WEST AFRICA

ADMINISTRATION GENERALLY

1958 No. 430

The Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1958

Made - - - -	14*th March*, 1958
Laid before Parliament	20*th March*, 1958
Coming into Operation	1*st April*, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

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, 1958, and shall be construed as one with the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957(b).

(2) The Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1957, and this Order may be cited together as the Nigeria (Offices of Governor-General and Governors) Orders in Council, 1954 to 1958.

(3) This Order shall come into operation on the first day of April, 1958.

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") (as amended by section 2 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1955, and the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the deletion of subsection (3) and the substitution of the following subsection:—

"(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 shall include, in the case of the Governor-General and the High Commissioner for the Southern Cameroons, the Deputy Governor-General, to the extent to which he is authorised to discharge the functions of the office of Governor-General or the office of High Commissioner, as the case

(a) 53 & 54 Vict. c. 37. (b) S.I. 1954/1147, 1955/431, 1957/1531 (1954 II, p. 2939; 1955 II, p. 3167; 1957 II, p. 3053).

may be, in the case of the Governor of a Region, the Deputy Governor of the Region, to the extent to which he is authorised to discharge the functions of the office of Governor, and in the case of the Commissioner of the Cameroons, the Deputy Commissioner of the Cameroons, to the extent to which he is authorised to discharge the functions of the office of Commissioner."

3. Section 4A of the principal Order (as set out in section 3 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) 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 his office, the Governor-General may appoint a person to act as Deputy Governor-General, and any person so appointed shall continue to act until his appointment is revoked by the Governor-General."

4. Section 6 of the principal Order (as amended by section 5 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after subsection (4) of the following subsection:—

"(5) In subsection (1) of this section the reference to the functions of the office of Governor-General does not include a reference to any function conferred upon the Governor-General by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order and the Constitution Order."

5. The principal Order is amended by the insertion after section 6 of the following section:—

"Office of High Commissioner for Southern Cameroons.

6A—(1) The office of High Commissioner for the Southern Cameroons is hereby constituted.

(2) The person for the time being holding the office of Governor-General shall hold the office of High Commissioner for the Southern Cameroons.

(3) The reference in section 4 of this Order to things belonging to the office of Governor-General and the references in sections 5 and 6 of this Order to the functions of the office of Governor-General include references to the functions of the office of High Commissioner for the Southern Cameroons."

6.—(1) Section 8 of the principal Order (as amended by section 6 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended—

(*a*) by the deletion from subsection (1) of the words "the Southern Cameroons"; and

(*b*) by the deletion of subsection (2) and the substitution of the following subsection:—

"(2) The Governor 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*) the office of Attorney-General of the Federation;

(*b*) the office of Director of Federal Audit;

(*c*) the office of Clerk to the House of Representatives; and

(*d*) the office of Secretary to the Council of Ministers."

7.—(1) The principal Order is amended by the insertion after section 8 of the following section:—

"Constitution of offices for Southern Cameroons.

8A.—(1) The High Commissioner for the Southern Cameroons, in Her Majesty's name and on Her Majesty's behalf, may constitute all such offices for the Southern Cameroons as may lawfully be constituted by Her Majesty.

(2) The High Commissioner for the Southern Cameroons 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*) the office of Commissioner of the Cameroons;

(*b*) the office of Deputy Commissioner of the Cameroons;

(*c*) the office of Legal Secretary of the Southern Cameroons;

(*d*) the office of Financial Secretary of the Southern Cameroons;

(*e*) the office of Clerk to the House of Assembly of the Southern Cameroons; and

(*f*) the office of Clerk to the Executive Council of the Southern Cameroons.

(3) The High Commissioner for the Southern Cameroons, subject to the provisions of any Order of Her Majesty in Council, may make appointments (including appointments on promotion and transfer) to any office constituted under this section."

(2) Any offices constituted by the Governor-General for the Southern Cameroons under subsection (1) of section 8 of the principal Order and in existence immediately before the commencement of this Order shall be deemed to have been constituted by the High Commissioner for the Southern Cameroons under subsection (1) of section 8A of the principal Order, as set out in subsection (1) of this section.

8. Section 9 of the principal Order is amended by the insertion in subsection (2) after the words "a Region" of the words "or the Southern Cameroons".

9. The principal Order is amended by the insertion after section 9 of the following sections:—

"Discharge of functions of Commissioner of Cameroons in case of vacancy, etc.

9A.—(1) Whenever the office of Commissioner is vacant or the Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office—

(*a*) the Deputy Commissioner; or

(*b*) if the office of Deputy Commissioner is vacant or the Deputy Commissioner is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of the office of Commissioner,

such person as the High Commissioner for the Southern Cameroons may designate by Instrument under the Public

Seal of the Southern Cameroons shall, during the pleasure of the High Commissioner, discharge the functions of the office of Commissioner of the Cameroons.

(2) The Deputy Commissioner shall not continue to discharge the functions of the office of Commissioner of the Cameroons after the Commissioner 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 Commissioner or the Deputy Commissioner has so notified him.

(3) For the purposes of this section—

(*a*) the Commissioner or the Deputy Commissioner 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 Commissioner by reason only that he is so passing;

(*b*) the Commissioner shall not be regarded as absent from Nigeria, or as prevented from or incapable of discharging the functions of the office of Commissioner, at any time when the Deputy Commissioner is discharging those functions in pursuance of an authority given by the Commissioner under section 9B of this Order;

(*c*) when the Deputy Commissioner has entered upon the discharge of the functions of the office of Commissioner 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 Commissioner is discharging those functions in pursuance of an authority given by the Deputy Commissioner under section 9B of this Order;

(*d*) "the Commissioner" means the person holding the office of Commissioner of the Cameroons and "the Deputy Commissioner" means the person holding the office of Deputy Commissioner of the Southern Cameroons.

Discharge of functions of Commissioner of Cameroons by Deputy Commissioner.

9B.—(1) The Commissioner may, by Instrument under his hand, authorize the Deputy Commissioner to discharge for and on behalf of the Commissioner 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 Commissioner of the Cameroons as may be specified in that Instrument.

(2) The powers and authority of the Commissioner shall not be affected by any authority given to the Deputy Commissioner under this section otherwise than as the High Commissioner for the Southern Cameroons may at any time think proper to direct, and the Deputy Commissioner shall conform to and observe such instructions relating to the discharge by the Deputy Commissioner of any of the

functions of the office of Commissioner of the Cameroons as the Commissioner 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 the High Commissioner for the Southern Cameroons by Instrument under the Public Seal of the Southern Cameroons or by the Commissioner by Instrument under his hand.

(4) For the purposes of this section "the Commissioner" means the person holding the office of Commissioner of the Cameroons and includes any person discharging the functions of that office under section 9A of this Order.

Powers of pardon, etc. of High Commissioner for Southern Cameroons.

9C.—(1) The High Commissioner for the Southern Cameroons 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 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 against any law enacted by the Legislature of the Southern Cameroons or having effect under the Constitution Order as if it had been so enacted."

10. Section 10 of the principal Order is revoked and the following section is substituted:—

"Public Seal of Federation.

10. The Governor-General shall keep and use the Public Seal of the Federation."

11. The principal Order is amended by the insertion after section 10 of the following section:—

"Public Seal of Southern Cameroons.

10A. The High Commissioner for the Southern Cameroons shall keep and use the Public Seal of the Southern Cameroons."

12. Section 13 of the principal Order (as amended by section 7 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after subsection (2) of the following subsection:—

"(3) If the office of Deputy Governor of a Region is vacant or the Deputy Governor is absent from Nigeria or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor may appoint a person to act as Deputy Governor, and any person so appointed shall continue to act until his appointment is revoked by the Governor."

13. Section 15 of the principal Order (as amended by section 9 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended by the insertion after subsection (4) of the following subsection:—

"(5) In subsection (1) of this section the reference to the functions of the office of Governor does not include a reference to any function conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of Parliament other than this Order and the Constitution Order."

14. Section 17 of the principal Order (as amended by section 10 of the Nigeria (Offices of Governor-General and Governors) (Amendment) Order in Council, 1957) is amended—

(*a*) by the insertion in subsection (2) after sub-paragraph (ii) of paragraph (*a*) of the following sub-paragraphs:—

"(iii) the office of Director of Audit of the Northern Region;

(iv) the office of Clerk to the Northern Regional Legislature;

(v) the office of Clerk Assistant to the Northern Regional Legislature; and

(vi) the office of Secretary to the Executive Council of the Northern Region."; and

(*b*) by the deletion from subsection (2) of paragraphs (*b*) and (*c*) and the substitution of the following paragraphs:—

"(*b*) The Governor of the Western Region shall, in like manner, constitute the following offices:—

(i) the office of Clerk to the Western House of Chiefs;

(ii) the office of Clerk to the Western House of Assembly; and

(iii) the office of Secretary to the Premier and Executive Council of the Western Region.

(*c*) The Governor of the Eastern Region shall, in like manner, constitute the following offices:—

(i) the office of Clerk to the Eastern House of Assembly;

(ii) the office of Chief Secretary to the Premier of the Eastern Region; and

(iii) the office of Secretary to the Executive Council of the Eastern Region."

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, in order to provide for the office of High Commissioner for the Southern Cameroons. It also amends the provisions of the Order relating to the exercise of the functions of the Governor-General of Nigeria and the Governors of the Regions by a deputy and the constitution of offices.