Majesty in Council for the establishment of the proposed House of Assembly and that provision shall have come into operation; but registration of electors may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of such regulations at any time after the commencement of this Order.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order enables the Governor-General of the Federation of Nigeria to make provision for the election of members to a new House of Assembly that it is proposed should hereafter be established for the Southern Cameroons and permits registration of voters to take place and other preliminary measures to be taken in pursuance of any such provision.

1957 No. 1531

The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957

Made - - - -	23*rd August*, 1957
Laid before Parliament	29*th August*, 1957
Coming into Operation	30*th August*, 1957

At the Court at Balmoral, the 23rd day of August, 1957

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 construction and commencement

1.—(1) This Order may be cited as the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 and 1955(b).

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 and 1955, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957.

(3) This Order shall come into operation on the thirtieth day of August, 1957.

(a) 53 & 54 Vict. c. 37.
(b) S.I. 1954/1147, 1955/431 (1954 II, p. 2939; 1955 II, p. 3167).

Amendment of Order of 1954

2. Section 2 of the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, (hereinafter called "the principal Order") is hereby amended by the deletion from subsection (3) of all words after the words "the functions of that office" and the substitution of the words "and shall include, in the case of the Governor-General, the Deputy Governor-General, to the extent to which he is authorized to discharge the functions of the office of Governor-General and, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorized to discharge the functions of the office of Governor".

3. The principal Order is hereby amended by the insertion after section 4 of the following section:—

"Office of Deputy Governor-General.

4A.—(1) The office of Deputy Governor-General of the Federation is hereby constituted.

(2) Appointments to the office of Deputy Governor-General shall be made by the Governor-General in pursuance of instructions given by Her Majesty through a Secretary of State."

4. Section 5 of the principal Order is hereby revoked and the following section is substituted:—

"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*) the Deputy Governor-General; or

(*b*) if the office of Deputy Governor-General is vacant or the Deputy Governor-General is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Governor-General, 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-General and administer the government of the Federation accordingly.

(2) Before entering upon the discharge of the functions of the office of Governor-General under subsection (1) of this section the Deputy Governor-General or the person designated under paragraph (*b*) of that subsection shall make the oaths to be made under subsection (3) of section 3 of this Order by a person appointed to the office of Governor-General.

(3) The Deputy Governor-General shall not continue to discharge the functions of the office of Governor-General after the Governor-General has notified him that he is about to enter upon, or resume, the discharge of those functions and the person designated under paragraph (*b*) of subsection (1) of this section shall not continue to discharge those functions after the Governor-General or the Deputy Governor-General has so notified him.

(4) For the purposes of this section—

(*a*) the Governor-General or the Deputy Governor-General shall not 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*) the Governor-General shall not 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 the Deputy Governor-General is discharging those functions in pursuance of an authority given by the Governor-General under section 6 of this Order;

(*c*) when the Deputy Governor-General has entered upon the discharge of the functions of the office of Governor-General under subsection (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Governor-General is discharging those functions in pursuance of an authority given by the Deputy Governor-General under section 6 of this Order;

(*d*) "the Governor-General" means the person holding the office of Governor-General and "the Deputy Governor-General" means the person holding the office of Deputy Governor-General."

5. Section 6 of the principal Order is hereby revoked and the following section is substituted:—

"Discharge of Governor-General's functions by Deputy Governor-General.

6.—(1) The Governor-General may, by Instrument under the Public Seal of the Federation, authorize the Deputy Governor-General to discharge for and on behalf of the Governor-General on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Governor-General as may be specified in that Instrument.

(2) The powers and authority of the Governor-General shall not be affected by any authority given to the Deputy Governor-General under subsection (1) of this section otherwise than as Her Majesty may at any time think proper to direct, and the Deputy Governor-General shall conform to and observe such instructions relating to the discharge by the Deputy Governor-General of any of the functions of the office of Governor-General as the Governor-General may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor-General by Instrument under the Public Seal of the Federation.

(4) For the purposes of this section "the Governor-General" means the person holding the office of Governor-

General and includes any person discharging the functions of that office under section 5 of this Order."

6. Section 8 of the principal Order is hereby amended by the deletion from subsection (2) of the words "Chief Secretary of the Federation" and the words "Financial Secretary of the Federation" in paragraph (*a*).

7. Section 13 of the principal Order is hereby amended—

(*a*) by the insertion in subsection (1) after the words "The offices of" of the words "Deputy Governor of the Northern Region,"; and

(*b*) by the deletion from subsection (2) of the words "the Western Region or the Eastern Region" and the substitution of the words "a Region".

8. Section 14 of the principal Order is hereby revoked and the following section is substituted:—

"Succession to government of Regions.

14.—(1) Whenever the office of Governor of a Region is vacant or the Governor 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; or

(*b*) if the office of Deputy Governor is vacant or the the 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 Region and administer the government of the Region accordingly.

(2) Before entering upon the discharge of the functions of the office of Governor of a Region under subsection (1) of this section the Deputy Governor or the person designated under paragraph (*b*) of that subsection shall make the oaths to be made under subsection (3) of section 11 of this Order by a person appointed to the office of Governor.

(3) The Deputy Governor shall not continue to discharge the functions of the office of Governor of a Region after the Governor has notified him that he is about to enter upon, or resume, the discharge of those functions and the person designated under paragraph (*b*) of subsection (1) of this section shall not continue to discharge those functions after the Governor or the Deputy Governor has so notified him.

(4) For the purposes of this section—

(*a*) the Governor or the Deputy Governor shall not 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*) the Governor shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Governor of a

Region, at any time when the Deputy Governor is discharging those functions in pursuance of an authority given by the Governor under section 15 of this Order;

(*c*) when the Deputy Governor has entered upon the discharge of the functions of the office of Governor of a Region under subsection (1) of this section, he shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Governor of the Region is discharging those functions in pursuance of an authority given by the Deputy Governor under section 15 of this Order;

(*d*) in relation to a Region, "the Governor" means the person holding the office of Governor of the Region and "the Deputy Governor" means the person holding the office of Deputy Governor of the Region."

9. Section 15 of the principal Order is hereby revoked and the following section is substituted:—

"Discharge of Governor's functions by Deputy Governor.

15.—(1) The Governor may, by Instrument under the Public Seal of the Region, authorize the Deputy Governor to discharge for and on behalf of the Governor on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Governor of a Region as may be specified in that Instrument.

(2) The powers and authority of the Governor shall not be affected by any authority to the Deputy Governor under subsection (1) of this section otherwise than as Her Majesty may at any time think proper to direct and the Deputy Governor shall conform to and observe such instructions relating to the discharge by the Deputy Governor of any of the functions of the office of Governor as the Governor may from time to time address to him for his guidance.

(3) Any authority given under subsection (1) of this section may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor by Instrument under the Public Seal of the Region.

(4) For the purposes of this section "the Governor" means in relation to a Region, the person holding the office of Governor of the Region and includes any person discharging the functions of that office under section 14 of this Order."

10. Section 17 of the principal Order is hereby amended by the deletion from subsection (2) of sub-paragraphs (i) and (iii) of paragraph (*a*).

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Nigeria (Offices of Governor-General and Governors) Order in Council, 1954, so as to provide for the creation of the offices of Deputy Governor-General of the Federation of Nigeria and Deputy Governor of the Northern Region and for matters connected therewith.