SCHEDULE

EXISTING NIGERIAN PRIMARY STANDARDS

PART I

Description of Nigerian Primary Standard of the yard as contained in a box bearing the letter “G” in the sub-treasury at Lagos

FIRST a four sided brass stand with one sloping face, of a length of approximately 37 1/4 inches with two flanges or feet each 9/16 inches by 15/16 inches, the top being of a width of approximately one inch on which is engraved the words and figures “LAGOS 1889”; the sloping face being marked starting approximately 3/4 inch from one edge in divisions of eighths with thirty-six figures denoting inches, each inch division being the full width of the sloping face and with the internal divisions correspondingly reduced, and bearing between the top of the 1/8 inch mark and the 1/4 inch mark two fine parallel lines of width of approximately 1/8 inch; having on one flange or foot the figure of a crown and the letters “VR” and on the other flange or foot the figure “1889” with a portcullis design; and the bottom being grooved 1/4 inch from the square edge in a semi-circular channel of a diameter of approximately 7/16 inch, there being in the channel the design of a head in profile with three diamonds as a pattern thereunder;
SECONDLY a circular metal rod 1/2 inch in diameter and 36 inches in length with three lines parallel to the axis of the bar, having each inch division circling the rod and bearing the numbers consecutively 1 to 35, the internal divisions of each inch marking 1/2 inch, 1/4 inch and 1/8 inch being graduated in length with the lines parallel to the axis of the bar; the rod bearing the words “STANDARD YARD MEASURE”, with at one end the design of a crown and the letters “VR”, and at the other end the figures “1889” and a portcullis design.

PART II

Description of Nigerian Primary Standard of the Pound as contained in a box bearing the letter “D” in the sub-treasury at Lagos

A brass figure or shape having engraved on the top “1 lb”; on the neck or throat the figures “1890” accompanied by a portcullis design and the words “STANDARD WEIGHT”; on one side in descending order a crown, the word “LAGOS”, the figures “1890” and the letters “C” and “A” separated by an open arrowhead; and on the base a face in left profile, with three diamonds as a pattern below; such brass figure or shape being contained with sundry other weights and multiples or fractions thereof in the box aforesaid.

THIRD SCHEDULE

Measures and Weights Lawful for Use for Trade

PART I

Linear measures

Imperial system

1. Measures of—
   - 100 feet
   - 66 feet
   - 50 feet
   - 33 feet
   - 20 feet
   - 10 feet
   - 8 feet
   - 6 feet

   5 feet
   4 feet
   1 yard
   2 feet
   1 foot
   6 inches
   1 inch

Metric system

2. Measures of—
   - 20 metres
   - 10 metres
   - 3 metres
   - 2 metres

   1 metre
   1 decimetre
   1 centimetre

PART II

Square measures

Imperial system

1. Measures of, or of any multiple of, 1 square foot.

Metric system

2. Measures of, or of any multiple of, 1 square decimetre.
PART III
Cubic measures

Measures of, or of any multiple of, 1/4 cubic yard.

PART IV
Capacity measures

Imperial system

1. Measures of—
   any multiple of 1 gallon
   1 gallon 1 gill
   1/2 gallon 4 fluid ounces
   1 quart 1/2 gill
   1 pint 2/5 gill
   1/2 pint 1/3 gill
   8 fluid ounces 1/4 gill
   1/3 pint 1/5 gill
   6 fluid ounces 1/6 gill

2. Measures of—
   1 bushel
   1/3 bushel
   1 peck

3. Measures of—
   4 fluid drachms 30 minims
   2 fluid drachms 10 minims
   1 fluid drachm

Metric system

4. Measures of—
   any multiple of 10 litres 100 millilitres
   10 litres 50 millilitres
   5 litres 25 millilitres
   2½ litres 20 millilitres
   2 litres 10 millilitres
   1 litre 5 millilitres
   500 millilitres 2 millilitres
   250 millilitres 1 millilitre
   200 millilitres

PART V
Weights

Imperial system

1. Weights of—
   56 pounds 7 pounds
   50 pounds 5 pounds
   28 pounds 4 pounds
   20 pounds 2 pounds
   14 pounds 1 pound
   10 pounds 8 ounces
## Weights—continued

### Imperial system—continued

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</tr>
<tr>
<td>1 ounce</td>
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### Weights of—

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<tr>
<td>3 ounces troy</td>
<td>0.003 ounce troy</td>
</tr>
<tr>
<td>2 ounces troy</td>
<td>0.002 ounce troy</td>
</tr>
<tr>
<td>1 ounce troy</td>
<td>0.001 ounce troy</td>
</tr>
<tr>
<td>0.5 ounce troy</td>
<td></td>
</tr>
</tbody>
</table>

### Weights of—

<table>
<thead>
<tr>
<th>Weight</th>
<th>Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 ounces apothecaries</td>
<td>1 drachm</td>
</tr>
<tr>
<td>8 ounces apothecaries</td>
<td>2 scruples</td>
</tr>
<tr>
<td>6 ounces apothecaries</td>
<td>1 ½ scruples</td>
</tr>
<tr>
<td>4 ounces apothecaries</td>
<td>1 scruple</td>
</tr>
<tr>
<td>2 ounces apothecaries</td>
<td>½ scruple</td>
</tr>
<tr>
<td>1 ounce apothecaries</td>
<td>6 grains</td>
</tr>
<tr>
<td>4 drachms</td>
<td>4 grains</td>
</tr>
<tr>
<td>2 drachms</td>
<td></td>
</tr>
</tbody>
</table>

### Weights of—

<table>
<thead>
<tr>
<th>Weight</th>
<th>Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 pennyweights</td>
<td>2 pennyweights</td>
</tr>
<tr>
<td>5 pennyweights</td>
<td>1 pennyweight</td>
</tr>
<tr>
<td>3 pennyweights</td>
<td></td>
</tr>
</tbody>
</table>
Weights—continued

**Metric system**

5. Weights of—

<table>
<thead>
<tr>
<th>Weight (metric)</th>
<th>Equivalent (grammes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 kilogrammes</td>
<td>2 grammes</td>
</tr>
<tr>
<td>10 kilogrammes</td>
<td>1 gramme</td>
</tr>
<tr>
<td>5 kilogrammes</td>
<td>500 milligrammes</td>
</tr>
<tr>
<td>2 kilogrammes</td>
<td>200 milligrammes</td>
</tr>
<tr>
<td>1 kilogramme</td>
<td>100 milligrammes</td>
</tr>
<tr>
<td>500 grammes</td>
<td>50 milligrammes</td>
</tr>
<tr>
<td>200 grammes</td>
<td>20 milligrammes</td>
</tr>
<tr>
<td>100 grammes</td>
<td>10 milligrammes</td>
</tr>
<tr>
<td>50 grammes</td>
<td>5 milligrammes</td>
</tr>
<tr>
<td>20 grammes</td>
<td>2 milligrammes</td>
</tr>
<tr>
<td>10 grammes</td>
<td>1 milligramme</td>
</tr>
<tr>
<td>5 grammes</td>
<td></td>
</tr>
</tbody>
</table>

6. Weights of—

<table>
<thead>
<tr>
<th>Weight (metric)</th>
<th>Equivalent (carats)</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 carats</td>
<td>1 carat</td>
</tr>
<tr>
<td>200 carats</td>
<td>0.5 carat</td>
</tr>
<tr>
<td>100 carats</td>
<td>0.25 carat</td>
</tr>
<tr>
<td>50 carats</td>
<td>0.2 carat</td>
</tr>
<tr>
<td>20 carats</td>
<td>0.1 carat</td>
</tr>
<tr>
<td>10 carats</td>
<td>0.05 carat</td>
</tr>
<tr>
<td>5 carats</td>
<td>0.02 carat</td>
</tr>
<tr>
<td>2 carats</td>
<td>0.01 carat</td>
</tr>
</tbody>
</table>

---

**FOURTH SCHEDULE**  
Section 9

**FORM OF CERTIFICATE OF VERIFICATION**

I hereby certify that the following weights and measures (or weighing instruments or measuring instruments) namely

[Blank line]

brought to me by

[Blank line]

residing at

[Blank line]

were this day stamped by me as having been examined and found correct by me.

This certificate unless extended by endorsement hereon by an inspector shall cease to have effect twelve months after the date hereof.

Dated at this day of 19

(Signature)

Inspector of Weights and Measures
### FIFTH SCHEDULE

#### Table of Fees

<table>
<thead>
<tr>
<th>A. Measures of Length: —</th>
<th>£ s d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding 10 ft. (or 3 metres if a metric measure) each measure</td>
<td>1 0</td>
</tr>
<tr>
<td>Above 10 ft. (or 3 metres if a metric measure) each measure</td>
<td>4 6</td>
</tr>
<tr>
<td>Where a measure of length is provided with both metric and imperial scales a fee shall be payable in respect of each scale.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Measures of Capacity: —</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding one gallon (or 5 litres if a metric measure) each measure</td>
<td>1 0</td>
</tr>
<tr>
<td>Above one gallon (or 5 litres if a metric measure):</td>
<td></td>
</tr>
<tr>
<td>for the first gallon (or 5 litres if a metric measure)</td>
<td>1 0</td>
</tr>
<tr>
<td>for each additional gallon (or 5 litres if a metric measure)</td>
<td>0 6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Weights: —</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoirdupois:</td>
<td></td>
</tr>
<tr>
<td>Not exceeding 5 lb., each weight</td>
<td>0 6</td>
</tr>
<tr>
<td>Above 5 lb., each weight</td>
<td>1 0</td>
</tr>
<tr>
<td>Troy weights, apothecaries weights and grain weights</td>
<td></td>
</tr>
<tr>
<td>Not exceeding 5 oz., each weight</td>
<td>0 6</td>
</tr>
<tr>
<td>Above 5 oz., each weight</td>
<td>1 0</td>
</tr>
<tr>
<td>Metric weights and metric carat weights</td>
<td></td>
</tr>
<tr>
<td>Not exceeding 2 Kg., each weight</td>
<td>0 6</td>
</tr>
<tr>
<td>Above 2 Kg., each weight</td>
<td>1 0</td>
</tr>
</tbody>
</table>

| D. Weighing Instruments: — |
|-----------------------------|------|
| (i) All types except instruments specified in D (ii) and (iii) below: — |
| Not exceeding 28 lb. (10 Kg. if metric) | 2 0 |
| Above 28 lb. (10 Kg. if metric) but not exceeding 2 cwt. (100 Kg. if metric) | 4 0 |
| Above 2 cwt. (100 Kg. if metric) but not exceeding 5 cwt. (250 Kg. if metric) | 7 6 |
| Above 5 cwt. (250 Kg. if metric) but not exceeding 1 ton (1 metric ton if metric) | 12 6 |
| Above 1 ton (1 metric ton if metric) but not exceeding 5 tons (5 metric tons if metric) | 2 5 0 |
| Over 5 tons (5 metric tons if metric) | 8 0 0 |
| The fee payable where an instrument is provided with both imperial and metric graduations shall be an amount equal to one and a half times the fee appropriate to the maximum capacity of the machine; and where two or more weigh tables or platforms are connected to one indicating mechanism, a fee shall be payable in respect of each weigh table or platform. |
| (ii) Automatic machines and totalising machines: |
| Not exceeding 20 lb. (or 10 Kg. if metric) each machine | 1 10 0 |
| Exceeding 20 lb. (or 10 Kg. if metric) each machine | 3 0 0 |
| (iii) Egg grading machines: |
| Each machine | 2 10 0 |
FIFTH SCHEDULE—continued

TABLE OF FISH

E. MEASURING INSTRUMENTS USED FOR THE MEASUREMENT OF LIQUID FUEL AND LUBRICATING OIL:—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Piston type, each instrument</td>
<td></td>
<td></td>
<td>7 6</td>
</tr>
<tr>
<td>(ii) Container type (including batteries of can or barrel-fillers):</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>Each container of capacity not exceeding 5 gallons</td>
<td></td>
<td></td>
<td>1 0 0</td>
</tr>
<tr>
<td>(or 20 litres if metric)</td>
<td></td>
<td></td>
<td>2 6</td>
</tr>
<tr>
<td>Each container of capacity above 5 gallons (or 20 litres if metric)</td>
<td></td>
<td></td>
<td>3 3 0</td>
</tr>
<tr>
<td>For each subdivision of a container</td>
<td></td>
<td></td>
<td>3 3 0</td>
</tr>
<tr>
<td>(iii) Flowmeter type:</td>
<td></td>
<td></td>
<td>1 1 5 0</td>
</tr>
<tr>
<td>Each instrument</td>
<td></td>
<td></td>
<td>1 1 5 0</td>
</tr>
<tr>
<td>(iv) Calibrated tanks and tank wagons:</td>
<td></td>
<td></td>
<td>2 2 0</td>
</tr>
<tr>
<td>Each calibrated unit or compartment of capacity not exceeding 300 gallons</td>
<td></td>
<td></td>
<td>3 3 0</td>
</tr>
<tr>
<td>(or 1,500 litres if metric)</td>
<td></td>
<td></td>
<td>3 3 0</td>
</tr>
<tr>
<td>F. ADJUSTING FEES:—</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>(i) Weights:</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>Weights of 56 lb., 50 lb., 28 lb., 20 lb., 14 lb., 20 Kg.,</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>10 Kg., 5 Kg. : Each weight</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>Weights below 14 lb. (or 5 kg. if metric)</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>(ii) Measures of capacity:</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>Not exceeding one gallon (5 litres if metric)</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>Above 1 gallon (or 5 litres if metric)</td>
<td></td>
<td></td>
<td>3 0</td>
</tr>
<tr>
<td>(iii) Weighing instruments:</td>
<td></td>
<td></td>
<td>2 0</td>
</tr>
<tr>
<td>Balancing, each instrument</td>
<td></td>
<td></td>
<td>2 0</td>
</tr>
<tr>
<td>Adjustment of sliding poise weights, each poise weight</td>
<td></td>
<td></td>
<td>2 0</td>
</tr>
<tr>
<td>(iv) Measuring instruments used for liquid fuel and lubricating oil:</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>Adjusting poise weights (other than sliding poises), each poise weight</td>
<td></td>
<td></td>
<td>1 0</td>
</tr>
<tr>
<td>Fitting of stamping plug or seal</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>Adjustment of measure delivered, each instrument</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
</tbody>
</table>
AN ACT TO PROVIDE FOR REFERENCES TO THE RESIDENT IN ANY FEDERAL LAW TO HAVE EFFECT, IN RELATION TO NORTHERN NIGERIA, AS REFERENCES TO THE PROVINCIAL COMMISSIONER.

[15th 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. Any reference to the Resident in any enactment contained in, or in force by virtue of, an Act of Parliament shall have effect, as respects the operation of that enactment in relation to Northern Nigeria, as a reference to the Provincial Commissioner within the meaning of the Provincial Administration Law, 1962, of Northern Nigeria.

2.—(1) This Act may be cited as the Provincial Commissioners (Northern Nigeria) Act, 1962, and shall apply throughout the Federation.

(2) This Act shall be deemed to have come into force on the fifteenth day of September, one thousand nine hundred and sixty-two (being the date on which the Law aforesaid came into force).
**ARRANGEMENT OF SECTIONS**

**PART I—DIPLOMATIC IMMUNITIES AND PRIVILEGES**

<table>
<thead>
<tr>
<th>Section</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Immunities of foreign envoys, etc.</td>
<td>12. Power to confer immunity on certain persons.</td>
</tr>
<tr>
<td>2. Waiver of immunity of foreign envoys, etc.</td>
<td>13. Extent of privileges.</td>
</tr>
<tr>
<td>4. Immunities of members of staff and families.</td>
<td>15. Organisations and persons may waive immunity.</td>
</tr>
<tr>
<td>5. Consular immunity may be conferred by regulations.</td>
<td>16. Reciprocal treatment.</td>
</tr>
<tr>
<td>7. Waiver of immunity of Commonwealth representatives.</td>
<td></td>
</tr>
<tr>
<td>8. Reciprocal withdrawal of personal immunities.</td>
<td></td>
</tr>
<tr>
<td>9. Power to grant exemption from taxation to other Governments, etc.</td>
<td></td>
</tr>
<tr>
<td>10. Personal immunities, etc., of Nigerian citizens and residents.</td>
<td></td>
</tr>
<tr>
<td>11. Immunities, etc., of certain international organisations, etc.</td>
<td></td>
</tr>
</tbody>
</table>

**PART II—IMMUNITIES AND PRIVILEGES OF INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THERewith**

<p>| |</p>
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<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**PART III—MISCELLANEOUS AND SUPPLEMENTARY**

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Provisions as to exemption from taxation.</td>
</tr>
<tr>
<td>18. Certificate of Minister.</td>
</tr>
<tr>
<td>19. Power for Minister to add to or vary list of Commonwealth countries.</td>
</tr>
<tr>
<td>20. Regulations.</td>
</tr>
<tr>
<td>21. Orders, etc., to be laid.</td>
</tr>
<tr>
<td>22. Interpretation.</td>
</tr>
<tr>
<td>23. Short title, application, repeals and savings.</td>
</tr>
</tbody>
</table>

**Schedules**
AN ACT TO CONSOLIDATE AND AMEND CERTAIN ENACTMENTS RELATING TO DIPLOMATIC IMMUNITIES AND PRIVILEGES.

[27th December, 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:—

PART I.—DIPLOMATIC IMMUNITIES AND PRIVILEGES

Immunities of Foreign Envoys and Consular Officers

1.—(1) Subject to the provisions of this Act every foreign envoy and every foreign consular officer, the members of the families of those persons, the members of their official or domestic staff, and the members of the families of their official staff, shall be accorded immunity from suit and legal process and inviolability of residence and official archives to the extent to which they were respectively so entitled under the law in force in Nigeria immediately before the coming into operation of this Act.

(2) Any writ or process sued forth or prosecuted before or after the coming into operation of this Act, whereby any foreign envoy or foreign consular officer authorised and received as such by the Government of Nigeria or any member of the official or domestic staff of such foreign envoy or foreign consular officer is liable to arrest or imprisonment, or his or their goods or chattels are liable to distress, seizure or attachment, shall be void.

(3) Nothing in this section shall,—

(a) authorise immunity from arrest of any member of the official or domestic staff of a foreign envoy or foreign consular officer unless the name of such person was, before the arrest, recorded with the Minister by the foreign envoy or foreign consular officer; or

(b) confer the benefits of this section on any merchant or other trader within the meaning of any Act relating to bankruptcy or insolvency, who is in the service of a foreign envoy or foreign consular officer.

2. A foreign envoy or foreign consular officer with the consent of his Government may waive any immunity or inviolability conferred by or under this Act on himself and without the necessity for such consent may waive immunity or inviolability so conferred on a member of his official or domestic staff, or on a member of his family or of the family of a member of his official staff.

3. Subject to the provisions of this Act, a chief representative of a Commonwealth Country shall be entitled to the like immunity from suit and legal process, and the like inviolability of residence and official archives as are accorded to a foreign envoy.
4. Subject to the provisions of this Act, a person who is—

(a) a member of the official or domestic staff of a chief representative of a Commonwealth country; or

(b) a member of the family of a chief representative of a Commonwealth country; or

(c) a member of the family of a member of the official staff of a chief representative of a Commonwealth country,—

shall be entitled to the like immunity from suit and legal process as would be accorded to him if the chief representative were a foreign envoy.

5.—(1) Without limiting the power to make regulations conferred by section twenty of this Act regulations may from time to time be made under that section conferring on—

(a) persons in the service of the Government of any other Commonwealth country; or

(b) persons in the service of the Government of any territory for whose international relations the Government of any such country is responsible,—

(other than persons on whom immunity is conferred by the foregoing provisions of this Act), holding such offices or classes of offices as may be specified in that behalf in the regulations, the like immunity from suit and legal process and the like inviolability of residence and official archives as are accorded to foreign consular officers.

(2) Any person may waive any immunity or inviolability conferred on him under regulations made for the purposes of subsection (1) of this section.

6.—(1) Where a conference is held in Nigeria and is attended by representatives of the government or governments of one or more Commonwealth countries, the Minister may compile a list of representatives of the Commonwealth government or governments attending the conference and members of their official staffs, and cause that list to be published in the Gazette; and every representative of a government of a Commonwealth country who is for the time being included in the list shall, for the purposes of this Act, be treated as if he were a foreign envoy and, subject to the provisions of this section, such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Whenever it appears to the Minister that any person ceases or begins to be qualified for inclusion in a list compiled under subsection (1) of this section, he may amend the list and cause a notice of the amendment or, if he thinks fit, an amended list to be published in the Gazette.

(3) Every list or notice published under this section in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect.
Diplomatic Immunities and Privileges

1962, No. 42 A 477

(4) A person who is a member of the official staff of a representative of the government of a Commonwealth country and is a citizen of Nigeria and is not a citizen of another Commonwealth country shall not be entitled under the foregoing provisions of this section to any immunity except in respect of things done or omitted to be done in the course of the performance of his duties, and the name of a person whose immunity is limited by this subsection shall be entered in a separate part of any list compiled by the Minister under subsection (1) of this section.

7.—(1) A chief representative of a Commonwealth country, with the consent of his Government may waive any immunity or inviolability conferred by or under this Act on himself and without the necessity for such consent may waive immunity or inviolability so conferred on a member of his official or domestic staff, or on a member of his family or of the family of a member of his official staff.

(2) Any person may waive immunity or inviolability conferred on him for the purpose of attending a Commonwealth conference in Nigeria by section six of this Act.

8. Where it appears to the Minister that any personal immunities conferred by law on a foreign envoy or foreign consular officer or a chief representative of a Commonwealth country, the members of the families of those persons, members of their official or domestic staff, and the members of the families of their official staff, or on persons coming under section five or section six of this Act, exceed in any respect those accorded in the territory of the foreign sovereign Power concerned to an envoy or consular officer of the Government or, as the case may be, in the Commonwealth country concerned to a chief representative of Nigeria or to Nigerian representatives attending a conference and to persons similarly connected with that envoy or that chief representative of Nigeria or those Nigerian representatives attending a conference the Minister may, by Order withdraw those personal immunities in the case of that Power or that Commonwealth country to such extent and in respect of such classes of persons as appear to the Minister to be proper.

9.—(1) Notwithstanding anything to the contrary in any Act, the Federal Minister of Finance may from time to time wholly or partly exempt from any public tax, duty, rate, levy, or fee applicable to the Federation or the Federal territory as the case may be any of the following Governments or persons—

(a) the Government of any Commonwealth country or of any foreign country or the Government of any territory for whose international relations the Government of any Commonwealth country or foreign country is responsible;

(b) a foreign envoy;

(c) a chief representative of a Commonwealth country;

(d) a foreign consular officer;

(e) a person upon whom consular immunity is conferred by regulations made for the purposes of section five of this Act;
(f) a person attending a Commonwealth conference in Nigeria to whom section six of this Act applies;

(g) a representative or officer of the Government of any country other than Nigeria or of any provisional Government, national committee, or other authority recognised by the Government of Nigeria if he is temporarily resident in Nigeria in accordance with any arrangement made with the Government of Nigeria;

(h) a member of the official staff of any person to whom any of the foregoing paragraphs applies;

(i) a member of the domestic staff of any person to whom any of the foregoing paragraphs applies;

(j) a member of the family of any person to whom any of the foregoing paragraphs applies.

(2) The powers conferred on the Federal Minister of Finance by subsection (1) of this section shall be deemed to include—

(a) power to exempt from stamp duty under the Stamp Duties Act and from the fee or duty (if any) chargeable under any other Act any instrument or class of instruments to which any of the Governments or persons referred to in that subsection is a party;

(b) power, on the death of any person referred to in that subsection—

(i) to exempt wholly or partly the estate of that person from duty chargeable under any Act; and

(ii) to exempt any instrument or document or class of instruments or documents made for or relating to the appointment of an executor or administrator in the estate of that person, or to the administration or distribution of the estate, from stamp duty under the Stamp Duties Act and from the fee or duty (if any) chargeable under any other Act;

(c) power to exempt any goods belonging to or acquired by any such Government or person as aforesaid from any duty chargeable under the law relating to customs or excise.

(3) Any exemption granted under this section may be granted either unconditionally or subject to such conditions as the Federal Minister of Finance thinks fit, and that Federal Minister may at any time revoke any such exemption or revoke, vary or add to any such conditions.

(4) Every exemption granted under this section shall come into force on such date as may be specified in that behalf by the Federal Minister of Finance; and the date so specified may be before or after the date of the granting of exemption or before or after coming into operation of this Act.

(5) If any question arises as to the persons entitled to exemption or as to the extent of any exemption, it shall be determined by the Minister in consultation if necessary with the Federal Minister of Finance or the Regional Minister of Finance; and the decision of the Minister if taken in accordance with this subsection shall be final.
10.—(1) Where a person who is a member of the official or domestic staff of—

(a) a foreign envoy; or
(b) a foreign consular officer; or
(c) a chief representative of a Commonwealth country; or
(d) a person upon whom consular immunity is conferred by regulations made for the purposes of section five of this Act; or
(e) a person attending a Commonwealth conference in Nigeria to whom section six of this Act applies;
(f) a person temporarily resident in Nigeria and to whom paragraph (g) of subsection (1) of section nine of this Act applies,—

is a citizen of Nigeria and not a citizen of the country concerned, or is not resident in Nigeria solely for the purpose of performing his duties as such a member, that person shall not, and a member of the family of that person shall not by reason only of his being a member of that family, be entitled to the personal immunities (if any) which would otherwise be conferred on him by law, or to any exemption granted under section nine of this Act.

(2) For the removal of doubt, privileges accorded to honorary consuls or trade commissioners before the coming into operation of this Act shall not be deemed to be restricted or abrogated by this section; and with the approval in writing of the Minister the privileges may, after the commencement of this Act, continue to be enjoyed by any honorary consul or trade commissioner.

PART II.—IMMUNITIES AND PRIVILEGES OF INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THEREWITH

11.—(1) This section shall apply to any organisation declared by the Minister by Order to be an organisation the members of which are sovereign Powers (whether foreign sovereign Powers or Commonwealth countries) or the Government or Governments thereof.

(2) The Minister may from time to time by Order in the Gazette—

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the Order, have the immunities, and privileges set out in the First Schedule to this Act, and shall also have the legal capacities of a body corporate;
(b) confer upon—

(i) any persons who are representatives (whether of Governments or not) on any organ of the organisation or at any conference convened by the organisation or of any organ thereof;
(ii) such officers or classes of officers of the organisation as are specified in the Order, being the holders of such high offices in the organisation as are so specified;
(iii) such persons employed on missions on behalf of the organisation as are specified in the Order,—

to such extent as are specified in the Order, the immunities and privileges specified in the Second Schedule to this Act:
(c) confer upon such other classes of officers and servants of the organisation as specified in the Order, the immunities and privileges specified in the Third Schedule to this Act to such extent as are so specified,—

and the Fourth Schedule to this Act shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members, or officers under that paragraph, except in so far as the operation of the said Fourth Schedule is excluded by the Order conferring the immunities and privileges.

(3) Nothing in this section shall authorise the making of any Order to confer immunity or privilege upon any person as the representative of the Government of Nigeria or as a member of the staff of such a representative.

(4) For the avoidance of doubt, the Notices and Orders in Council in the Fifth Schedule to this Act made or issued under the authority of any Act repealed by this Act shall, with all necessary modifications, be deemed to have been made by the Minister as Orders under this section; and such Notices and Orders in Council shall have effect accordingly but may at any time be amended, revoked or replaced by the Minister.

12. The Minister may from time to time, by Order in the Gazette confer on the judges and registrars of the International Court of Justice established by the Charter of the United Nations, and on suitors to that court and their agents, counsel, and advocates, such immunities, privileges, and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

13. The powers conferred on the Minister by sections eleven and twelve of this Act to grant certain immunities shall be deemed to include the power to exempt,—

(a) from stamp duty under the Stamp Duties Act and from the fee or duty (if any) chargeable under any other Act, any instrument or class of instruments to which any organization or person to which or to whom either of those sections applies is a party;

(b) from any duty chargeable under the law relating to customs or excise any goods belong to or acquired by any such organisation or person.

14. Where—

(a) a conference is held in Nigeria and is attended by representatives of the Government or Governments of one or more foreign sovereign Powers; and

(b) it appears to the Minister that doubts may arise as to the extent to which the representatives of those Governments (other than the Federal or any Regional Government of Nigeria) and members of their official staffs are entitled to immunities and privileges,—

the Minister may, by notice in the Gazette, direct that every representative of any such Government (other than the Federal or any Regional Government of Nigeria) shall, for the purpose of any enactment or rule
of law or custom relating to the immunities and privileges of a foreign envoy, be treated as if he were a foreign envoy, and that such of the members of his official staff as the Minister may from time to time direct shall be treated for the purpose aforesaid as if they were members of the official staff of a foreign envoy.

15. Any organisation or person may waive any immunity, inviolability or privileges conferred on it or him under this Part of this Act.

16. Nothing in this Part of this Act shall be construed to preclude the Minister from declining to accord immunities or privileges to, or from withdrawing immunities or privileges from nationals or representatives of any Government or sovereign Power on the ground that, that Government or Power is failing to accord corresponding immunities or privileges to Nigerian nationals or representatives.

PART III—MISCELLANEOUS AND SUPPLEMENTAL

17. (1) The Federal Minister charged with responsibility for finance (in this section referred to as "the said Minister") may direct any refund or payment from the Consolidated Revenue Fund or any other Fund of the Government or other public body whose finances are subject to control by the said Minister, necessary in the opinion of the said Minister to give effect to any exemption granted under the Act.

(2) Where any loss is suffered by any public fund or account of the Federation other than the Consolidated Revenue Fund by the granting of any such exemption or by the making of any refund or payment directed under this section, the said Minister may direct that such payments be made from the Consolidated Revenue Fund to that other fund or account as may be necessary in the opinion of the said Minister to reimburse that loss.

(3) Where any loss is suffered by any public body within the meaning of subsection (1) of this section by the granting of any such exemption or by the making of any refund or payment directed under this section, the said Minister may direct that such payments be made from the Consolidated Revenue Fund to that public body as may be necessary in the opinion of the said Minister to reimburse that loss.

(4) All refunds or payments directed under this section to be made from the Consolidated Revenue Fund or any other Fund of the Federal Government or other public body shall be made without further appropriation than this section.

18. If in any proceedings any question arises whether or not any organisation or any person is entitled to immunity from suit and legal process under any provision of this Act or of any regulations made under this Act, a certificate issued by the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

19. The Minister may by Order in the Gazette add to or vary the list of Commonwealth countries for the purposes of this Act.
20. The Governor-General may from time to time, make regulations for any purpose for which regulations are contemplated or required by this Act, and may make all such other regulations as he thinks necessary or expedient for the purpose of giving effect to the provisions of this Act and for the due administration thereof.

21. All Orders and regulations made under this Act shall be laid before Parliament within fourteen days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within three sitting days after the date of the commencement of the next ensuing session. If any Order or regulation is not so laid, or either House of Parliament passes a resolution disallowing the Order or regulation within seven sitting days after the laying, the Order or regulations shall thenceforth be void without prejudice to the validity of anything previously done thereunder.

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

"chief representative of a commonwealth country" means a person, whether he is known by the title of High Commissioner or by another title, who is recognised by the Government as the chief representative in Nigeria of any other Commonwealth country;

"foreign consular officer" means a consular officer of a foreign sovereign Power who is recognised by the Government of Nigeria;

"foreign envoy" means an envoy of a foreign sovereign Power who is accredited to the Government of Nigeria;

"the Government" or "the Government of Nigeria" means the Federal Government of Nigeria;

"member of the family" in relation to any person to whom this Act applies, means the spouse or any child of that person;

"Minister" means the Minister charged with responsibility for foreign affairs and Commonwealth relations;

"personal immunities" means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and includes inviolability of residence and appearance before any court or other tribunal as a witness;

"residence" in relation to the property of the Government to which a person accorded personal immunities under Part I of this Act owes allegiance or to any property owned or rented by that person, means any house or other premises whatsoever used or occupied for diplomatic purposes by the head of a mission or by a member of the diplomatic staff thereof; and in relation to any person accorded personal immunities under Part II of this Act, means any house or other premises for the time being occupied by that person, and however acquired.

(2) References in this Act to "Commonwealth country" or to "Commonwealth countries" shall be read as references to all or any of the following countries that is to say, the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, the Federation of Rhodesia and Nyasaland, Ceylon, Ghana, the Federation of Malaya, the State of Singapore, Cyprus, Sierra Leone, Tanganyika, Uganda, Jamaica and such other countries as the Minister may by order in the Gazette declare for the purposes of this Act, and includes the Republic of Ireland.
23.—(1) This Act may be cited as the Diplomatic Immunities and Privileges Act 1962, and shall apply throughout the Federation.

(2) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed.

(3) Without limiting the provisions of the Interpretation Act it is hereby declared that the repeal of any provision by this Act shall not affect any document made or thing done under the provision so repealed, and every such document made or thing done so far as it is subsisting or in force at the time of the repeal or could have been made or done under this Act shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the document was made or the thing was done.

(4) For the avoidance of doubt, sections four, five and six of the Consular Conventions Act shall, to the extent to which they are inconsistent with this Act, be read and construed subject to the provisions of this Act.

SCHEDULES

FIRST SCHEDULE

Section 11 (2) (a)

IMMUNITIES AND PRIVILEGES OF INTERNATIONAL ORGANISATIONS

1. Immunity from suit and legal process.

2. The like inviolability of residence and official archives as is accorded in respect of the residence and official archives of a foreign envoy.

3. The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of any foreign country.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Nigeria or for exportation, or on the importation of any publications of the organisation directly imported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for finance may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it, subject to compliance with such conditions as the Federal Minister charged with responsibility for health may prescribe for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Nigeria), of any reduced rates applicable for the corresponding service in the case of press telegrams.
SECOND SCHEDULE

Section 11 (2) (b)

Immunities and Privileges of Representatives, Members of Committees, Senior Officers, and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a foreign envoy.

2. The like inviolability of residence and official archives as is accorded to a foreign envoy.

3. The like exemption from taxes and rates as is accorded to a foreign envoy.

THIRD SCHEDULE

Section 11 (2) (c)

Immunities and Privileges of Other Officers and Servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from taxes in respect of emoluments received as an officer or servant of the organisation.

3. Exemption from taxes on the importation of furniture and effects imported at the time of first taking up post in Nigeria, that exemption to be subject to compliance with such conditions as the Federal Minister of Finance may prescribe for the protection of the revenue.

FOURTH SCHEDULE

Section 11 (2)

Immunities and Privileges of Official Staffs and of Senior Officers' Families

1. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as the representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the members of the official staff of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.

2. Where any person is entitled to any such immunities and privileges as are mentioned in the Second Schedule to this Act as an officer of the organisation, the members of the family of that person shall also be entitled to those immunities and privileges to the same extent as the members of the family of a foreign envoy are entitled to the immunities and privileges accorded to that envoy.
FIFTH SCHEDULE

Section 11 (4)

Notices and Orders in Council continued in operation

(a) the Diplomatic Privileges (United Nations) Declaration of Application Notice published as Public Notice 122 of 1948;
(b) the Diplomatic Privileges (Specialised Agencies) Declaration of Application Notice published as Public Notice 150 of 1949;
(c) the Diplomatic Privileges (UNICEF) Declaration of Application Notice published as L.N. 122 of 1955;
(d) the Diplomatic Privileges (United Nations and International Court of Justice) Order published as Order in Council 27 of 1948;
(e) the Diplomatic Privileges (Food and Agriculture Organisation) Order published as Order in Council 31 of 1949;
(f) the Diplomatic Privileges (United Nations Educational, Scientific, and Cultural Organisation) Order published as Order in Council 32 of 1949;
(g) the Diplomatic Privileges (International Refugee Organisation) Order published as Order in Council 33 of 1949;
(h) the Diplomatic Privileges (World Health Organisation) Order published as Order in Council 34 of 1949 and thereafter amended by L.N. 71 of 1956;
(i) the Diplomatic Privileges (International Civil Aviation Organisation) Order published as Order in Council 35 of 1949 and thereafter amended by L.N. 72 of 1956;
(j) the Diplomatic Privileges (International Labour Organisation) Order published as Order in Council 36 of 1949;
(k) the Diplomatic Privileges (World Meteorological Organisation) Order published as L.N. 68 of 1956;
(l) the Diplomatic Privileges (Universal Postal Union) Order published as L.N. 69 of 1956;
(m) the Diplomatic Privileges (International Telecommunication Union) Order published as L.N. 70 of 1956.

SIXTH SCHEDULE

Section 23 (2)

Enactments Repealed

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