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THE PRODUCE (CONSTITUTIONAL AMENDMENT) ACT, 1963

AN ACT TO AUTHORISE THE MAKING OF ORDERS WITH RETROSPECTIVE EFFECT DEFINING PRODUCE FOR THE PURPOSES OF THE PRESENT AND FORMER CONSTITUTIONS OF THE FEDERATION.

[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) An order made for the purposes of the definition of "produce" contained in subsection (1) of section one hundred and fifty-four of the Constitution of the Federation may be made so as to take effect from such date, either before or after the commencement of the Constitution, as may be specified by the order; and in so far as such an order has effect in relation to any period before the commencement of the Constitution, it shall be deemed to have been duly made in exercise of powers conferred by the Constitution of the Federation as in force during that period.

(2) Where an order is made by virtue of this section, a person who, before the date when the order came into operation was convicted of, or punished for, an offence under an enactment validated by virtue of the order shall, notwithstanding anything in subsection (2) of section twenty-one of the Constitution of the Federation (under which convictions in respect of acts or omissions which were not offences at the time when they occurred and retrospective increases in liability to punishment are prohibited), be deemed to have been duly convicted of or, as the case may be, punished for that offence; but no criminal proceedings shall be instituted on or after the date aforesaid by virtue of the order in respect of any act or omission which occurred before that date.

2.—(1) This Act may be cited as the Produce (Constitutional Amendment) Act, 1963, and shall apply throughout the Federation.

(2) This Act shall come into force on such date as the Governor-General may by order appoint.
AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND
OF FIFTY-EIGHT MILLION, ONE HUNDRED AND NINE THOUSAND, SIX HUN-
DRED AND EIGHTY POUNDS FOR THE SERVICE OF THE YEAR ENDING ON
THE THIRTY-FIRST DAY OF MARCH ONE THOUSAND NINE HUNDRED AND
SIXTY-FOUR; AND TO APPROPRIATE THAT AMOUNT FOR THE PURPOSES
SPECIFIED IN THIS ACT.

[ 20th May, 1963 ]

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) The Accountant-General may, when authorised so to do by
warrants signed by the Minister of Finance, pay out of the Consolidated
Revenue Fund during the year ending on the thirty-first day of March,
one thousand nine hundred and sixty-four, the sums specified by the
warrants, not exceeding in the aggregate fifty-eight million, one hundred
and nine thousand, six hundred and eighty pounds.

(2) The amount mentioned in the foregoing subsection shall be
appropriated to heads of expenditure as indicated in the Schedule to this
Act.

(3) No part of the amount aforesaid shall be issued out of the
Consolidated Revenue Fund after the end of the year mentioned in
subsection (1) of this section.
2. This Act may be cited as the Appropriation Act, 1963, and shall apply throughout the Federation.

Section 1

<table>
<thead>
<tr>
<th>Head</th>
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<td>65 Non-Statutory Appropriations of Revenue</td>
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Total: £58,109,680
1963, No. 3

AN ACT TO MAKE PROVISION AS TO THE OPERATION OF THE LAW IN RELATION TO TANGANYIKA IN CONSEQUENCE OF TANGANYIKA’S BECOMING A REPUBLIC WITHIN THE COMMONWEALTH.

[9th December, 1962]

WHEREAS on the ninth day of December, 1962, Tanganyika became a Republic while remaining a member of the Commonwealth:

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

1.—(1) All existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on the appointed day or has been passed or made before that day and comes into force thereafter, shall, until provision to the contrary is made by an authority having power to alter that law, have the same operation in relation to Tanganyika, and to persons and things in any way belonging to or connected with Tanganyika, as it would have had if Tanganyika had not become a Republic.

(2) The Governor-General may by order make such adaptations of any Act of Parliament passed before the appointed day, or of any instrument having effect by virtue of such an Act, as appear to him to be expedient in consequence of Tanganyika’s becoming a Republic; and any such order may contain provision for the order to have effect from such date, not being earlier than the appointed day, as may be specified by the order.

(3) Nothing in this section shall be construed as purporting to amend the Constitution of the Federation or a Region.

(4) In this Act, “the appointed day” means the ninth day of December, 1962.

2.—(1) This Act may be cited as the Tanganyika Republic Act, 1963, and shall apply throughout the Federation.

(2) This Act shall be deemed to have come into force on the appointed day.
1963, No. 4

AN ACT TO PROVIDE THAT CITIZENS OF SIERRA LEONE, TANGANYIKA, JAMAICA, TRINIDAD AND TOBAGO, AND UGANDA SHALL BE COMMONWEALTH CITIZENS.

[20th May, 1963]

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. Each of the countries specified in the Schedule to this Act is hereby prescribed, with effect from the beginning of the day so specified in relation to that country, for the purposes of subsection (3) of section thirteen of the Constitution of the Federation (which provides that a citizen of the countries mentioned in that subsection and of such other countries as may be prescribed by Parliament shall have the status of a Commonwealth citizen).

2. This Act may be cited as the Commonwealth Citizenship Act, 1963, and shall apply throughout the Federation.

SCHEDULE

Prescribed countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
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<tbody>
<tr>
<td>Sierra Leone</td>
<td>27th April, 1961.</td>
</tr>
<tr>
<td>Tanganyika</td>
<td>9th December, 1961.</td>
</tr>
<tr>
<td>Trinidad and Tobago</td>
<td>31st August, 1962.</td>
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<tr>
<td>Uganda</td>
<td>9th October, 1962.</td>
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PUBLISHED BY AUTHORITY OF THE FEDERAL GOVERNMENT OF NIGERIA AND PRINTED BY THE MINISTRY OF INFORMATION, PRINTING DIVISION, LAGOS.
ELECTORAL (TRANSITIONAL PROVISIONS) ACT, 1963

1963, No. 5

AN ACT TO REVIVE THE ELECTORAL (TRANSITIONAL PROVISIONS) ACT, 1961; AND FOR PURPOSES CONNECTED THERewith.


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. Without prejudice to the operation of subsection (1) of section one hundred and sixty-six of the Electoral Act, 1962, (which, when it comes into force, repeals the Electoral (Transitional Provisions) Act, 1961), the said Act of 1961 shall have effect, and be deemed always to have had effect, with the omission of section five (which provides for that Act to expire on the 31st day of December, 1962) and with the substitution in paragraph (a) of subsection (2) of section three (which provides that the Elections (House of Representatives) Regulations, 1958, shall be deemed to have been made under that Act) for the words from the beginning to the word “revoked” of the words “the Regulations”.

2. This Act may be cited as the Electoral (Transitional Provisions) Act, 1963, and shall apply throughout the Federation.

Published by Authority of the Federal Government of Nigeria and Printed by the Ministry of Information, Printing Division, Lagos.
IMMIGRATION ACT, 1963

ARRANGEMENT OF SECTIONS

PART I—ADMINISTRATION

Section
1. Persons liable to examination.
2. Examination of persons landing or disembarking.
3. Passenger lists and medical examination, etc.
4. Production of travel documents.
5. Appointment of immigration officers.
6. Appointment of medical inspectors and others.
7. Power for immigration officer to refuse entry, etc.
8. Entry for business purposes, etc.
9. Residence permits.
10. Control of visitors and transit passengers.
11. Power to exempt from certain entry or departure requirements.
12. Power to board ships, etc.
13. Recognition of aerodromes and ports.
14. Arrivals elsewhere than at a recognised port.
15. Control of immigrants by inland waters, etc.

PART II—DEPORTATION

17. Prohibited immigrants.
18. Deportation orders in special cases.
19. Court deportation recommendations to be an order made on conviction.
20. Deportation order on recommendation by court.
21. Removal of persons subject to deportation orders.
22. Detention, etc., of persons liable to deportation.
23. Offences in connection with deportation orders.
24. Power to notify cases specially liable to deportation.

PART III—CONTROL OF CREWS AND STOWAWAYS

25. Examination of crews.
26. Control of members of crew of ship, etc.
27. Stowaways.

PART IV—MISCELLANEOUS AND SUPPLEMENTAL

29. Determination of nationality in special cases.
30. General provisions as to detained persons.
31. Power to abolish, etc., entry permits in certain cases.
32. Power to prescribe entry conditions and fees.
33. Employment of immigrants.
34. Revocation or variation of permits.
35. Power to prohibit departure.
36. Application of Act to young persons and cases of dual nationality, etc.
37. Power to require young persons to obtain permit after entry.
38. Admission of insane persons.
39. Liability of master of a ship, etc., for costs of deportation.
40. Evidence as to orders, etc.
41. Expenses.
42. Court cases involving deportation to be accorded priority.
43. Power for court to recommend deportation.
44. Power to detain in lieu of deportation.
45. Offences in connection with control of immigration.
46. Offences by immigrant employers and workers.
47. Penalties, proceedings, etc.
48. Power to appoint receiver, etc., where owner deported.
49. Special cases where entry may be refused.
50. Regulations.
51. Interpretation.
52. Short title, application, etc., and repeals.

SCHEDULE
1963, No. 6

AN ACT TO CONSOLIDATE AND AMEND THE LAW AS TO IMMIGRATION; TO CONTROL IN NIGERIA CERTAIN PERSONS; AND FOR CONNECTED PURPOSES

[By notice see section 52 (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:—

PART I.—ADMINISTRATION

1.—(1) Subject to the provisions of this section, this Act shall apply to persons entering or leaving Nigeria and to persons who are at any time therein after the commencement of this Act.

(2) Nothing in this section shall be construed—

(a) to require any Minister of the Federal Government or any Regional Government to complete entry or embarkation cards on entering or leaving Nigeria;

(b) to impose any restriction or liability under this Act as to entry or deportation in respect of persons who satisfy an immigration officer that they are entitled under any rule of law or enactment to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties, and complete any other requirement of this Act before entry or departure;

(c) in respect of any particular requirement, to affect persons exempted therefrom by the Minister under this Act;

(d) to prohibit the entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document he is a person in the employ of the Federal Government or any Regional Government, as the case may be;

(e) to authorise the deportation from Nigeria of any citizen of Nigeria;

(f) to exempt any person from medical examination if required by the immigration officer.

(3) Where a person enters Nigeria as an exempted person under this Act and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the chief federal immigration officer, and this Act shall have effect as if the person ceasing to be exempted were a person desirous of entering Nigeria for the first time. The chief federal immigration officer may, if he thinks fit, refer the case to the Minister or may deal with the case himself; and a person affected by this subsection may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria. If a permit is refused the person affected shall be deemed to be a prohibited immigrant and may be dealt with accordingly.
1963, No. 6

AN ACT TO CONSOLIDATE AND AMEND THE LAW AS TO IMMIGRATION; TO CONTROL IN NIGERIA CERTAIN PERSONS; AND FOR CONNECTED PURPOSES

[By notice see section 52 (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:—

PART I.—ADMINISTRATION

1.—(1) Subject to the provisions of this section, this Act shall apply to persons entering or leaving Nigeria and to persons who are at any time therein after the commencement of this Act.

(2) Nothing in this section shall be construed—

(a) to require any Minister of the Federal Government or any Regional Government to complete entry or embarkation cards on entering or leaving Nigeria;

(b) to impose any restriction or liability under this Act as to entry or deportation in respect of persons who satisfy an immigration officer that they are entitled under any rule of law or enactment to immunity from suit or legal process not being immunity in respect only of things done or omitted to be done in the course of their duties, and complete any other requirement of this Act before entry or departure;

(c) in respect of any particular requirement, to affect persons exempted therefrom by the Minister under this Act;

(d) to prohibit the entry of any person who satisfies an immigration officer as to his identity as a citizen of Nigeria or as the holder of a valid travel document he is a person in the employ of the Federal Government or any Regional Government, as the case may be;

(e) to authorise the deportation from Nigeria of any citizen of Nigeria;

(f) to exempt any person from medical examination if required by the immigration officer.

(3) Where a person enters Nigeria as an exempted person under this Act and while in Nigeria thereafter ceases to be entitled to such exemption, he shall as soon as possible report the fact in writing to the chief federal immigration officer, and this Act shall have effect as if the person ceasing to be exempted were a person desirous of entering Nigeria for the first time. The chief federal immigration officer may, if he thinks fit, refer the case to the Minister or may deal with the case himself; and a person affected by this subsection may, in the discretion of the Minister or such officer as the case may require, be issued with a permit to remain in Nigeria. If a permit is refused the person affected shall be deemed to be a prohibited immigrant and may be dealt with accordingly.
2.—(1) It shall be the duty of every person entering or leaving Nigeria to report to an immigration officer for examination, and to furnish such information in his possession as that officer may reasonably require for the purposes of this Act; and the immigration officer may refuse admission in any proper case.

(2) Any person liable to be examined by an immigration officer shall if directed to do so by such officer in the course of his examination—

(a) declare whether or not he is carrying or conveying any documents of any description specified by that officer, being a description appearing to that officer to be relevant for the purposes of the examination;

(b) produce to the officer any documents of any such description which he is carrying or conveying;

and the power to examine any such person shall include power to search him and any baggage belonging to him or under his control with a view to ascertaining whether he is carrying or conveying any such documents; but nothing in the foregoing subsection shall authorise the search of any woman or girl except by a woman.

(3) An immigration officer may examine, and may detain for such time as he thinks proper for the purposes of examination (not exceeding seven days) any document produced pursuant to or found on a search under this section.

3.—(1) Where any ship or aircraft lands in Nigeria the captain or commander as the case may be shall supply to the immigration officer in charge, separate lists showing disembarking passengers and transit passengers and the immigration officer may, if he thinks fit, examine transit passengers as if they were immigrants.

(2) Any immigrants or transit passengers named in any such list whose international certificates of health fail to comply with the requirements of the chief federal immigration officer or whose state of health the immigration officer has cause to suspect, shall submit to such medical examination or vaccination as a medical inspector may reasonably require.

4.—(1) Unless otherwise prescribed,—

(a) every passenger who enters or leaves Nigeria by any means at or from any recognised port shall in any proper case produce to an immigration officer landing or embarkation cards in such form as the Minister may by order direct the owners or agents of ships and aircraft to supply to passengers, and shall satisfy the immigration officer that he is the holder of a valid travel document;

(b) every member of the crew of a ship or aircraft who lands in or leaves Nigeria shall produce such evidence or travel document as an immigration officer may require.

(2) No person whether in possession of a travel document or not who is a prohibited immigrant shall enter Nigeria without the consent of the Minister.

(3) For the purposes of this section, the expression "travel document" in the case of any member of the crew of a ship or aircraft includes any card or other document in a form approved by or acceptable to the chief federal immigration officer.
5.—(1) Subject to the provisions of subsections (2) and (3) of this section, there shall be appointed a fit person to be chief federal immigration officer who shall, under the general direction of the Minister, be charged with the administration of this Act, and such number of other fit persons as deputy chief federal immigration officers and other officers as may from time to time be required to assist the chief federal immigration officer under this Act and to be subject to his direction and control. The chief federal immigration officer shall, where necessary for the purposes of this Act, coordinate the duties of his division with those of the division of any officer appointed for the control of aliens in Nigeria.

(2) There shall also be appointed a fit person to be chief federal aliens officer who shall have such duties and powers as may be conferred upon him by this or any other Act for the control of aliens in Nigeria, and such number of other fit persons as officers to assist the chief federal aliens officer and to be subject to his direction and control. The chief federal aliens officer in the performance of his duties under this Act shall where necessary, co-operate with the chief federal immigration officer.

(3) Any person who, immediately before the coming into operation of this Act is the holder of any office designated in this section shall, on the commencement of this Act, continue in office and be deemed for the purpose only of this Act to have been appointed to his office under this section.

6.—(1) The Minister with the approval of the Federal Minister charged with responsibility for health may appoint any duly qualified medical practitioner as a medical inspector for the purposes of this Act, who shall act in accordance with such instructions as may be given by the Federal Minister charged with responsibility for health from time to time.

(2) The Minister may arrange with the Federal Minister charged with responsibility for customs and excise for the employment of members of the customs preventive service as immigration officers; and when so employed, such members shall have the powers of an immigration officer under this Act.

(3) Members of the Nigeria Police Force may be employed as immigration officers on such terms and conditions as the Federal Minister charged with responsibility for police may from time to time approve.

7.—(1) The power of an immigration officer to refuse entry into Nigeria or to admit into Nigeria subject to conditions shall unless the Minister in any case otherwise directs be exercised by notice in writing; and subject to subsection (2) of this section, any such notice shall be given by being delivered by the immigration officer to the person to whom it relates.

(2) Where an immigrant who is to be admitted into Nigeria subject to conditions is a member of a party in the charge of a person appearing to the immigration officer to be a responsible person, the notice under this section shall be duly given if delivered to the person in charge of the party.
(3) A notice refusing a person admission into Nigeria may at any
time be cancelled by a subsequent notice in writing given to him by
an immigration officer; and where a notice under this subsection can­
celling such a notice is given to any person at any time, the immigration
officer may at the same time give to that person a permit admitting him
into Nigeria subject to conditions.

(4) Any conditions specified in a notice under this section may at
any time be revoked or varied by the Minister or the chief federal
immigration officer either by notice in writing given to the immigrant
to whom those conditions apply or by order applying to immigrants
of any class to whom such conditions for the time being apply.

(5) Any notice under this section and any condition specified in
such a notice, shall, unless previously cancelled or revoked under the
provisions of this Act, cease to have effect if the person to whom the
notice was given again enters or seek to enter Nigeria.

8.—(1) No person other than a citizen of Nigeria shall—

(a) accept employment (not being employment with the Federal
Government or a Regional Government) without the consent in
writing of the chief federal immigration officer; or

(b) on his own account or in partnership with any other person,
practise a profession or establish or take over any trade or business
whatsoever or register or take over any company with limited liability
for any such purpose, without the consent in writing of the Minister
given on such conditions as to the locality of operation and persons
to be employed by or on behalf of such person, as the Minister may
prescribe.

(2) Any person desirous of entering Nigeria for any of the purposes
in subsection (1) of this section shall produce the consent to an immigra­
tion officer; and the failure to do so shall be an offence under this Act,
and such person shall be liable to deportation as a prohibited immigrant.

(3) Where any person exempt from any provision of this Act
restricting his employment ceases to be so exempt, he shall be deemed
to be a person seeking entry into Nigeria for the first time; and the
provisions of this section shall have effect accordingly.

9.—(1) Any Commonwealth citizen or citizen of Eire may enter
Nigeria for the purpose of residence (not being a tour of service with
the Federal Government or any Regional Government in Nigeria) on
production of a residence permit with his other travel documents,
signed by or on behalf of the chief federal immigration officer and
issued subject to such conditions as may be endorsed thereon. If
the entry is for any such tour of service, such citizen shall on production
of any evidence which an immigration officer may reasonably require,
be deemed to be in possession of a residence permit.

(2) Any person not a citizen of Nigeria desirous of entering
Nigeria for the purpose of residence shall, unless exempted under this
Act, give security in such amount as the Minister may prescribe, and
shall supply such information as the chief federal immigration officer
may reasonably require. If the chief federal immigration officer
is satisfied, he may issue a residence permit accordingly.
The residence permit shall be in such form as may be prescribed and may be issued by endorsement on any travel document or otherwise as the chief federal immigration officer may direct. The chief federal immigration officer may endorse on a residence permit such conditions not inconsistent with this Act as he thinks fit, and may replace any valid permit issued or deemed to have been issued by a residence permit, and for such purpose the chief federal immigration officer may at any time require the holder to apply for a residence permit after entry into Nigeria.

The failure by any person to comply with the requirements of this section or of any conditions imposed shall be an offence under this Act, and such person may if the Minister thinks fit, be required to leave Nigeria. Any security furnished may be forfeited or, as the case may be, any bond may be estreated at suit of the chief federal immigration officer.

10.—(1) An immigration officer may by notice given at any time to any person who—

(a) has arrived at a recognised port in Nigeria as a visitor or as a transit passenger on board a ship or aircraft; and

(b) is for the time being on board the ship or aircraft on which he arrived at such port,

prohibit him from landing from that ship or aircraft as the case may be while it remains at such port unless authorised to do so by an immigration officer.

(2) If any person affected by subsection (1) of this section,—

(a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section; or

(b) being a visitor refused admission or a transit passenger remains in Nigeria after the ship or aircraft has left the port; or

(c) having been admitted as a visitor into Nigeria subject to a condition restricting the period for which he may remain there, remains in Nigeria in contravention of that condition,

he shall, subject to the next succeeding subsection, where necessary be treated for the purposes of this Act as if he had been refused admission into Nigeria.

(3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section, authorise him to remain in Nigeria either without conditions or subject to any conditions the Minister may impose, including in particular conditions requiring him—

(a) to leave Nigeria in a specified ship or aircraft; or

(b) to leave Nigeria within a specified period in accordance with the conditions of his permit or as the case may be with arrangements made, and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.
(4) Any permit under this section shall be in such form as the Minister may from time to time prescribe, and any permit issued or conditions endorsed may at any time be varied or revoked by the chief federal immigration officer, or such officer may replace the permit in any proper case.

11.—(1) The Minister by order may exempt from the requirements of entry under this Act any other person or class of persons, and with the concurrence of the Minister of Health may restrict the classes of cases where medical examination of persons landing in Nigeria is required.

(2) The Minister may likewise by order exempt any person or class of persons from the requirements of this Act as to departure from Nigeria.

12. Any immigration officer or medical inspector may in Nigeria board any ship or aircraft and at any frontier may board a vehicle of any description whatsoever.

13. For the purposes of this Act, the Minister may by order prescribe any aerodrome, airport or air line to be a recognised aerodrome, airport or air line, and may likewise recognise any port for shipping or point of entry by land or inland waters as a port of entry.

14. Where any ship or aircraft lands by sea or air in Nigeria elsewhere than at a recognised port, the master of the ship or aircraft shall report to the nearest immigration officer, and no person on board shall leave the ship or aircraft without the authority of an immigration officer.

15. Any person who enters Nigeria by inland waters or overland shall forthwith proceed to the nearest recognised port and appear before the immigration officer, and that officer after such examination as he may consider necessary, shall, if the person appears to him to be a prohibited immigrant detain that person; and the provisions of this Act as to deportation shall have effect accordingly.

16.—(1) Where a person arriving by ship or aircraft is for any reason refused entry into Nigeria an immigration officer may give directions—

(a) to the master of the ship or commander of the aircraft in which the immigrant arrived in Nigeria, requiring him to remove the immigrant from Nigeria in that ship or aircraft; or

(b) to the owners or agents of the said ship or aircraft, requiring them to remove the immigrant from Nigeria in any ship or aircraft specified in the directions being a ship or aircraft of which they are the owners or agents; or

(c) to the said owners or agents, requiring them to make arrangements for the removal of the immigrant from Nigeria in any ship or aircraft bound for a country or territory specified in the directions, being—

(i) a country of which the person refused entry is a citizen; or

(ii) a country or territory in which he has obtained a passport or other document of identity; or

(iii) a country or territory in which he embarked for Nigeria; or
(iv) a country or territory to which there is reason to believe that the immigrant will be admitted, and for securing him a passage to that country or territory.

(2) If it appears to the Minister that in the circumstances it is not practicable for directions to be given under subsection (1) of this section in respect of an immigrant, or that directions so given would be ineffective, the Minister or any person acting under his authority, may give to the owners or agents of any ship or aircraft the like directions as may be given under paragraph (c) of the said subsection (1) to the owners or agents of the ship or aircraft in which the immigrant arrived in Nigeria; and for the avoidance of doubt in any such case, the cost of complying with the directions shall be defrayed by the owners or agents as the case may be, of the ship or aircraft.

(3) An immigrant in respect of whom directions are given under this section may be placed, under the authority of an immigration officer, or board any ship or aircraft in which he is to be removed in accordance with the directions.

PART II—DEPORTATION

17.—(1) Any person within any of the following classes shall be deemed to be a prohibited immigrant and liable to be refused admission into Nigeria or to be deported as the case may be, that is to say,—

(a) any person who is without visible means of support or is likely to become a public charge;

(b) any idiot, insane person, or person suffering from any other mental disorder;

(c) any person convicted in any country of any crime wherever committed, which is an extradition crime within the provisions of the Extradition Act;

(d) any person whose admission would in the opinion of a Minister of State be contrary to the interest of national security;

(e) any person against whom an order of deportation from Nigeria is in force;

(f) any person who—

(i) has not in his possession a valid passport, or

(ii) being a person under the age of sixteen years has not in his possession a valid passport or is unaccompanied by an adult on whose valid passport particulars of such person appear;

(g) any prostitute;

(h) any person who is or has been—

(i) a brothel keeper;

(ii) a householder permitting the defilement of a young girl on his premises;

(iii) a person allowing a person under thirteen years of age to be in a brothel;

(iv) a person causing or encouraging the seduction or prostitution of a girl under thirteen years of age;

(v) a person trading in prostitution; or

(vi) a procurer.
A 20 1963, No. 6  

Immigration

(2) The Minister may at any time by notice add to or amend any class of prohibited immigrant in the foregoing subsection and if he deems it conducive to the public good may prohibit the entry into or stay in Nigeria of any other persons or class of persons not in any case citizens of Nigeria.

(3) In this section,—

(a) "brothel keeper" includes any person who appears, acts or behaves himself as the owner of, or the person having the care, government or management of, any premises, room or set of rooms in any premises, kept for purposes of prostitution:

(b) "householder permitting the defilement of young girl on his premises" means any person who, being the owner or occupier of any premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man or for any lewd purpose:

(c) "person allowing a person under thirteen years of age to be in a brothel" means any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of thirteen years, who allows that child or young person to reside in or frequent a brothel:

(d) "person causing or encouraging the seduction or prostitution of a girl under thirteen years of age" means any person having the custody, charge or care of a girl under the age of thirteen years who causes or encourages the seduction, unlawful carnal knowledge, or prostitution of or the commission of an indecent assault upon that girl:

(e) "person trading in prostitution" means—

(i) a male person who knowingly lives wholly or in part on the earnings of prostitution or who, in any public place persistently solicits or importunes for immoral purposes; or

(ii) a female who, for the purposes of gain, exercises control, direction or influence over the movements of a prostitute in such a manner as to show that such female is aiding, abetting or compelling her prostitution with any person or generally:

(f) "procurer" means any person who—

(i) procures or attempts to procure any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connection, either within or without Nigeria with any other person; or

(ii) procures or attempts to procure any female to become, either within or without Nigeria a common prostitute; or

(iii) procures or attempts to procure any female to leave her usual place of abode (such place not being a brothel), with intent that she may, for the purpose of prostitution, become an inmate of a brothel, either within or without Nigeria; or

(iv) by threats or intimidation procures or attempts to procure any female to have any unlawful carnal connection either within or without Nigeria; or
(v) by false pretences or false representations procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Nigeria; or

(vi) applies or administers to or causes to be taken by any female any drug, matter, or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal connection with that female:

(g) “prostitution” (with its grammatical variations and cognate expressions) includes the offering by a female of her body commonly for acts of lewdness for payment, although there is no act, or offer of an act, of ordinary sexual connection.

(4) For the purposes of this section a person shall be deemed to possess a valid passport if, —

(a) being a citizen of any other Commonwealth country (including Eire), he produces with his passport for inspection under this Act a residence permit issued by or on behalf of the chief federal immigration officer or any document or authority other than a residence permit to enter Nigeria, satisfactory to the immigration officer; or

(b) being a citizen of any other country not otherwise exempted under this Act, he produces for inspection with his passport a visa valid for entry into Nigeria for any purpose designated in the visa, and a residence permit.

18.—(1) Subject to subsections (2) and (3) of this section, any person who being a prohibited immigrant enters Nigeria except in accordance with this Act shall be guilty of an offence under this Act, and if convicted the court may make a recommendation for deportation of the offender.

(2) The Minister may if satisfied that it is in the public interest and whether or not any person has been prosecuted for an offence under this section, make a deportation order against that person as a prohibited immigrant; and it shall be no defence that such person was not notified that his entry into Nigeria was prohibited, or that the entry was permitted by oversight or otherwise howsoever. This subsection shall have effect notwithstanding any other provision of this Act.

(3) If the Minister is of opinion that any person in Nigeria ought, at any time after his entry to be classed as a prohibited immigrant, he may make an order accordingly; and the provisions of any such order shall have effect as if the person named in the order were a prohibited immigrant landing in Nigeria for the first time. Any person affected by an order made under this subsection may be deported.

(4) The provisions of this section shall, if the Minister thinks fit, extend and apply to any person who having entered Nigeria at any time in pursuance of a visitor’s permit or transit permit remains in Nigeria beyond the time allowed by such pass or breaks any other condition subject to which such permit was issued, and whether or not he has been prosecuted for an offence under this Act.
19.—(1) Where a person convicted of an offence by any court is committed for sentence to another court, any power to make a recommendation for deportation in respect of him shall be exercisable by the court to which he is committed and not by the court by which he is convicted. 

(2) For the purposes of any enactment relating to appeals in criminal cases, a recommendation for deportation shall be treated as an order made on conviction; and the validity of such a recommendation shall not be called in question except on an appeal against the recommendation or against the conviction upon which it is made.

20.—(1) Where a recommendation by a court for deportation is in force, the Minister may, if he thinks fit, make a deportation order requiring him to leave Nigeria and prohibiting him from returning there so long as the order is in force.

(2) Subject to the provisions of this Act, an order under this section shall not be made in pursuance of a recommendation for deportation unless either—

(a) the time for bringing an appeal against the recommendation, or against the conviction upon which it was made, has expired without such an appeal having been brought; or

(b) such an appeal has been brought and abandoned, or finally determined otherwise than by the quashing of the recommendation or the conviction; or

(c) the recommendation was made on appeal and no further appeal lies.

(3) The Minister may, if he thinks fit, revoke a deportation order at any time, whether before or after the person to whom it relates has left or been removed from Nigeria, but the revocation of a deportation order shall not affect the validity of anything previously done thereunder.

21.—(1) The Minister or any person acting under his authority may, notwithstanding any other provision of this Act, give directions to the master of any ship or commander of any aircraft which is about to leave Nigeria, requiring him to afford to any person against whom a deportation order is in force, and to any dependants of his specified in the directions, a passage to any port so specified (being a port in a country of which that person is a citizen or a country or territory to which the Minister has reason to believe that he will be admitted, and at which the ship or aircraft is to call or land in the course of the voyage) and proper accommodation and maintenance during the passage.

(2) A person in respect of whom directions are given under subsection (1) of this section may be placed, under the authority of the Minister, on board any ship or aircraft in which he is to be removed in accordance with the directions.

(3) The employer of any person against whom a deportation order is in force shall pay the expenses incidental to the voyage from Nigeria of the person to be deported and his dependants (if any) and the maintenance until departure of such person and his dependants; and in default of such payment the Minister may in any proper case sue for and recover the same, or in his discretion may apply in and towards any such expenses aforesaid moneys belonging to the person to be deported, or cause the expenses to be defrayed by the Government of the Federation.
22.—(1) Where a recommendation for deportation is in force in respect of an offender and the offender is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, be detained until the Minister—

(a) makes a deportation order in respect of him; or
(b) notifies him that no such order is to be made; or
(c) directs him to be released pending further consideration of his case.

(2) Where a deportation order is in force in respect of an offender, the offender may be detained under the authority of the Minister until he is removed from Nigeria pursuant to this Act; and if he is released from detention pending further consideration of his case or while liable to be detained is not so detained, the Minister may by order impose on him such restrictions as to place of residence and requirements as to reporting to the police as the Minister thinks fit.

23.—(1) If any person in respect of whom a deportation order is in force—

(a) having left Nigeria after notice of the making of the order has been given to him on behalf of the Minister, subsequently returns to Nigeria; or
(b) having been placed on board a ship or aircraft under this Act, lands from that ship or aircraft before it has left Nigeria, he shall be guilty of an offence; and any offence under this subsection shall be deemed to continue throughout any period during which the offender is in Nigeria after its commission.

(2) If any person upon whom any restriction or requirement is imposed under this Act fails to comply with that restriction or requirement, he shall be guilty of an offence.

(3) Where a person in respect of whom a deportation order is in force is convicted of any offence under subsection (1) of this section, the operation of the deportation order shall be suspended and shall not cease to have effect.

(4) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, he shall be guilty of an offence.

24.—(1) The Minister may from time to time by notice direct that persons within any category specified in the notice, entering Nigeria otherwise than by sea or air, shall be liable to deportation as prohibited immigrants without the intervention of any court; and any person in any such category may be arrested and detained by an immigration officer and may, subject to subsection (2) of this section be deported forthwith. If any person is deported under this subsection, the immigration officer shall report the case as soon as possible to the chief federal immigration officer.

(2) The power to arrest or to deport under this section may be exercised by an immigration officer not below the rank of assistant immigration officer.
PART III—CONTROL OF CREWS AND STOWAWAYS

25.—(1) An immigration officer may examine any person who arrives at a port in Nigeria as a member of the crew of a ship or aircraft whether or not he lands or seeks to land in Nigeria; and the provisions of this Act shall apply to any such person accordingly.

(2) The Minister may by order make provision for requiring masters of ships and commanders of aircraft arriving at ports in Nigeria to furnish to the immigration officer particulars of the members of the crews of those ships or aircraft, and for enabling the immigration officer to dispense with the furnishing of such particulars.

26.—(1) An immigration officer may, by notice given at any time to any person who—

(a) has arrived at a port in Nigeria as a member of the crew of a ship or aircraft; and

(b) is for the time being on board the ship or aircraft on which he arrived at the port,

prohibit him from landing from that ship or aircraft as the case may be while it remains at the port unless authorised to do so by an immigration officer.

(2) If any person affected by subsection (1) of this section,—

(a) lands from a ship or aircraft in contravention of a prohibition imposed on him under subsection (1) of this section; or

(b) remains in Nigeria after his ship or aircraft has left the port; or

(c) having been admitted into Nigeria subject to a condition restricting the period for which he may remain there, remains in Nigeria in contravention of that conditions,

he shall, subject to the provision of the next succeeding subsection, be treated for the purposes of this Act as if he had been refused admission into Nigeria.

(3) An immigration officer may, by notice in writing given at any time to any person who has landed or remained in Nigeria as mentioned in subsection (2) of this section authorise him to remain in Nigeria either without conditions or subject to any conditions the Minister may impose, including in particular, conditions requiring him—

(a) to leave Nigeria in a specified ship or aircraft; or

(b) to leave Nigeria within a specified period in accordance with arrangements for his repatriation;

and where such a notice is given to any person, he shall not be treated as a person to whom admission to Nigeria has been refused unless, in the case where he is subject to conditions requiring him to leave Nigeria as aforesaid, he fails to comply or is reasonably suspected of intending to fail to comply with those conditions.

27.—(1) If any person arrives at a port in Nigeria as a stowaway in a ship or aircraft, he shall, subject to the provisions of subsection (2) of this section, be treated for the purposes of this Act as if he were a prohibited immigrant and was refused admission into Nigeria accordingly.
(2) Subsection (3) of section twenty-six of this Act shall apply in relation to any such person refused admission as it applies in relation to any who has landed or remained in Nigeria as mentioned in subsection (2) of the said section twenty-six.

28.—(1) Notwithstanding the provisions of any other Act or written law no member of the crew of any ship or aircraft who is not a citizen of Nigeria shall be discharged in Nigeria without the approval of the chief federal immigration officer given on such terms as he may think fit.

(2) For the avoidance of doubt, the provisions of this section shall extend and apply to the crew of any ship which operates solely or mainly within the territorial waters of Nigeria.

PART IV.—MISCELLANEOUS AND SUPPLEMENTAL

29.—(1) The Minister may from time to time give such directions as he thinks fit for the determination of the nationality of any person, or if a deportation order is in force, for the disregarding of any change of nationality; and where at any time before or after entry into Nigeria the nationality of any person is or may be questioned, or after entry into Nigeria a person for any reason changes his nationality, the burden of proof shall in any case lie upon the person asserting the nationality or the change of nationality, as the case may be.

(2) Save in the case of any person in or resident in Nigeria and claiming to be a citizen of Nigeria, no direction given under this section shall be questioned in any court.

30.—(1) Any person required or authorised to be detained under this Act may be detained in such places as the Minister may direct.

(2) Where a person is detained by virtue of this Act, any immigration officer, police officer, or prison officer, or any other person authorised by the Minister may do all things reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained by virtue of this Act and any person who, being detained in pursuance of the sentence or order of a court, would otherwise be liable to be so detained, may be taken in the custody of a police officer or an immigration officer to and from any place where his attendance is required for the purpose of ascertaining his nationality or of making arrangements for his admission to any country or territory.

(4) Any person required or authorised by this Act to be detained may be arrested without warrant by an immigration officer duly authorised in writing either generally or specially by the chief federal immigration officer, or by any police officer; and any person who is detained by virtue of this Act, or is being removed in pursuance of this section, shall be deemed to be in legal custody.

31.—(1) Where the Minister is satisfied that the Government of any other country or a Minister thereof permits the entry of citizens of Nigeria into that country without requiring a visa or other entry permit, he may by order abolish or suspend the requirement in Nigeria of a visa or other entry permit by nationals of that other country, but without prejudice to any other requirements of this Act.

(2) Notice of the making of any order under this section shall be given to such persons outside Nigeria as the chief federal immigration officer thinks fit as soon as may be after the making thereof.
32.—(1) The Minister may from time to time prescribe the conditions for entry into Nigeria and the fees payable in respect of any travel document, visa, or permit; and every Nigerian embassy shall give effect thereto in any proper case by the issue of a visa or other entry permit.

(2) Where there is no embassy in a country, any British consulate may issue a visa or other entry permit into Nigeria in any proper case.

(3) For the purposes of this section, "embassy" includes any Nigerian high commission or consulate.

33.—(1) Where any person in Nigeria is desirous of employing a person who is a national of any other country he shall, unless exempted under this section, make application to the chief federal immigration officer in such manner as may be prescribed and shall give such information as to the provision to be made for repatriation of that national and his dependants as the chief federal immigration officer may reasonably require; and no such person shall be employed without the permission of the chief federal immigration officer given on such terms as he thinks fit. The provisions of this section shall extend and apply to persons in employment immediately before, as well as to those employed or to be employed at any time after, the commencement of this Act.

(2) The chief federal immigration officer shall record the information in such form as he thinks necessary; and where he is not satisfied, the chief federal immigration officer may require provision to be made for repatriation either generally as to all persons so employed by a person in Nigeria and their dependants or with reference to any particular person, by payment into the Consolidated Revenue Fund by way of deposit of such amount as the Minister may prescribe for the repatriation, or by a bond in such form as the chief federal immigration officer may approve for such purpose.

(3) The Minister may by notice exempt any person from the requirements of this section on such conditions as he thinks fit, and subject thereto any person to whom this section applies who is employed in Nigeria, shall on ceasing for any reason to be so employed, be deemed to be a prohibited immigrant as from the date of his entry into Nigeria; and the person who employed him shall be liable to pay all costs of and incidental to deportation of the prohibited immigrant and of his dependants.

(4) The failure to comply with the provisions of this section shall be an offence under this Act.

(5) For the purposes of this section, any person being a company or association shall be deemed to be in Nigeria if carrying out any work therein.

34.—(1) The chief federal immigration officer may if he deems it to be in the public interest, at any time revoke a residence permit or other permit under this Act or may issue a new permit of such conditions as he thinks fit; and where any permit is revoked without replacement, the person affected shall be deemed to be a person seeking to enter Nigeria for the first time, and the Minister in his discretion, may issue a deportation order.

(2) The chief federal immigration officer may direct the holder of a permit to surrender it for replacement, or he may reissue it with such additional conditions or varied conditions, as the circumstances
may require; and the failure to comply with any direction of the chief
federal immigration officer under this subsection shall be an offence
under this Act.

35.—(1) Subject to the provisions of subsection (2) of this section,
the Minister may if he thinks it to be in the public interest, by order
prohibit the departure of any person from Nigeria; and if the travel
documents of any person are not in proper order or there is, to the
knowledge of the immigration officer, an unsatisfied order of a court
of competent jurisdiction or warrant of arrest relating to that person,
an immigration officer may refuse to allow such person to leave Nigeria,
or in his discretion he may refer the case to the chief federal immigration
officer for further consideration.

(2) Nothing in this section shall apply to or affect any person
entitled under any rule of law or enactment to immunity from suit or
legal process, not being immunity in respect of things done or omitted
to be done in the course of his duty.

36.—(1) Subject to the provisions of this Act, any person of or
above the apparent age of sixteen years who, on the coming into opera-
tion of this Act is in Nigeria but is not a citizen thereof, shall apply
for a permit under this Act. Any person in Nigeria as
aforesaid and under the apparent age of sixteen years shall apply to
an immigration officer for such permit not later than three months
after he attains that age; and notice of the requirement of this section
may be published in such manner as the chief federal immigration
officer thinks fit.

(2) The provisions of this section shall extend and apply,—

(a) to persons who being nationals of more than one country
including Nigeria, elect within the time prescribed by the Constitution
of the Federation or any enactment to be nationals of some country
other than Nigeria;

(b) to persons who having acquired nationality as citizens of
Nigeria for any reason lose that nationality,

and the person concerned shall within one month after the election or
loss of nationality, as the case may be, apply to the chief federal immi-
gration officer for a permit to remain in Nigeria; and the chief federal
immigration officer may grant or refuse the permit. An appeal shall
lie to the Minister from the grant or refusal of a permit under this
subsection.

(3) The Minister may exempt any person or class of person from
the requirements of this section; and subject thereto, the chief federal
immigration officer may from time to time in the Gazette and in some
newspaper printed and circulating in Nigeria, give notice of the require-
ments of this section.

(4) A permit under this section shall be in such form and be
subject to such conditions as the Minister may from time to time pre-
scribe; and the failure to apply when required by this section shall be an
offence against this Act, and any person affected shall be deemed to
be a person seeking to enter Nigeria for the first time, and may be
dealt with accordingly.
37.—(1) Any person under the apparent age of sixteen years may be permitted by an immigration officer to enter Nigeria without a permit and to remain in Nigeria for so long as such person is with his parents; and any person so admitted shall not live elsewhere without the approval of an immigration officer. Any such person entering without a permit shall leave Nigeria as and when required by the chief federal immigration officer; and if not having been required to leave he attains the age of sixteen years, he shall apply to an immigration officer for the issue of a permit under section thirty six of this Act to remain in Nigeria. The immigration officer may issue a permit upon such conditions as he thinks fit, or may refuse a permit. If a permit is refused the person affected shall be dealt with in such manner as the Minister may direct.

(2) The provisions of this section shall extend and apply to any person who entered Nigeria at any time after the thirtieth day of September, nineteen hundred and sixty and before the commencement of this Act, so however that if on the commencement of this Act he has attained the age of not less than sixteen years he shall be deemed for the purposes of this section to be of the age of sixteen years on the commencement of this Act.

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

38.—(1) Any person who without the approval of the Minister given on such terms as he thinks fit brings into Nigeria any idiot or insane person, not being a citizen of Nigeria, shall be liable to pay to the Minister all expenses which may be incurred by the Minister in connection with the maintenance and transport of such idiot or insane person and his deportation from Nigeria.

(2) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.

39.—(1) Where a prohibited immigrant disembarks from any ship or aircraft in Nigeria, the master, the owner and the agent of any such ship or aircraft shall be jointly and severally liable to pay to the Minister all expenses incurred by the Minister in connection with the transport and maintenance of the prohibited immigrant and of his deportation from Nigeria.

(2) The provision of the foregoing subsection shall extend and apply to the owner or agent of the owner of any vehicle whatsoever by means of which the prohibited immigrant entered Nigeria by land.

(3) The amount of any expenses incurred shall be recoverable by action brought in the name of the Attorney-General of the Federation.

40. Any document purporting to be an order, notice or direction made or given by the Minister for the purposes of this Act, and to be signed by him or on his behalf, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him. Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Minister and stating that the document is a true copy of the order, notice or direction.
41. There shall be defrayed out of moneys provided by Parliament any expenses incurred for the purposes of this Act by the Minister or the Minister of Health.

42. Where a person is charged with an offence upon conviction of which the offender may be recommended under this or any other Act for deportation, the case shall be dealt with in priority to any case, civil or criminal, other than a case part heard; and notwithstanding the provisions of any other Act or written law, the offender at the hearing may be remanded in custody for a period not exceeding at any one time of twenty-one days, and thereafter as occasion may require the offender may be again so remanded from time to time; but in no case shall the total period on remand exceed two months. If no order is made by the Minister within such period or extended period as aforesaid the offender may be dealt with as the court thinks fit; and where a sentence of imprisonment is imposed, account shall be taken of the period during which the offender was held in custody on remand.

43. Where a court of competent jurisdiction convicts an offender under any enactment for an offence punishable by imprisonment without the option of a fine, the court may in addition to or in lieu of sentence recommend the deportation of the offender, and the Minister may order his deportation accordingly.

44. Notwithstanding any other provision of this or any other Act, where a deportation order has been made, the Minister may direct the detention of the person affected for such period as he thinks fit if in his opinion the deportation is impracticable or prejudicial to the efficient prosecution of any war in which Nigeria may be engaged, and the detention of the person affected by the deportation order is necessary or expedient for securing public safety, the defence of Nigeria, or the maintenance of public order.

45. — (1) If any person,—

(a) while a refusal of admission is in force in relation to him enters or remains within Nigeria otherwise than in accordance with the directions or under the authority of an immigration officer; or

(b) contravenes or fails to comply with any condition imposed on him under this Act,

he shall be guilty of an offence; and any offence under this subsection, being an offence committed by entering or remaining in Nigeria, shall be deemed to continue throughout any period during which the offender is in Nigeria thereafter.

(2) If any person knowingly harbours any person whom he knows or has reasonable grounds for believing to have committed an offence under subsection (1) of this section, being an offence committed by entering or remaining within Nigeria, he shall be guilty of an offence.

(3) If any person—

(a) makes or causes to be made to any immigration officer or other person lawfully acting in the execution of this Act, any return, statement or representation which he knows to be false or does not believe to be true; or
(b) refuses or fails to produce or furnish to any such officer or person any document or information which he is required to produce or furnish to that officer or person under this Act, or otherwise obstructs any such officer or person in the exercise of his functions thereunder; or

(c) without lawful authority, alters any document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any forged or altered passport or other travel document,—

he shall be guilty of an offence.

46. It shall be an offence under this Act for any employer of persons liable to repatriation to discharge any such persons without giving notice to the chief federal immigration officer, or for any such employed person to change his employment without the approval of the chief federal immigration officer; and upon conviction the employer if not a citizen of Nigeria and the employed person as the case may be and any dependants shall if the Minister thinks fit be deported, and the business of the employer may be wound up as prescribed by this Act.

47.—(1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both; and the court may if it thinks fit recommend the deportation of the offender.

(2) For the purposes of the trial of a person for any offence under this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which the offender may be.

(3) Any police officer or immigration officer may arrest without warrant any person whom he had reasonable grounds to believe has committed an offence under subsection (1) of section twenty three or subsection (1) of section forty five of this Act.

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Act have been taken against him.

48.—(1) Where it appears to the Minister expedient that any business previously conducted or managed by any person who has been deported or under section forty four of this Act is detained should be wound up, he may cause application to be made to the High Court of a Region or of the Federal territory as the case may be, for the appointment of a receiver or receiver and manager in respect of such business, and the High court shall have power to appoint a receiver or receiver and manager for such time and subject to such conditions and with such modifications, restrictions or extensions of the ordinary powers and duties of a receiver or receiver and manager as that court may think fit.

(2) The High court shall also have power to direct how and by whom the costs of any proceeding under this section, and the remuneration, charges and expenses of the receiver or receiver and manager shall be borne, and may order that the costs and expenses be charged against the property of the person whose business is being wound up in such order of priority in relation to any existing charges thereto as it thinks fit.
49. Nothing in this Act shall be construed to prohibit an immigration officer from refusing entry into Nigeria of any person not a citizen of Nigeria if it appears to the immigration officer,—

(a) that the person concerned is a prohibited immigrant; or
(b) that where a visa is required such person has no current visa; or
(c) that where a residence permit is required as a condition of entry it has not been obtained; or
(d) on the advice of a medical inspector it is undesirable for medical reasons to admit such person.

50.—(1) The Minister may make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Without limiting the generality of the provisions of subsection (1) of this section, regulations may be made for all or any of the following purposes,—

(a) for the control of aliens resident in Nigeria;
(b) for the establishment of a uniformed immigration service and the terms and conditions of employment therein;
(c) for the imposition of penalties for the breach of any regulations not exceeding a fine of fifty pounds or imprisonment for six months or of both.

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

“alien” means any person not a Commonwealth citizen or a citizen of Eire;

“aliens officer” means any person appointed for the control of aliens and includes an immigration officer;

“crew” in relation to a ship or aircraft means all persons actually employed in the working or service of the ship or aircraft including the master of the ship and commander of the aircraft, and “member of the crew” shall be construed accordingly;

“enter” with its grammatical variations and cognate expressions includes land;

“immigrant” means any person other than a citizen of Nigeria or person accorded immunity by reason of diplomatic status who enters or seeks to enter Nigeria;

“immigration officer” means any officer appointed for the control of immigration under this Act;

“land” means (subject to subsection (2) of this section) land from a ship or aircraft, and “embark” shall be construed accordingly;

“leave” with grammatical variations and cognate expressions includes embark;

“Minister” means the Federal Minister charged with responsibility for immigration;

“passport” means with reference to the person producing it, a travel document furnished with a photograph of such person and issued to him by or on behalf of the country of which he is a subject or a citizen and for a period which, according to the laws of that country,
has not expired, and includes any other similar document approved by the Minister establishing the nationality and identity of the person to whom it refers to the satisfaction of an immigration officer;

“permit” includes pass;

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

“prohibited immigrant” includes any person liable to be refused entry or to be deported under this Act;

“recognized port” or “port of entry” means in respect of persons landing from or embarking in an aircraft, any recognized aerodrome or air port where there are facilities for customs, health and immigration inspection, and in respect of persons landing from or embarking in a ship or otherwise arriving in or departing from Nigeria, means any place where there are the like facilities;

“travel documents” for entry into Nigeria includes in any proper case a visa and employment papers, and international certificates of health valid for such entry, and where a citizen of Nigeria is departing, includes any visa, employment papers and international certificates of health valid for entry into or travel through any other country, as the case may require;

“visa” means an impress or endorsement by any means on a travel document, purporting to be signed and dated by an officer appointed for that purpose by or on behalf of the Government of Nigeria, and authorising entry into or transit across Nigeria subject to compliance with any special requirements prescribed by the immigration authorities at a port of entry, and valid for specified time and for the number of journeys stated therein.

(2) References in this Act to persons landing in Nigeria from or arriving at ports in Nigeria as members of the crews of ships or aircraft, do not include references to persons landing from a ship or aircraft which began its voyage at a place in and has not during the voyage called at any place outside Nigeria, or arriving as members of the crew in such a ship or aircraft.

(3) Where by this Act any power to institute proceedings or to recover moneys is vested in the Attorney-General of the Federation that power may, with the consent given either generally or specially by such Attorney-General, be exercised in his name by any authorised immigration officer but without prejudice to the operation of section ninety seven of the Constitution of the Federation (which provides for the exercise of certain powers by or on behalf of the Director of Public Prosecutions).

(4) For the avoidance of doubt,—

(a) a person seeking entry shall be treated as in Nigeria after he has complied with all formalities prescribed for inspection by immigration, health and customs authorities, and whether the compliance is subject to conditions or otherwise;

(b) any permit issued under any repealed Act and valid immediately before the commencement of this Act, shall on the commencement thereof be deemed to have been issued under this Act for the unexpired balance of the term of the permit and may be dealt with accordingly.
52.—(1) This Act may be cited as the Immigration Act 1963 and shall apply throughout the Federation.

(2) This Act shall come into operation on a date to be appointed by the Minister by notice, and different dates may be appointed for different provisions of this Act, or for the application of this Act in any Region or in the Federal territory.

(3) The provisions of Part XLV of the Criminal Procedure Act (which relates to deportation) shall be read subject to the provisions of this Act, and the reference to “native” in the definition of the word “deported” in section four hundred and two shall be amended to “citizen” where it twice occurs.

(4) The Acts set out in the Schedule to this Act are hereby repealed to the extent therein set out.

SCHEDULE

Section 52 (3)

ENACTMENTS AFFECTED

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>Aliens (Deportation) Act</td>
<td>The whole Act</td>
</tr>
<tr>
<td>10.</td>
<td>Aliens Restriction Act</td>
<td>The whole Act</td>
</tr>
<tr>
<td>43.</td>
<td>Criminal Procedure Act</td>
<td>The word “or” at end of sub-paragraph (i) and all sub-paragraph (ii) of paragraph (b) of section 402, and section 403 of the Act</td>
</tr>
<tr>
<td>54.</td>
<td>Immigration Act</td>
<td>The whole Act</td>
</tr>
</tbody>
</table>
ARRANGEMENT OF SECTIONS

Part I—Federal Censorship of Films

1. Cinematograph films to be approved for exhibition.
2. Power to enter and view premises for exhibition of films.

Part II—Federal Territory Provisions

4. Exhibition of films in Federal territory.
5. Exhibitions under special control.
6. Regulations.
7. Exemption for certain exhibitions.

Part III—Supplemental

8. Interpretation.
9. Short title, application and repeal.

1963, No. 7

AN ACT TO MAKE BETTER PROVISION FOR THE CENSORSHIP OF FILMS FOR PUBLIC EXHIBITION AND FOR RELATED MATTERS.

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.—FEDERAL CENSORSHIP OF FILMS

1.—(1) Subject to the provisions of this Act, no person shall exhibit or cause or allow to be exhibited any film without the approval for exhibition in Nigeria given by the federal board of film censors under this Act.

(2) Nothing in this section shall apply,—

(a) to any exhibition given in premises to which the public are not admitted;

(b) to any film exempted by the board under this Act and imported, produced or issued by or by the direction of,—

(i) the Federal Government or any Regional Government;

(ii) the diplomatic representative of any Commonwealth or foreign country;

(iii) the United Nations Organization or any organ of that organization;

(iv) any educational, scientific or cultural body or society including any broadcasting and television organization.

(3) Any person who,—

(a) exhibits or causes or allows to be exhibited any film contrary to the provisions of this section, or

(b) being the owner of a cinematograph or occupier of premises uses or allows the cinematograph or premises to be used in contravention of this section,

commits an offence and is liable on conviction to a fine of two hundred pounds, and where the offence is a continuing one shall for each day during which the offence continues, be liable to a further fine of ten pounds for every such day.
2.—(1) Where a police officer or any person authorised in that behalf by the Minister in writing has reasonable cause to believe that an exhibition is or is about to be given, he may on production of his pass or other proper authority, enter on the premises for the purposes of compelling compliance by the occupier with the provisions of this Act or of any regulations made thereunder.

(2) Any person who obstructs or otherwise prevents the entry by any person authorised under this section to enter on premises shall be guilty of an offence, and liable on conviction to a fine of twenty pounds.

(3) For the avoidance of doubt, the expression "Minister" as used in this section shall, in a Region, mean the Minister in that Region charged with responsibility for the control of the exhibition of films.

3.—(1) The Minister may from time to time obtain the names of fit persons and organisations representing the thought and opinion of persons resident in Nigeria and from such names the Minister may compile a panel of film censors. The panel of film censors may at any time be amended, and if it is compiled, the Minister may by regulations establish a federal board of film censors with headquarters in the Federal Territory; and such board while it continues to operate shall have all powers for the censorship of films as may from time to time be conferred upon it by any such regulations.

(2) Without limiting the generality of the power to make regulations under this section, regulations may be made,—

(a) for prescribing the procedure to be followed for the censorship generally of any film submitted to the board and the fees to be paid;

(b) for providing the form of approval to be given by the board and the conditions and limitations on exhibition which may be imposed and the method of display or publication of the approval of the board;

(c) for prescribing the powers and duties of the president, the secretary, and members of the board;

(d) for providing exemption from censorship of such classes of film as the board may think fit or of any film intended to be exhibited before any particular group or groups of persons;

(e) for the retention of film or any part of film if approval is withheld and for the imposition of restrictions on the possession or disposal of any such film or part;

(f) for prescribing the method of review of a decision of the board by appeal to the Minister;

(g) for approving posters and advertisements for display in connection with any exhibition;

(h) for prescribing offences and penalties not exceeding a fine of fifty pounds and in the case of a continuing offence a fine of twenty pounds for each day in respect of which an offence continues.

PART II—FEDERAL TERRITORY PROVISIONS

4.—(1) Notwithstanding that any film has been approved for exhibition under the provisions of Part I of this Act, it shall not be exhibited in the Federal Territory if the film is inflammable or of any otherwise dangerous nature except on premises licensed for the purpose under this Part of this Act.
(2) The Minister may in his discretion license or refuse to license premises for the purpose of exhibiting inflammable or otherwise dangerous film and, subject to the provisions of any regulation made under this Part of this Act, licences if issued shall be on and subject to such terms, conditions and regulations as the Minister may prescribe; and any such licences may at any time be amended, varied, or revoked.

(3) No licence shall be granted in respect of any premises unless the Minister is satisfied that the premises are safe and otherwise suitable for the exhibition of films.

(4) A licence under this section unless previously revoked shall continue in force for the period for which it was granted, and if no time is stated it continues in force for the period of one year.

(5) Any person who exhibits or causes or allows to be exhibited any inflammable or otherwise dangerous film contrary to the provisions of this section shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for a term of two years or to both; and where the offence is a continuing one, the offender shall in addition be liable to a fine of five pounds for each day during which the offence continues.

(6) For the purposes of this section, "premises" includes any vehicle, or being a ship, includes any vessel used in navigation whether or not propelled by oars.

5.—(1) Where the Minister has issued a licence upon the condition that an exhibition is to be conducted under special superintendence, the person superintending the exhibition may at any time direct the stopping of the exhibition, or if he thinks fit, give any other direction necessary to ensure the safety of persons attending the exhibition or the safety from fire of the premises.

(2) Any person who hinders or obstructs the person superintending the exhibition shall be guilty of an offence and liable on conviction to a fine of fifty pounds.

6. The Minister may make regulations generally for the purposes of this Part of this Act, and without limiting the generality of such power regulations may be made,—

(a) for prescribing the procedure and fees payable on application for a licence and the terms, conditions and restrictions to be imposed;

(b) for controlling and regulating the production of any film intended for exhibition so as to prevent the performance of undesirable or dangerous acts or the exhibition of any film not otherwise approved under this Act;

(c) for prescribing fire safety conditions to be observed on premises within the meaning of this Part of this Act where exhibitions are given, and conditions to be observed for the safety and control of persons attending any exhibition;

(d) for prescribing any particular make or description of film as inflammable or of a dangerous nature;

(e) for prescribing the penalties to be imposed for the breach of regulations under this Part of this Act, not exceeding a fine of two hundred pounds or imprisonment for two years or for both; and in addition, where the offence is a continuing one, for a fine not exceeding five pounds for each day during which the offence continues.
7. Nothing in this Part of this Act shall apply to any exhibition on premises to which the public are not admitted.

**PART III.—SUPPLEMENTAL**

8. In this Act unless the context otherwise requires,—
   “the board” means the federal board of film censors under Part I of this Act;
   “celluloid” includes substances containing nitrated solutions or other nitrated products;
   “cinematograph” includes any apparatus for the projection of enlarged images by means on a screen or elsewhere;
   “exhibition” means the display or showing of pictures or other optical effects by means of a cinematograph;
   “film” means a film designed for use with a cinematograph (not being a film of eight millimetres or less in width) and includes film containing celluloid or other materials of an inflammable or dangerous nature as may be prescribed by regulations under this Act;
   “Minister” means the Federal Minister charged with responsibility for the control of the exhibition of films;
   “occupier” with reference to premises includes any manager or any person who receives the rent of premises;
   “premises” includes land, buildings, and any ship.

9.—(1) This Act may be cited as the Cinematograph Act 1963 and shall, as to Parts I and III, apply throughout the Federation; and as to Part II shall apply to the Federal Territory only.

   (2) Nothing in this Act shall be construed so as to restrict or limit the right of the legislature of a Region to make provision for the censorship and control of the exhibition of any film in a Region additional to that prescribed by Part I of this Act; and subject thereto the Cinematograph Act in its application throughout Nigeria is hereby repealed.
AN ACT TO TRANSFER TO THE COMMANDER OF THE ARMY CERTAIN POWERS OF
COMMANDING OFFICERS TO AWARD SUMMARILY THE PUNISHMENTS OF
REDUCTION IN RANK OR TO THE RANKS OR DISMISSAL FROM THE SERVICE;
TO MAKE FURTHER PROVISION FOR THE REDUCTION OTHERWISE THAN AS A
PUNISHMENT OF WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS;
AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[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) A commanding officer shall not have power, in dealing
summarily with a charge against a non-commissioned officer (other than
a lance-corporal), a soldier or a boy, to award the punishment—
(a) in the case of a non-commissioned officer, of reduction in rank
or to the ranks;
(b) in the case of a soldier or boy, of dismissal from the service.

(2) Where a commanding officer, in dealing summarily with such a
charge, records a finding of guilty and considers it appropriate that such
a punishment as aforesaid should be awarded (either alone or in addition
to any other punishment), he shall refer the case in the prescribed
manner to the Commander; and the Commander shall, as he thinks
just, either—
(a) award one or more of—
(i) the punishments mentioned in subsection (1) of this section in
relation to that case; and
(ii) the punishments which the commanding officer could have
awarded in that case; or
(b) quash the finding of guilty.

(3) Where it appears to the Commander that a warrant or non-
commissioned officer (other than a lance-corporal) is unable to perform
satisfactorily the functions of his rank, the Commander may by order
reduce the warrant or non-commissioned officer to such rank as may be
specified by the order or to the ranks; and where it appears to a command-
ing officer that a lance-corporal serving under his command is unable
to perform satisfactorily the functions of his rank, the commanding
officer may by order reduce the lance-corporal to the ranks.

(4) The Commander may by order provide that the powers con-
ferred on him by subsections (2) and (3) of this section to reduce corporals
in rank and to the ranks may be exercised by officers not below the rank
of brigadier under whose command the corporals are serving; and
references in those subsections to the Commander shall be construed
accordingly.
(5) Expressions used in the foregoing provisions of this section and the Royal Nigerian Army Act, 1960, have the same meanings in those provisions as in that Act; and the provisions of that Act relating to regulations and orders shall apply for the purposes of this section as they apply for the purposes of that Act.

(6) The provisions of the said Act of 1960 mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments set out in relation to those provisions in the second column of that Schedule, being amendments consequential on the foregoing provisions of this section.

2.—(1) This Act may be cited as the Army Act, 1963, and shall apply throughout the Federation.

(2) This Act shall come into force on such date as the Minister of the government of the Federation responsible for defence may by order appoint.

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Section 1

Consequential amendments of Act of 1960

<table>
<thead>
<tr>
<th>Provision of Act amended</th>
<th>Amendment</th>
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</table>
| Subsection (3) of section eighty (summary punishments) | In paragraph (a), in subparagraph (i), for the words “or any less reduction in rank” there shall be substituted the words “in the case of a lance-corporal”.
In paragraph (b), subparagraph (ii) shall be omitted.
In paragraph (c), subparagraph (i) shall be omitted. |
| Subsection (1) of section one hundred and eighty (reduction of warrant officers) | For the words from “an officer” onwards there shall be substituted the words “the Commander”.
For the words from “except” onwards there shall be substituted the words—
“except—
(a) by sentence of a court-martial under service law; or
(b) in the case of a non-commissioned officer other than a lance-corporal, by award or order of the Commander or of an officer by whom the Commander’s powers of reduction are exercisable by virtue of the Army Act, 1963; or
(c) in the case of a lance-corporal, by award or order of his commanding officer.” |
| Subsection (2) of section one hundred and eighty (reduction of N.C.Os.) | |

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MEDICAL AND DENTAL PRACTITIONERS
ACT, 1963

ARRANGEMENT OF SECTIONS

Section

The Nigeria Medical Council
1. Establishment and functions of the council.
2. Financial provisions.
3. Control of council by Minister.

The registers
4. Preparation and maintenance of registers.
5. Publication of registers and lists of corrections.

Registration
6. Full registration of medical practitioners and registration of dental surgeons.
7. Approval of courses, qualifications and institutions.
8. Supervision of instruction and examinations leading to approved qualifications.
9. Grant of approved qualifications by council in special cases.
10. Certificates of experience.
11. Provisional registration of medical practitioners.

Professional discipline
12. Establishment of disciplinary tribunal and investigating panel.
13. Penalties for unprofessional conduct, etc.

Miscellaneous and general
15. Miscellaneous supplementary provisions.
17. Transitional provisions, and repeal.
18. Interpretation, etc.

Schedules:
First Schedule—Supplementary provisions relating to the council.
Second Schedule—Supplementary provisions relating to the disciplinary tribunal and investigating panel.
1963, No. 9

AN ACT TO REGULATE THE MEDICAL AND DENTAL PROFESSIONS; AND FOR PURPOSES CONNECTED THEREWITH.

[See section 19 (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:—

The Nigeria Medical Council

1.—(1) There shall be established a body, to be known as the Nigeria Medical Council (and hereafter in this Act referred to as “the council”) which shall be a body corporate by the name aforesaid and shall be charged with the general duty of—

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the medical or dental profession and raising those standards from time to time as circumstances may permit;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of registers of persons entitled to practise as members of the medical or dental profession and the publication from time to time of lists of those persons; and

(c) performing the other functions conferred on the council by this Act.

(2) Subject to the provisions of this Act, the council shall consist of a total of twenty-five members and shall comprise—

(a) one person who shall be appointed as president of the council;

(b) four persons nominated by the Minister, of whom each shall be a person appearing to the Minister to be engaged in the practice of medicine in a different territory within the meaning of the Constitution of the Federation;

(c) fourteen persons of whom—

(i) two shall be appointed by the Minister from among the officers of his Ministry;

(ii) six shall be appointed, as to two each by the Ministers responsible for health of the governments of Northern, Western and Eastern Nigeria respectively from among the officers of their respective Ministries;

(iii) three shall be appointed by the medical school council of the University of Lagos after considering any recommendations in that behalf made by the dean of the school;

(iv) three shall be appointed by the Council of the University of Ibadan after considering any recommendations in that behalf made by the dean of the faculty of medicine of that university; and

(d) six persons elected by members of the Nigeria Medical Association in the manner for the time being provided by the constitution of the association.
(3) The provisions of the First Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the council, the powers and procedure of the council and the other matters there mentioned.

(4) Regulations may provide for increasing or reducing the membership of the council, and may make such consequential amendments of paragraph 1 of the First Schedule to this Act as the Minister considers expedient in the consequence of the increase or reduction.

2.—(1) The council shall prepare and submit to the Minister, not later than the thirty-first day of December of the year in which this subsection comes into force and of each subsequent year, an estimate of its expenditure and income during the next succeeding financial year.

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

(3) The Minister may, out of moneys provided by Parliament, make to the council either by way of grant or by way of loan payments of such amounts as Parliament may from time to time determine.

3.—(1) The Minister may give to the council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the council of its functions, and it shall be the duty of the council to comply with the directions.

(2) Before giving a direction under the foregoing subsection the Minister shall serve a copy of the proposed direction on the council and shall afford the council an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection the Minister may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

The registers

4.—(1) It shall be the duty of the council to appoint a fit person to be the registrar for the purposes of this Act.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the council under this section, registers of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as medical practitioners or dental surgeons and who apply in the specified manner to be so registered.

(3) Separate registers shall be maintained for medical practitioners and dental surgeons respectively, and the register of medical practitioners shall consist of two parts, of which one shall be in respect of fully registered and the other in respect of provisionally registered persons.
(4) Subject to the following provisions of this section, the council shall make rules with respect to the form and keeping of the registers and the making of entries therein, and in particular—

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) authorising a registered person to have any qualification which is, in relation to the relevant profession, either an approved qualification or an accepted qualification for the purposes of subsection (2) of section six of this Act, registered in relation to his name in addition to, or as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees to be paid to the council in respect of the entry of names on the registers and authorising the registrar to refuse to enter a name on a register until any fee specified for the entry has been paid;

(e) specifying anything falling to be specified under the foregoing provisions of this section;

but rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by order of the Minister.

(5) It shall be the duty of the registrar—

(a) to correct, in accordance with the council’s directions, any entry in a register which the council directs him to correct as being in the council’s opinion an entry which was incorrectly made;

(b) to make from time to time any necessary alterations in the registered particulars of registered persons;

(c) to remove from the part of the register of medical practitioners which relates to provisionally registered persons all particulars relating to a person registered in the other part of that register; and

(d) to remove from the relevant register the name of any registered person who has died.

(6) If the registrar—

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second similar letter and receives no reply to that letter within three months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant register; and the council may direct the registrar to restore to the appropriate part of the register of medical practitioners of, as the case may be, to the register of dental surgeons, any particulars removed therefrom under this subsection.
Publication of registers and lists of corrections.

5.—(1) It shall be the duty of the registrar—

(a) to cause both registers to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this subsection comes into force; and

(b) in each year after that in which a register is first published under paragraph (a) above, to cause to be printed, published and put on sale a corrected edition of the register or a list of alterations made to the register since it was last printed; and

(c) to cause a print of each edition of the register and of each list of corrections to be deposited at the principal offices of the council; and it shall be the duty of the council to keep the registers and lists so deposited open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, as being fully or provisionally registered or as being registered as a dental surgeon is so registered, and that any person not so specified is not so registered.

Registration

6.—(1) Subject to section thirteen and to rules made under section four of this Act, a person shall be entitled to be fully registered as a medical practitioner or to be registered as a dental surgeon if—

(a) he has attended a course of training approved by the council under the next following section as respects the medical profession or, as the case may be, the dental profession; and

(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; and

(c) he holds a qualification so approved; and

(d) in the case of a person seeking to be fully registered as a medical practitioner, he holds a certificate of experience issued in pursuance of section ten of this Act.

(2) Subject as aforesaid, a person shall be entitled to be fully registered as a medical practitioner or to be registered as a dental surgeon if he satisfies the council—

(a) that he is of good character; and

(b) that he holds a qualification granted outside Nigeria and for the time being accepted by the council for the purposes of this subsection as respects the profession in question; and

(c) that he is by law entitled to practise for all purposes as a member of that profession in the country in which the qualification was granted; and

(d) if the council so requires, that he has had sufficient practical experience in the profession in question;

and the council shall from time to time publish in the gazette particulars of the qualifications for the time being accepted as aforesaid.
7.—(1) Subject to the next following subsection, the council may approve for the purposes of the last foregoing section—

(a) any course of training which is intended for persons who are seeking to become, or are already, members of the medical or dental profession and which the council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialised branch of that profession;

(b) any institution, either in Nigeria or elsewhere, which the council considers is properly organised and equipped for conducting the whole or any part of a course of training approved by the council under this section;

(c) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the council, that they have sufficient knowledge and skill to practise the profession in question or to practise as members of a specialised branch of that profession.

(2) The council shall not, in pursuance of the last foregoing subsection, approve a qualification granted by an institution in Nigeria unless the qualification bears one of the following designations (with or without the addition of words indicating specialisation in a particular field), that is to say—

(a) bachelor of medicine and surgery;

(b) doctor of medicine;

(c) master of surgery;

(d) bachelor of dental surgery;

(e) master of dental surgery.

(3) The council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such an approval the council shall—

(a) give notice that it proposes to do so to each person in Nigeria appearing to the council to be a person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and

(b) afford each such person an opportunity of making to the council representations with regard to the proposal; and

(c) take into consideration any representations made as respects the proposal in pursuance of the last foregoing paragraph.

(4) As respects any period during which the approval of the council under this section for a course, qualification or institution is withdrawn, the course, qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate of experience) immediately before the approval was withdrawn.
(5) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of the approval, as the council may specify in that instrument; and the council shall—

(a) as soon as may be publish a copy of every such instrument in the gazette; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

8.—(1) It shall be the duty of the council to keep itself informed of the nature of—

(a) the instruction given at approved institutions to persons attending approved courses of training; and

(b) the examinations as a result of which approved qualifications are granted;

and for the purposes of performing that duty the council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under this subsection to report to the council on—

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;

(b) the sufficiency of the examinations attended by him; and

(c) any other matters relating to the institutions or examinations on which the council may, either generally or in a particular case, request him to report;

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the council shall as soon as may be send a copy of the report to the person appearing to the council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

9.—(1) Where a person—

(a) has failed to obtain an approved qualification by reason only of the fact that he did not reach the appropriate standard in the relevant examination; but

(b) has reached a sufficient standard at that examination to warrant the grant to him of a qualification under this subsection,

the council may if it thinks fit, on payment to the council by the person in question of such fee as may be prescribed or without the payment of any fee, grant to him the qualification of Licentiate in Medicine and Surgery or, as the case may be, of Licentiate in Dentistry.

(2) The council shall from time to time publish in the gazette particulars of the standards which are to be treated as sufficient for the purposes of paragraph (b) of the foregoing subsection; and it shall be the duty of the person in charge of such an examination as is mentioned in that subsection to furnish to the registrar, as soon as may be...
after the results of the examination are determined, a list of the names of the persons who satisfied the provisions of paragraphs (a) and (b) of the foregoing subsection as respects the examination and particulars of the standards reached by them at the examination.

(3) A qualification granted under this section shall be deemed to be a qualification approved by the council under section seven of this Act.

10.—(1) A person who, after obtaining an approved medical qualification, satisfies the conditions mentioned in the next following subsection shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the institution mentioned in that subsection.

(2) The conditions aforesaid are—

(a) he must have been employed for the prescribed period at a recognised institution in Nigeria with a view to obtaining a certificate of experience and have resided throughout that period either in the institution or near to it in accordance with requirements in that behalf in the terms of his employment;

(b) he must have acquired during his employment practical experience under the personal supervision and guidance of one or more fully registered medical practitioners in the practice of surgery, midwifery and medicine for such periods as may be prescribed in relation to each of those subjects respectively, so however that periods spent during his employment in acquiring practical experience as aforesaid of techniques for safeguarding and improving the health of children or public health or of the activities carried on in a recognised health centre shall be treated for the purposes of this paragraph as periods spent in the practice of medicine; and

(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment must have been satisfactory.

(3) It shall be the duty of the person in charge of a recognised institution at which a person is employed with a view to obtaining a certificate of experience to secure that the last-mentioned person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) above.

(4) Where after having been employed as mentioned in paragraph (a) above at any institution a person is refused a certificate of experience he shall be entitled—

(a) to receive from the person in charge of the institution particulars in writing of the grounds of the refusal; and

(b) to appeal from the refusal to a committee of the council in accordance with rules made by the council in that behalf (including rules as to the time within which appeals are to be brought); and on any such appeal the committee shall either dismiss the appeal or itself issue the certificate of experience in question or give such other directions in the matter as it considers just.

(5) Regulations may provide for the issue of certificates of experience in respect of employment at institutions outside Nigeria.
(6) In this and the next following section, "recognised" means recognised for the time being for the purposes of those sections by order of the council.

11.—(1) A person who has obtained an approved medical qualification and satisfies the registrar that he is about to be employed as mentioned in paragraph (a) of subsection (2) of the last foregoing section shall, subject to the provisions of section thirteen and of rules made under section four of this Act, be entitled to be provisionally registered as a medical practitioner.

(2) A person who is provisionally registered shall, for the purposes of his employment at any recognised institution with a view to obtaining a certificate of experience, but not for any other purposes, be deemed to be fully registered.

Professional discipline

12.—(1) There shall be a tribunal, to be known as the Medical and Dental 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 the president of the council and eleven other members of the council appointed by the council and shall include—

(a) not less than four members of the council holding office by virtue of paragraph (d) of subsection (2) of section one of this Act, or, where the number of those members is for the time being less than four, all those members; and

(b) not less than two persons who are registered dental surgeons.

(3) There shall be a body, to be known as the Medical and Dental Practitioners Investigating Panel (and hereafter in this Act referred to as "the panel"), which shall be charged with the duty of—

(a) conducting a preliminary investigation into any case where it is alleged that a registered person has misbehaved in his capacity as a medical or dental practitioner, as the case may be, or should for any other reason be the subject of proceedings before the tribunal; and

(b) deciding whether the case should be referred to the tribunal.

(4) The panel shall be appointed by the council and shall consist of seven members of the council and two registered dental surgeons who are not members of the council.

(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.

13.—(1) Where—

(a) a registered person is judged, by the tribunal to be guilty of infamous conduct in any professional respect; or

(b) a registered person is convicted, by any court in Nigeria or elsewhere 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
medical or dental practitioner, as the case may be; or

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

the tribunal may, if it thinks fit, give a direction reprimanding that
person or ordering the registrar to strike his name off the relevant
register or registers.

(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—

(a) no decision shall be deferred under this subsection for periods
exceeding two years in the aggregate; and

(b) 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) 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.

(4) 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.

(5) 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.

(6) 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 direc­
tion 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 provi-

dions of this subsection.

(7) A person whose name is removed from a register in pursuance
of a direction of the tribunal under this section shall not be entitled to
be registered in that register again except in pursuance of a direction
in that behalf given by the tribunal on the application of that person;
and a direction under this section for the removal of a person's name
from a register may prohibit an application under this subsection by that person until the expiration of such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

**Miscellaneous and general**

**Offences.**

14.—(1) Subject to subsections (6) and (7) of this section, if any person who is not a fully registered medical practitioner—

(a) for or in expectation of reward practises or holds himself out to practise as a medical practitioner; or

(b) takes or uses any of the following titles, that is to say, physician, surgeon, doctor or licentiate of medicine, medical practitioner or apothecary; or

(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a medical practitioner,

he shall be guilty of an offence.

(2) Subject as aforesaid, if any person who is not a registered dental surgeon or a fully registered medical practitioner—

(a) for or in expectation of reward, practises or holds himself out to practise as a dentist; or

(b) takes or uses the title of dental surgeon, dentist or dental practitioner; or

(c) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a dentist,

he shall be guilty of an offence.

(3) If any person, for the purpose of procuring the registration of any name, qualification or other matter—

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular,

he shall be guilty of an offence.

(4) If the registrar or any other person employed by the council wilfully makes any falsification in any matter relating to the register he shall be guilty of an offence.

(5) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding fifty pounds; or

(b) on conviction on indictment, to a fine not exceeding five hundred pounds or imprisonment for a term not exceeding two years or to both.

(6) Where any person is acknowledged by the members generally of the community to which he belongs as having been trained in a system of therapeutics traditionally in use in that community, nothing in paragraph (a) of subsection (1) or paragraph (a) of subsection (2) of this section shall be construed as making it an offence for that person to practise or to hold himself out to practise that system; but the exemption conferred by this subsection shall not extend to any activity (other than
circumcision) involving an incision in human tissue or to administering, supplying or recommending the use of any dangerous drug within the meaning of Part V of the Dangerous Drugs Act.

(7) Nothing in subsection (1) or subsection (2) of this section shall be construed as making it an offence for a person employed as a medical practitioner in any ship (other than a Nigerian ship within the meaning of the Merchant Shipping Act, 1962) to act as a medical practitioner or dentist in relation to the master, crew and passengers of that ship.

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

15.—(1) A person shall not hold an appointment as a medical practitioner or dental surgeon in the public service of the Federation or a Region or in the armed forces of the Federation unless he is a fully registered medical practitioner or, as the case may be, a registered dental surgeon.

(2) A fully registered medical practitioner or a registered dental surgeon shall be entitled to practise as a medical practitioner or, as the case may be, as a dental surgeon throughout the Federation.

(3) A document which is required by any law for the time being in force in the Federation or any part thereof to be issued or signed by a medical practitioner or a medical practitioner of a particular description shall, if issued or signed after this subsection comes into force, be invalid unless it is issued or signed, as the case may be, by a fully registered medical practitioner.

(4) Without prejudice to the rule of law whereby a contract may be void if it is inconsistent with the provisions of an enactment, no person other than a fully registered medical practitioner or a registered dental surgeon shall be entitled to bring any proceedings in any court of law for the purpose of recovering any fee or other consideration whatsoever payable in respect of services rendered or facilities or things supplied by him when purporting to act as a medical practitioner or as a dentist.

(5) It shall be the duty of the person in charge of each medical school, university or similar institution in the Federation at which there is held a course of training intended for persons who are seeking to become members of the medical or dental profession to furnish to the registrar, not later than the thirty-first day of March in every year, a list of the names, and of such other particulars as the council may by order specify, of all persons who attended any such course at the institution in question at any time during the preceding year.

16.—(1) Any power to make regulations, rules or orders conferred by this Act shall include power—

(a) to make provision for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) to make different provision for different circumstances.
(2) The Minister shall lay a copy of all regulations before each House of Parliament as soon as may be after the regulations are made; and if either House, on any of the twenty days on which it sits next after the date on which any regulations are laid before it, resolves that the regulations be annulled they shall, without prejudice to anything previously done in pursuance of the regulations, cease to have effect on the day next following the date of the resolution.

(3) Nothing in this Act shall be construed as indicating a contrary intention for the purposes of subsection (8) of section twenty-two of the Interpretation Act (which contains additional provisions with respect to powers to make subordinate legislation).

17.—(1) Subject to section thirteen of this Act and to the next following subsection, a person shall be entitled to be fully registered medical practitioner or registered as a dental surgeon if—

(a) he has at any time been registered in the register or temporary register maintained under the Medical Practitioners and Dentists Act as a medical practitioner or, as the case may be, as a dentist; or

(b) immediately before the repeal of that Act he held a temporary licence under that Act to practise medicine and surgery or, as the case may be, to practise dentistry;

and the registrar shall accordingly, without any application in that behalf, make the necessary entries in the registers maintained under this Act.

(2) A person whose name is not on the register or the temporary register maintained under the Act aforesaid by reason of its having been erased or removed in consequence of proceedings before the disciplinary committee established by that Act shall be deemed for the purposes of this Act to have had his name removed, in pursuance of a direction of the tribunal which took effect on the date when this subsection came into force, from the part of the register maintained under this Act in respect of fully registered medical practitioners or, as the case may be, from the register of dental surgeons maintained under this Act; and the provisions of subsection (7) of section thirteen of this Act shall have effect accordingly as if the direction aforesaid prohibited applications under that subsection for the period of six months.

(3) Where—

(a) there is in any Region an institution which was established before the first day of January, one thousand nine hundred and sixty-three, and which grants a qualification to persons who have completed a course of medical studies conducted at the institution; and

(b) the institution, course and qualification are recognised by the council for the purposes of this subsection,

any such qualification granted before that day to such a person as aforesaid, or after that day to a person who on that day was engaged in such a course at the institution with a view to obtaining such a qualification, shall be deemed to be a qualification approved by the council under section seven of this Act; and subject to the next following subsection and the provisions of section thirteen and of rules made under section four of this Act, a person shall, without obtaining a certificate of experience, be entitled to be fully registered by reference to a qualification which is an approved qualification by virtue of this subsection.
4) In the case of a person who is fully registered by virtue only of such a qualification as is mentioned in the last foregoing subsection, the registrar shall, on the expiration of the period of five years beginning with the date of the grant of the qualification or of the coming into force of this subsection, whichever is the later, remove from the register all particulars relating to that person unless before the expiration of that period he furnishes to the registrar a certificate issued by the Minister responsible for health of the government of the Region in question stating that he has since that date been engaged in practice as a medical practitioner for a period of not less than four years; and a person shall not, without obtaining a certificate of experience, be entitled to be fully registered as aforesaid after the expiration of the period of five years mentioned in this subsection.

5) For the purpose of enabling persons to qualify for membership of the council at any time during the period of two years beginning with the date when section one of this Act comes into force, a person entitled by virtue of subsection (1) of this section to be fully registered or registered as a dental surgeon, as the case may be, shall be deemed to be so registered notwithstanding that the relevant register has not been established or that his name is not registered in it.

6) Any proceedings under the Medical Practitioners and Dentists Act which, immediately before the date when the provisions of that Act relating to such proceedings are repealed, were pending before the disciplinary committee established by that Act or in the Federal Supreme Court may be continued, and any right of appeal under that Act which was exercisable immediately before that date may be exercised, as if this Act had not been passed; and for the purposes of the foregoing provisions of this section and of enabling effect to be given to any order made or judgment given in connection with any such proceedings or appeal, but not for any other purposes, the register and the temporary register maintained under that Act shall be deemed not to be abolished.

7) In section three of the Interpretation Act, in the definition of "qualified medical practitioner", for the words from "means" onwards there shall be substituted the words "means a person who is a fully registered medical practitioner within the meaning of the Medical and Dental Practitioners Act, 1963".

8) The provisions of the Medical Practitioners and Dentists Act shall be repealed on such date as the Minister may by order appoint, and different dates may be appointed in relation to different provisions; and, subject to the provisions of subsection (6) of this section, the register and temporary register maintained under that Act are hereby abolished.

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

"approved" means for the time being approved under section seven of this Act;

"approved medical qualification" means a qualification which is approved in respect of the medical profession;

"certificate of experience" means a certificate granted in pursuance of section ten of this Act;
“the council” means the Nigeria Medical Council;
“the gazette” means the Gazette of the Federation;
“the Minister” means the Minister of the government of the Federation responsible for matters relating to medical and health services;
“the panel” has the meaning assigned to it by section twelve of this Act;
“prescribed” means prescribed by regulations;
“register” means a register maintained under this Act, and “registered” shall be construed accordingly;
“the registrar” means the registrar appointed in pursuance of section four of this Act;
“regulations” means regulations made by the Minister; and
“the tribunal” has the meaning assigned to it by section twelve of this Act.

(2) For the purposes of this Act—

(a) a person is fully registered if his name is for the time being entered in the part of the register of medical practitioners maintained in respect of fully registered medical practitioners; and

(b) a person is provisionally registered if his name is for the time being entered in the other part of that register; and

(c) a person is a registered dental surgeon if his name is for the time being entered in the register of dental surgeons; and

(d) a person is a registered person if he is fully registered, provisionally registered or is a registered dental surgeon;

and “fully registered” and “provisionally registered” shall be construed in accordance with paragraphs (a) and (b) of this subsection.

(3) Any approval, consent, direction, notice, observations, report, representation or request authorised or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service but subject to the provisions of rules made under the Second Schedule to this Act, be served by post.

19.—(1) This Act may be cited as the Medical and Dental Practitioners Act, 1963, and shall apply throughout the Federation.

(2) The provisions of this Act shall come into force on such date as the Minister may by order appoint, and different dates may be appointed for the purposes of different provisions.
FIRST SCHEDULE

Supplementary provisions relating to the council

Qualifications and tenure of office of members

1.—(1) A person shall not be a member of the council unless he is a fully registered medical practitioner, so however that two of the persons who are members by virtue of paragraph (d) of subsection (2) of section one of this Act need not be fully registered persons but shall be registered dental surgeons.

(2) A person who is a member of the council otherwise than by virtue of subparagraph (i) or (ii) of paragraph (c) of the said subsection (2) shall, subject to the following provisions of this paragraph, hold office for the period of five years beginning with the date of his appointment or election as a member.

(3) Any member of the council holding office otherwise than as mentioned in the last foregoing subparagraph may, by notice to the council, resign his office.

(4) A person who has ceased to be a member of the council shall be eligible again to become a member of the council.

(5) Where a member of the council ceases to hold office before the date when his term of office would have expired by the effluxion of time, the body or person by whom he was appointed or elected shall as soon as may be appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid, so however that (without prejudice to the powers conferred by paragraph (d) of the said subsection (2)) the foregoing provisions of this subparagraph shall not apply where a person holding office as a member of the council in pursuance of that paragraph ceases to hold office at a time when the residue of his term does not exceed one year.

(6) The power of appointing a person as president of the council shall—

(a) during the period of five years beginning with the date when this subparagraph comes into force, be exercisable by the Prime Minister of the Federation; and

(b) after the expiration of that period, be exercisable by the council; and where an existing member of the council is appointed president, his office as an existing member shall become vacant and his term of office as president shall begin on the date of his appointment as president.

Powers of the council

2.—(1) Subject to the following subparagraph and to any directions of the Minister under this Act, the council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.
(2) The council shall not have power to borrow money or to dispose of any property except with the prior consent of the Minister, and shall not have power to pay remuneration (including pensions), allowances or expenses to any member, officer or servant of the council or to any other person except in accordance with scales approved by the Minister.

Proceedings of the council

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

4. The quorum of the council shall be nine, and the quorum of any committee of the council shall be determined by the council.

5.—(1) The council shall appoint one of its members to be the vice-president of the council for such period as the council may determine, so however that a vice-president who ceases to be a member shall cease to be vice-president.

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

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

(2) At any meeting of the council the president or in his absence the vice-president shall preside, but if both are absent the members present at the meeting shall appoint one of their number to preside at that meeting.

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

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

Committees

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

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the council, and not more than one-third of those persons may be persons who are not members of the council; and a person other than a member of the council shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.
(3) A decision of a committee of the council (other than the committee mentioned in subsection (4) of section ten of this Act) shall be of no effect until it is confirmed by the council.

Miscellaneous

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

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

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

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

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

11. A person shall not, by reason only of his membership of the council, be treated as holding an office of emolument under the Crown.

SECOND SCHEDULE

Supplementary provisions relating to the disciplinary tribunal and investigating panel

The tribunal

1. The quorum of the tribunal shall be four of whom—
   (a) all shall be fully registered medical practitioners in a case relating to a registered person who is not a registered dental surgeon; and
   (b) one at least shall be a registered dental surgeon in any other case.

2.—(1) The Chief Justice of the Federation 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 who is the subject of the proceedings;
(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 (5) of section thirteen 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 who is the subject of the proceedings 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 notice of any direction of the tribunal which has taken effect providing that a person's name shall be struck off a register.

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.—(1) For the purpose of advising the tribunal on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the tribunal who shall be appointed by the council on the nomination of the Chief Justice of the Federation and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of the Federation shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing—

(a) that where an assessor advises the tribunal on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears thereat or, if the advice is tendered while the tribunal is deliberating in private, that every such party or person as aforesaid shall be informed what advice the assessor has tendered;

(b) that every such party or person as aforesaid shall be informed if in any case the tribunal does not accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.
The panel

5. The quorum of the panel shall be three of whom—
   (a) all shall be fully registered medical practitioners in a case relating to a registered person who is not a registered dental surgeon; and
   (b) one at least shall be a registered dental surgeon in any other case.

6.—(1) The panel may, at any meeting of the panel attended by not less than six members of the panel including not less than one registered dental surgeon, 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 ceasing to be a member of the tribunal or the panel shall be eligible for reappointment as a member of that body.

   (2) 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 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 (2) 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.

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

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

11. Any expenses of the tribunal or the panel shall be defrayed by the council.

12. A person shall not, by reason only of his appointment as a legal assessor to the tribunal or as a member of the panel, be treated as holding an office of emolument under the Crown.
JUDICIAL, ETC., OFFICES AND APPEALS BY PROSECUTORS ACT, 1963

1963, No. 10

AN ACT TO PROVIDE FOR APPOINTMENTS TO CERTAIN COURT OFFICES TO BE MADE BY THE JUDICIAL SERVICE COMMISSION OF THE FEDERATION; TO MAKE FURTHER PROVISION AS TO THE APPOINTMENTS OF CERTAIN JUDGES, LAW OFFICERS AND MAGISTRATES; TO MAKE FURTHER PROVISION WITH RESPECT TO APPEALS IN CRIMINAL PROCEEDINGS BROUGHT OTHERWISE THAN BY THE ACCUSED PERSONS; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[20th May, 1963]

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) The offices specified in the next following subsection are hereby prescribed in pursuance of section one hundred and twenty-one of the Constitution of the Federation (which, among other things, provides that appointments to such offices connected with the courts there mentioned as may be prescribed by Parliament shall be made by the Judicial Service Commission of the Federation).

(2) The said offices are—

(a) as respects the Federal Supreme Court, the offices of chief registrar, senior registrar, registrar, assistant registrar (grade I) and assistant registrar (grade II);

(b) as respects the High Court of Lagos, the offices mentioned in paragraph (a) above, and the offices of deputy sheriff and registrar (probate registry); and

(c) as respects the magistrates’ court of Lagos, the offices of registrar, assistant registrar (grade I) and assistant registrar (grade II).

(3) Without prejudice to any power exercisable by the said Commission by virtue of this section, the coming into force of this section shall not operate to vacate any office prescribed by this section.

2.—(1) The powers of appointment conferred by section four of the Magistrates’ Court (Lagos) Act (which relates to the appointment of magistrates for Lagos) as amended by virtue of the Constitution Order shall include power to appoint persons to be or act as magistrates, who shall be styled senior magistrates; and, subject to the following subsection, references to magistrates in that Act shall be construed accordingly.
JUDICIAL, ETC.; OFFICES AND APPEALS BY PROSECUTORS ACT, 1963

1963, No. 10

An Act to provide for appointments to certain court offices to be made by the Judicial Service Commission of the Federation; to make further provision as to the appointments of certain judges, law officers and magistrates; to make further provision with respect to appeals in criminal proceedings brought otherwise than by the accused persons; and for purposes connected with the matters aforesaid.

[20th May, 1963]

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) The offices specified in the next following subsection are hereby prescribed in pursuance of section one hundred and twenty-one of the Constitution of the Federation (which, among other things, provides that appointments to such offices connected with the courts there mentioned as may be prescribed by Parliament shall be made by the Judicial Service Commission of the Federation).

(2) The said offices are—

(a) as respects the Federal Supreme Court, the offices of chief registrar, senior registrar, registrar, assistant registrar (grade I) and assistant registrar (grade II);

(b) as respects the High Court of Lagos, the offices mentioned in paragraph (a) above, and the offices of deputy sheriff and registrar (probate registry); and

(c) as respects the magistrates' court of Lagos, the offices of registrar, assistant registrar (grade I) and assistant registrar (grade II).

(3) Without prejudice to any power exercisable by the said Commission by virtue of this section, the coming into force of this section shall not operate to vacate any office prescribed by this section.

2.—(1) The powers of appointment conferred by section four of the Magistrates' Court (Lagos) Act (which relates to the appointment of magistrates for Lagos) as amended by virtue of the Constitution Order shall include power to appoint persons to be or act as magistrates, who shall be styled senior magistrates; and, subject to the following subsection, references to magistrates in that Act shall be construed accordingly.
(2) The Act aforesaid shall apply in relation to a senior magistrate as it applies in relation to a chief magistrate as if for any reference to five hundred pounds or five years imprisonment in sections fourteen and fifteen (which relate to the civil and criminal jurisdiction of magistrates) there were substituted a reference to three hundred pounds and three years imprisonment respectively; but nothing in this section shall be construed as affecting the references to a chief magistrate in sections seven and fifty-one of that Act.

3.—(1) Where a person—

(a) was eligible for office within the meaning of this section immediately before the date of the coming into force of the Legal Practitioners Act, 1962; or

(b) was not then eligible for office but would, apart from that Act, be so eligible on or after that date,

nothing in that Act shall affect his eligibility for office on or after that date.

(2) Accordingly, the law relating to legal practitioners in force immediately before the date aforesaid shall apply, in the case of a person falling within paragraph (a) or (b) of the foregoing subsection, for the purpose of determining his eligibility for office; but nothing in this section shall be construed as prejudicing the eligibility for office of a person who is eligible for office by virtue of the said Act of 1962, or by virtue of that Act and the law aforesaid.

(3) Paragraph (b) of subsection (1) of this section shall cease to have effect on such day as the Attorney-General of the Federation may by order appoint, and different days may be so appointed in relation to different territories.

(4) In this section, "eligible for office" means qualified to hold office as, or to act as, or to perform the functions of, a judge of any court established for the Federation or any part thereof or the Attorney-General or Director of Public Prosecutions of the Federation or a Region; and cognate expressions shall be construed accordingly.

(5) This section shall be deemed to have come into force on the date mentioned in subsection (1) of this section.

4.—(1) Where an appeal to the Federal Supreme Court from a decision of the High Court of a territory sitting at first instance is brought in any criminal proceedings by any person or authority (other than the accused person) in pursuance of the provisions of section one hundred and ten of the Constitution of the Federation and of any relevant law of that territory, the Federal Supreme Court shall, as it considers just, either—

(a) dismiss the appeal; or

(b) remit the case to the High Court with a direction to decide the case in accordance with the ruling of the Federal Supreme Court on the questions involved in the grounds of the appeal; or

(c) quash the decision and either—

(i) order a new trial of the case by the High Court; or

(ii) itself determine the case;
and for the purposes of sub-paragraph (ii) above the Federal Supreme Court may exercise, in addition to any powers exercisable by that court apart from this section, any of the powers of the High Court from which the appeal was brought.

(2) Nothing in the foregoing subsection shall be construed as prejudicing the provisions of Part IV of the Federal Supreme Court Act, 1960 (which contains other provisions as to appeals to that court in criminal cases from other courts sitting at first instance).

(3) The period within which notice of appeal or of an application for leave to appeal to the Federal Supreme Court must be given by a person or authority other than the accused person in a case which involves or could involve sentence of death or a verdict of guilty of manslaughter or culpable homicide shall be seven days from the date of the decision in question, and the Federal Supreme Court shall not have power to extend that period.

(4) Where an accused person is the respondent to an appeal brought by virtue of the provisions mentioned in subsection (1) of this section, then—

(a) Part VI of the said Act of 1960 (which contains supplementary procedural provisions as respects appeals) shall, with the necessary modifications and subject to the last foregoing subsection and paragraphs (b) and (c) below, apply in relation to the respondent as it applies in relation to the appellant;

(b) the respondent shall be entitled if he so desires, and the court may if it thinks fit require him, to be present on the hearing of the appeal and when any sentence is passed in consequence of the appeal; and

(c) without prejudice to the operation of subsection (4) of section thirty-four of that Act (which authorises representations in writing in the absence of counsel) as modified by virtue of paragraph (a) above in relation to the respondent, that subsection shall not apply in relation to the appellant.

(5) Where a person or authority (other than the accused person) who is entitled, either as of right or subject to obtaining leave, to bring from a decision of any court—

(a) such an appeal as is mentioned in subsection (1) of this section; or

(b) an appeal in criminal proceedings to Her Majesty in Council,
gives to the court by which the decision in question was given, immediately after the giving of the decision, notice of his intention to bring or seek leave to bring the appeal, the court to which the notice is given may by order make such provision it thinks just as to the detention of the accused person and his release on bail while the appeal is pending and during such period before the appeal is brought as may be specified by the order.

(6) In this section “decision” has the same meaning as in subsection (7) of the said section one hundred and ten, and “decide” shall be construed accordingly.
5.—(1) This Act may be cited as the Judicial, etc., Offices and Appeals by Prosecutors Act, 1963.

(2) This Act shall apply throughout the Federation, so however, that section two and (except in relation to the Federal Supreme Court) section one of this Act shall apply only to the Federal territory.

(3) In this Act, "territory" has the same meaning as in the Constitution of the Federation.
MERCHANT SHIPPING (AMENDMENT) ACT, 1963

1963, No. 11

AN ACT TO PROVIDE FOR THE PAYMENT INTO THE CONSOLIDATED REVENUE FUND OF FORFEITED WAGES IN SPECIAL CASES AND OTHERWISE TO AMEND THE MERCHANT SHIPPING ACT, 1962.

[By notice, see section 3 (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. For the avoidance of doubt it is declared that where under the Merchant Shipping Act, 1962 (in this Act referred to as "the principal Act") wages are ordered by a court to be forfeited otherwise than for desertion and the court does not direct to the contrary, the provisions of subsection (2) of section one hundred and twenty-two of the principal Act (which prescribes the destination of forfeited wages in certain cases) shall have effect as if the wages so ordered to be forfeited were forfeited for desertion, and they shall be recoverable and be paid into the Consolidated Revenue Fund accordingly.

2. The principal Act is amended,—

(a) by substituting in subsection (1) of section three hundred and thirty three the word "of" for the word "off";

(b) by inserting in subsection (1) of section three hundred and seventy six immediately following the word "before" where it first occurs, the word "any";

(c) by repealing in subsection (1) of section four hundred and seventeen the words "of this Act", and substituting therefor the words "purpose by notice in the Gazette has reasonable cause to suspect that any of the provisions of this Act,",

3.—(1) This Act may be cited as the Merchant Shipping (Amendment) Act, 1963 and this Act and the principal Act may be cited together as the Merchant Shipping Acts, 1962 and 1963.

(2) This Act shall apply throughout the Federation, and shall come into force on a day to be appointed by the Minister by notice in the Gazette.

Published by Authority of the Federal Government of Nigeria and Printed by the Ministry of Information, Printing Division, Lagos.
SUPPLEMENTARY APPROPRIATION (1961-62) ACT, 1963

1963, No. 12

An Act to authorise the issue out of the Consolidated Revenue Fund of the sum of two hundred and twenty-eight thousand, eight hundred and three pounds; and to appropriate that sum for the purposes specified in this Act.

[20th May, 1963]

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. The total of the amounts mentioned in section two of the Appropriation (1961-62) Act, 1961, section two of the Supplementary Appropriation (1961-62) Act, 1961 and section two of the Supplementary Appropriation (1961-62) (No. 2) Act, 1961 (which together provide for the issue out of the Consolidated Revenue Fund in respect of the year which ended on the 31st day of March, 1962, of sums not exceeding in the aggregate fifty-six million, five hundred and thirty-three thousand and thirty pounds), shall be increased by two hundred and twenty-eight thousand, eight hundred and three pounds; and the additional amount shall be appropriated to heads of expenditure as indicated in the Schedule to this Act.

2. This Act may be cited as the Supplementary Appropriation (1961-62) Act, 1963, and shall apply throughout the Federation.

SCHEDULE

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Published by authority of the Federal Government of Nigeria and printed by the Ministry of Information, Printing Division, Lagos.
SUPPLEMENTARY APPROPRIATION (1962-63)
ACT, 1963

1963, No. 13

AN ACT TO AUTHORISE THE ISSUE OUT OF THE CONSOLIDATED REVENUE FUND
OF THE SUM OF THREE HUNDRED AND NINE THOUSAND, TWO HUNDRED AND
EIGHTY POUNDS FOR THE PURPOSE OF REPLACING ADVANCES FROM THE
CONTINGENCIES FUND FOR THE YEAR WHICH ENDED ON THE THIRTY-FIRST
DAY OF MARCH, ONE THOUSAND, NINE HUNDRED AND SIXTY-THREE; AND
TO APPROPRIATE THAT SUM FOR THE PURPOSES SPECIFIED IN THIS ACT.

[20th May, 1963]

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. The total of the amounts mentioned in section one of the
Appropriation Act, 1962 and section one of the Supplementary Appropria-
tion Act, 1962 (which together provide for the issue out of the
Consolidated Revenue Fund in respect of the year which ended on the
31st day of March, 1963, of sums not exceeding in the aggregate fifty-five
million and eighty-six thousand, five hundred and ninety-one pounds),
shall be increased by three hundred and nine thousand, two hundred
and eighty pounds; and the additional amount shall be appropriated
for the replacement of advances from the Contingencies Fund.

2. This Act may be cited as the Supplementary Appropriation
(1962-63) Act, 1963, and shall apply throughout the Federation.

Published by Authority of the Federal Government of Nigeria and Printed
by the Ministry of Information, Printing Division, Lagos.
ARRANGEMENT OF SECTIONS

Section 1. Alteration of constitution of Ports Authority.
2. Establishment of consultative body.
3. Power of Minister to give directions to the authority.
4. Regulations, etc., made by the authority to be approved by Minister.
5. Federal ports.
6. Citation, extent and interpretation.

SCHEDULE—Transitional provisions.

1963, No. 14

AN ACT TO ALTER THE CONSTITUTION OF THE NIGERIAN PORTS AUTHORITY; TO PROVIDE FOR CONSULTATIONS BETWEEN THE AUTHORITY AND PERSONS USING ITS FACILITIES; TO MAKE FURTHER PROVISION FOR THE GIVING OF DIRECTIONS TO THE AUTHORITY; TO REQUIRE THE APPROVAL OF THE MINISTER FOR REGULATIONS AND BY-LAWS MADE BY THE AUTHORITY; TO MAKE FURTHER PROVISION AS TO FEDERAL PORTS; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[20th May, 1963]

Commencement.

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

1.—(1) The Nigerian Ports Authority (hereafter in this Act referred to as, "the authority") shall be constituted in accordance with the next following subsection instead of as provided by subsections (1) to (4) of section eight of the Ports Act.

(2) Subject to the provisions of this section, the authority shall consist of seventeen members appointed by the Minister, of whom—

(a) one shall be designated by the Minister as chairman of the authority;

(b) nine shall be appointed, as respects three, from Northern Nigeria, as respects three others, from Western Nigeria and, as respects the others, from Eastern Nigeria;
(c) one shall be a person appearing to the Minister to have had experience of and shown ability in the organisation of workers;

(d) two shall be persons appearing to the Minister to represent the interests of persons who pay, as respects one, ships' dues and, as respects the other, harbour dues;

(e) one shall be a person appearing to the Minister to represent the interests of the Nigerian Railway Corporation;

and the quorum of the authority shall be four.

(3) The power of appointment conferred by paragraph (b) above shall be so exercised as to secure that one of the persons appointed from each Region is the representative of the marketing board of that Region.

(4) Notwithstanding anything in the provisions of the Fourth Schedule to the Ports Act relating to the tenure of office of members of the authority, the Minister may remove from office any member of the authority if the Minister considers it necessary in the public interest to do so.

(5) The Schedule to this Act shall have effect for the purpose of making transitional provisions required in consequence of the foregoing provisions of this section.

2. The Minister may make regulations providing—

(a) for the establishment of a body to represent the interests of persons using facilities under the control of the authority; and

(b) for the holding of consultations between the body and the authority; and

(c) for enabling the body to make representations to the authority, or to any particular member or officer of the authority, with a view to safeguarding those interests;

and the regulations may contain such incidental and supplemental provisions (excluding provisions for the making of payments to members of the body) as the Minister considers expedient for the purposes of the regulations.

3.—(1) The Minister may, after consultation with the authority or the chairman of the authority, give to the authority general or special directions with respect to matters which, in his opinion, are either matters affecting the public interest or matters of policy which have arisen or may arise in connection with the affairs of the authority; and the authority shall give effect to the directions.

(2) Accordingly, subsections (1) and (2) of section thirteen of the Ports Act are hereby repealed.

4.—(1) Without prejudice to the provisions of the last foregoing section, no regulations or by-laws made after the commencement of this Act by the authority in exercise of the powers conferred on them by any enactment shall come into force until the regulations or by-laws have been approved by order of the Minister.

(2) The Minister may approve any such regulations or by-laws either without modification or with such modifications as he thinks fit; but before approving regulations or by-laws with modifications the Minister shall afford the authority an opportunity of making representations with respect to the proposed modifications, and shall consider any representations made in pursuance of this subsection.
(3) Nothing in this section shall require the approval of the Minister for regulations relating solely to the levying of rates and dues for the purposes of sections sixty-one, sixty-seven or seventy of the Ports Act if the rates and dues do not exceed the limits approved by the Minister, either before or after the commencement of this Act, by notice in the Gazette of the Federation.

(4) Subsection (1) of section eighty-three of the Ports Act (which requires the approval of the Minister for regulations providing for the levy of certain dues and rates) is hereby repealed.

5. For the removal of doubt it is hereby declared that any area in the Federation outside the Federal territory which is for the time being declared or deemed to be a port by virtue of section six of the Ports Act is a Federal port.

6.—(1) This Act may be cited as the Ports Act, 1963, and this Act and the Ports Act, the Ports (Amendment) Act, 1959, the Ports (Amendment No. 2) Act, 1959, the Ports (Amendment) Act, 1960, and the Ports (Amendment) Act, 1961, may be cited together as the Ports Acts, 1958 to 1963.

(2) This Act shall apply throughout the Federation.

(3) In this Act—

“marketing board” means the Northern Regional Marketing Board, the Western Region Marketing Board or the Eastern Regional Marketing Board; and

“the Minister” means the Minister of the government of the Federation responsible for maritime shipping and navigation;

and references in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment.

SCHEDULE

Transitional provisions

1. The following provisions of the Ports Act (being provisions rendered redundant by section one of this Act) are hereby repealed, that is to say—

(a) in section eight, subsections (1) to (4), (7) and (8);

(b) in the Fourth Schedule, in paragraph 2, the words from “Chairman” to “shall” (exclusive of the quoted words) and, in paragraph 8, sub-paragraph (3); and

(c) the Fifth Schedule.

2. Any person holding office immediately before the commencement of this Act as an elected member of the authority or in pursuance of paragraph (b) of subsection (3) of the said section eight shall vacate office on such date as the Minister may by order appoint; and no person shall be appointed as a member of the authority in pursuance of paragraph (d) of subsection (2) of section one of this Act while any person continues in office as an elected member of the authority.
3. A person holding office immediately before the commencement of this Act as a member of the authority in pursuance of any provision of subsection (2) or (3) of the said section eight (other than paragraphs (a), (b) and (g) of subsection (3)) shall be deemed to have been appointed as a member of the authority in pursuance of the corresponding provision of section one of this Act on the date on which he was actually appointed for his current term of office.

[20th May, 1963]

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. No member of a Commission shall be liable to be sued in any court of law for any act done or omitted to be done in the due exercise of his duties as such member.

2. Any report, statement or other communication or record of any meeting, enquiry or proceedings which a Commission may make in the due exercise of its functions or which any member of a Commission may make in the due performance of his duties shall be privileged in that its production may not be compelled in any legal proceedings if the Attorney-General of the Federation certifies that such production is not in the public interest.

3. Regulation 17 of the Federal Public Service Commission Regulations is hereby repealed.

4. In this Act,—

"Commission" means the Police Service Commission, the Judicial Service Commission or the Public Service Commission established by the Constitution of the Federation.

5. This Act may be cited as the Federal Commissions (Privileges and Immunities) Act, 1963 and shall apply, in so far as it relates to Commissions established by the Constitution of the Federation, throughout the Federation.

PUBLISHED BY AUTHORITY OF THE FEDERAL GOVERNMENT OF NIGERIA AND PRINTED BY THE MINISTRY OF INFORMATION, PRINTING DIVISION, LAGOS.
An Act to amend the Pool Betting Control Act of 1961 and to extend the application of the Act as amended to Northern and Eastern Nigeria respectively; and for other purposes connected therewith.

[See subsection (2) of section three]

Whereas by section 67 of the Constitution of the Federation a region may confer upon Parliament authority to legislate in respect of matters not included in the Legislative Lists of the Constitution of the Federation:

And whereas by the passing of the Pool Betting (Parliamentary Authority) Law, 1963 and the Pool Betting Control (Enabling) Law, 1962 authority was duly conferred upon Parliament by the Legislatures of Northern and Eastern Nigeria, respectively, to make laws with respect to matters relating to pool betting:

And whereas it is necessary and expedient before giving legislative effect thereto to amend certain provisions of the Pool Betting (Control) Act, and to extend the application of the Act (as amended and under which pool betting business in the Federal territory is controlled) to those regions:

Now, therefore be it enacted by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:

1. The Pool Betting (Control) Act (hereafter referred to as the principal Act) shall have effect subject to the following amendments, that is to say—

(a) after subsection (1) of section three thereof there shall be inserted the following subsection (1A)—

"(1A) No person shall receive for publication or publish any advertisement relating to pool betting unless it is accompanied by a certificate as to its genuineness signed by some person authorised in writing by the Minister in that behalf."; and

(b) in subsection (3) of section seven for the words "section 7" there shall be substituted the words "section 6".
2.—(1) With a view to providing for the control of pool betting business in Northern and Eastern Nigeria, respectively, the application of the principal Act, (as amended by the foregoing section one) shall, subject to the following provisions of this section, extend to those regions; and accordingly,

(a) any reference in the principal Act to the Federal territory shall have effect as a reference to the respective region; and

(b) any regulations under the principal Act shall have effect in relation to the regions with any necessary amendments, modifications or adaptations in the same manner as the principal Act.

(2) Notwithstanding the foregoing subsection (1) hereof, the provisions of section four of the principal Act shall be omitted, and nothing in this Act shall be construed as enabling any criminal proceedings to be instituted for the breach of any provision of the principal Act or the regulations made thereunder on account of any act or omission which occurred in either of the regions before the date on which this Act comes into operation.

3.—(1) This Act may be cited as the Pool Betting Act, 1963 and shall (to the extent that it relates to the Federation except Western Nigeria) apply throughout the Federation.

(2) This Act shall come into operation by notice on a day to be appointed by the Minister of the Federation charged with responsibility for the control of pool betting.