1954 No. 1147

The Nigeria (Offices of Governor-General and Governors) Order in Council, 1954

Made - - - -	30*th August*, 1954
Laid before Parliament	3*rd September*, 1954
Coming into Operation	1*st October*, 1954

At the Court at Balmoral, the 30th day of August, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(**a**), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement, revocation and reservation of power

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954.

(2) This Order shall come into operation on the first day of October, 1954.

(3) The Nigeria Letters Patent, 1951(**b**), and the Nigeria (Supplementary Provisions) Order in Council, 1951(**c**), are hereby revoked without prejudice to anything lawfully done thereunder.

(4) Her Majesty hereby reserves power, with the advice of Her Privy Council, to amend or revoke this Order.

Interpretation

2.—(1) In this Order, unless it is otherwise expressly provided or required by the context—

"the Constitution Order" means the Nigeria (Constitution) Order in Council, 1954(**d**);

"the Eastern Region" means the Eastern Region of Nigeria established by the Constitution Order;

"the Federation" means the Federation of Nigeria established by the Constitution Order;

"the Governor-General" means the Governor-General and Commander-in-Chief of the Federation;

"Lagos" means the Federal Territory of Lagos established by the Constitution Order;

"the Northern Region" means the Northern Region of Nigeria established by the Constitution Order;

"oath" includes an affirmation;

"Region" means the Northern Region, the Western Region or the Eastern Region;

"the Southern Cameroons" means the Southern Cameroons established by the Constitution Order; and

"the Western Region" means the Western Region of Nigeria established by the Constitution Order.

(**a**) 53 & 54 Vict. c. 37.
(**b**) S.I. 1951 II, p. 1417.
(**c**) S.I. 1951/1957 (1951 II, p. 89).
(**d**) S.I. 1954/1146, p. 2829 above.

(2) (*a*) Where by or under this Order a power is conferred upon Her Majesty or any other person to make any appointment to any office, a person may be appointed to that office, notwithstanding that some other person is holding that office when that other person is on leave of absence pending relinquishment of the office.

(*b*) Where two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (*a*) of this subsection, then for the purposes of section 5 or section 14 of this Order or for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office.

(3) Any reference to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office and, in the case of the Governor-General and the Governor of a Region, includes, to the extent that any deputy is authorised to discharge those functions, that deputy.

Office of Governor-General and Commander-in-Chief

3.—(1) The office of Governor-General and Commander-in-Chief of the Federation is hereby constituted.

(2) Appointments to the office of Governor-General shall be made by Commission under Her Majesty's Sign Manual and Signet.

(3) A person appointed to the office of Governor-General shall, before entering upon the duties of that office, make oaths or affirmations of allegiance and for the due execution of that office in the form set out in the Schedule to this Order.

Powers and duties of Governor-General

4. The Governor-General shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor-General has in any matter complied with such instructions shall not be enquired into in any court.

Succession to government of Federation

5.—(1) Whenever the office of Governor-General is vacant or the Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

(*a*) such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State; or

(*b*) if there is no person in Nigeria so designated and capable of discharging the functions of the office of Governor-General, the Chief Secretary of the Federation; or

(*c*) if the Chief Secretary of the Federation is absent from Nigeria or is from any other cause incapable of discharging the functions of the office of Governor-General, the Governor of such Region as the Governor-General may, by Instrument under the Public Seal of the Federation, designate ;

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor-General and administer the government of the Federation accordingly.

(2) Before assuming the administration of the government of the Federation any such person as aforesaid shall make the oaths directed by section 3 of this Order to be made by a person appointed to the office of Governor-General.

(3) Any such person as aforesaid shall not continue to administer the government of the Federation after the person holding the office of Governor-General or some other person having a prior right to administer the government has notified him that he is about to assume, or resume, the administration.

(4) The Governor-General or any other person as aforesaid shall not, for the purposes of this section—

(*a*) be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor-General by reason only that he is so passing ;

(*b*) be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor-General, at any time when there is a subsisting appointment of a Deputy to the Governor-General under section 6 of this Order.

Discharge of Governor-General's functions by deputy

6.—(1) Whenever the Governor-General—

(*a*) has occasion to be absent from Lagos but not from Nigeria ; or

(*b*) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration ; or

(*c*) by reason of illness that he has reason to believe will be of short duration considers it desirable to do so ;

he may, by Instrument under the Public Seal of the Federation, appoint any person in Nigeria to be his Deputy during such absence or illness, and in that capacity to discharge for and on behalf of the Governor-General during such absence or illness such of the functions of the office of Governor-General as may be specified in that Instrument.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a Deputy under this section otherwise than as Her Majesty may at any time think proper to direct and every such Deputy shall conform to and observe all such instructions as the Governor-General may from time to time address to him for his guidance.

(3) A person appointed as Deputy under this section shall hold that appointment for such period as may be specified in the Instrument by which he is appointed and his appointment may be revoked at any time by Her Majesty by instructions through a Secretary of State or by the Governor-General.

Privy Council for Federation

7. There shall be a Privy Council for the Federation constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Constitution of offices for Federation, Southern Cameroons and Lagos

8.—(1) The Governor-General, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Federation, the Southern Cameroons and Lagos as may lawfully be constituted by Her Majesty and, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any such office.

(2) The Governor-General shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

(*a*) for the Federation, the offices of Chief Secretary of the Federation, Attorney-General of the Federation, Financial Secretary of the Federation, Commissioner of the Cameroons and Deputy Commissioner of the Cameroons; and

(*b*) for the Southern Cameroons, the offices of Legal Secretary of the Southern Cameroons and Financial and Development Secretary of the Southern Cameroons.

Governor-General's powers of pardon etc.

9.—(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions; or

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence; or

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence; or

(*d*) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) The offences to which this section applies are any offences other than offences against any law enacted by the Legislature of a Region or having effect under the Constitution Order as if it had been so enacted.

Public Seals of Federation and Southern Cameroons

10. The Governor-General shall keep and use the Public Seal of the Federation and the Public Seal of the Southern Cameroons for sealing all things whatsoever that shall pass the said Seals.

Offices of Governors of Regions

11.—(1) The office of Governor of the Northern Region, the office of Governor of the Western Region and the office of Governor of the Eastern Region are hereby constituted.

(2) Appointments to the said offices shall be made by Commission under Her Majesty's Sign Manual and Signet.

(3) A person appointed to the office of Governor of a Region shall, before entering upon the duties of that office, make oaths or affirmations of allegiance and for the due execution of that office in the form set out in the Schedule to this Order.

Powers and duties of Governors of Regions

12. The Governor of a Region shall have such powers and duties as are conferred upon him by or under this Order, the Constitution Order or any other law, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him and, subject to the provisions of this Order and the Constitution Order and of any other law by which any such powers or duties are conferred, shall do or execute all things that belong to his office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by the Constitution Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

Provided that the question whether or not the Governor has in any matter complied with such instructions shall not be enquired into in any court.

Offices of Deputy Governors of Western and Eastern Regions

13.—(1) The offices of Deputy Governor of the Western Region and Deputy Governor of the Eastern Region are hereby constituted.

(2) Appointments to the office of Deputy Governor of the Western Region or the Eastern Region shall be made by the Governor of the Region in pursuance of instructions given by Her Majesty through a Secretary of State.

Succession to government of Regions

14.—(1) Whenever the office of Governor of the Northern Region is vacant or the Governor of that Region is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

(*a*) such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State; or

(*b*) if there is no person in Nigeria so designated and capable of discharging the functions of the office of Governor, the Civil Secretary of the Northern Region;

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor of the Northern Region and administer the government of that Region accordingly.

(2) Whenever the office of Governor of the Western Region or the office of Governor of the Eastern Region is vacant or the Governor of either of those Regions is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

(*a*) the Deputy Governor of the Western Region or the Deputy Governor of the Eastern Region, as the case may be;

(*b*) if the office of Deputy Governor of the Western Region or Deputy Governor of the Eastern Region, as the case may be, is vacant or such Deputy Governor is absent from Nigeria, or is from any other cause prevented from or incapable of discharging the functions of

the office of Governor, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State ;

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor of the Western Region or the office of Governor of the Eastern Region, as the case may be, and administer the government of that Region accordingly.

(3) Before assuming the administration of the government of a Region any such person as aforesaid shall make the oaths directed by section 11 of this Order to be made by a person appointed to the office of Governor of a Region.

(4) Any such person as aforesaid shall not continue to administer the government of a Region after the person holding the office of Governor of that Region or some other person having a prior right to administer the government of that Region has notified him that he is about to assume, or resume, the administration.

(5) The Governor of a Region or any other person as aforesaid shall not, for the purposes of this section—

(*a*) be regarded as absent from Nigeria during his passage from one part of Nigeria to another, or as prevented from discharging the functions of the office of Governor by reason only that he is so passing ;

(*b*) be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor, in the case of the Northern Region, at any time when there is a subsisting appointment of a Deputy to the Governor under section 15 of this Order or, in the case of the Western Region or the Eastern Region, at any time when there is a subsisting direction to the Deputy Governor of the Region under that section.

Discharge of Governor's functions by deputy

15.—(1) Whenever the Governor of the Northern Region—

(*a*) has occasion to be absent from the seat of government of the Region but not from Nigeria ; or

(*b*) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration ; or

(*c*) by reason of illness that he has reason to believe will be of short duration, considers it desirable to do so ;

he may, by Instrument under the Public Seal of the Region, appoint any person in Nigeria to be his Deputy during such absence or illness, and in that capacity to discharge for and on behalf of the Governor during such absence or illness such of the functions of the office of Governor as may be specified in that Instrument.

(2) Whenever the Governor of the Western Region or the Governor of the Eastern Region—

(*a*) has occasion to be absent from the seat of government of the Region but not from Nigeria ; or

(*b*) has occasion to be absent from Nigeria for a period that he has reason to believe will be of short duration ; or

(*c*) by reason of illness that he has reason to believe will be of short duration, considers it desirable to do so ;

he may, by Instrument under the Public Seal of the Region, direct the Deputy Governor of the Region, during such absence or illness, and in

that capacity to discharge for and on behalf of the Governor during such absence or illness such of the functions of the office of Governor as may be specified in that Instrument.

(3) The power and authority of the Governor of a Region shall not be abridged, altered or in any way affected, in the case of the Governor of the Northern Region, by the appointment of a Deputy under subsection (1) of this section, or, in the case of the Governor of the Western Region or the Governor of the Eastern Region, by any direction to a Deputy Governor under subsection (2) of this section, otherwise than as Her Majesty may at any time think proper to direct and every such Deputy or Deputy Governor shall conform to and observe all such instructions as the Governor may from time to time address to him for his guidance.

(4) (*a*) A person appointed as Deputy under subsection (1) of this section shall hold that appointment for such period as may be specified in the Instrument by which he is appointed and his appointment may be revoked at any time by Her Majesty by instructions through a Secretary of State or by the Governor of the Northern Region.

(*b*) Any direction given under subsection (2) of this section may at any time be revoked by the Governor of the Western Region or the Governor of the Eastern Region, as the case may be, or by Her Majesty by instructions through a Secretary of State.

Privy Councils for Regions

16. There shall be a Privy Council for each Region constituted in such manner as Her Majesty may direct by Instructions under Her Sign Manual and Signet.

Constitution of offices for Regions

17.—(1) The Governor of a Region, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Region as may lawfully be constituted by Her Majesty and, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any such office.

(2) (*a*) The Governor of the Northern Region shall, in exercise of the powers conferred upon him by this section, constitute the following offices, being offices required for the purposes of the Constitution Order—

(i) the office of Civil Secretary of the Northern Region ;

(ii) the office of Attorney-General of the Northern Region ; and

(iii) the office of Financial Secretary of the Northern Region.

(*b*) The Governor of the Western Region shall, in like manner, constitute the office of Attorney-General of the Western Region.

(*c*) The Governor of the Eastern Region shall, in like manner, constitute the office of Attorney-General of the Eastern Region.

Governors' powers of pardon etc.

18.—(1) The Governor of a Region may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of any offence to which this section applies a pardon, either free or subject to lawful conditions ; or

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence ; or

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(*d*) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due to Her Majesty on account of such an offence.

(2) The offences to which this section applies are offences against any law enacted by the Legislature of a Region or having effect under the Constitution Order as if it had been so enacted.

Public Seals of Regions

19. The Governor of a Region shall keep and use the Public Seal of that Region for sealing all things whatsoever that shall pass the said Seal.

Tenure of offices constituted by or under this Order

20.—(1) Any person appointed to an office constituted by this Order shall hold that office during Her Majesty's pleasure.

(2) Any person appointed to an office constituted under sections 8 or 17 of this Order shall hold that office during Her Majesty's pleasure, unless—

(*a*) in the case of an office constituted for the Federation or Lagos, not being an office mentioned in paragraph (*a*) of subsection (2) of section 8, it is otherwise provided by a law enacted by the Legislature of the Federation ;

(*b*) in the case of an office constituted for the Southern Cameroons, not being an office mentioned in paragraph (*b*) of subsection (2) of section 8, it is otherwise provided by a law enacted by the Legislature of the Southern Cameroons ;

(*c*) in the case of an office constituted for a Region, not being an office mentioned in subsection (2) of section 17, it is otherwise provided by a law enacted by the Legislature of that Region.

Obedience to Governor-General and Governors of Regions

21.—(1) All officers, civil and military, and all other inhabitants of Nigeria shall be obedient, aiding and assisting unto the Governor-General.

(2) All officers, civil and military, and all other inhabitants of a Region shall be obedient, aiding and assisting unto the Governor of that Region.

W. G. Agnew.

SCHEDULE

Oath or Affirmation of Allegiance

I, do swear (*or* solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors according to law. (So help me God.)

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR-GENERAL

I, do swear (*or* solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor-General of the Federation of Nigeria. (So help me God.)

OATH OR AFFIRMATION FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR

I, do swear (*or* solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors in the office of Governor of the Region of Nigeria. (So help me God.)

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order constitutes the offices of the Governor-General of the Federation of Nigeria and the Governors of the Northern, Western and Eastern Regions of Nigeria, and makes certain other provisions for the government and administration of Nigeria.

WINDWARD ISLANDS

1954 No. 1040

The Leeward Islands and Windward Islands (Courts) (Amendment) Order in Council, 1954

Made - - - - 30*th July*, 1954

At the Court at Arundel Castle, the 30th day of July, 1954

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under the Dominica Act, 1938(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Citation and Construction

1.—(1) This Order may be cited as the Leeward Islands and Windward Islands (Courts) (Amendment) Order in Council, 1954, and shall

(a) 1 & 2 Geo. 6. c. 10.