



Nigeria Independence Act 1960

1960 CHAPTER 55 8 and 9 Eliz 2

An Act to make provision for, and in connection with, the attainment by Nigeria of fully responsible status within the Commonwealth. [29th July 1960]

1 Provision for the fully responsible status of Nigeria.

- (1) On the first day of October, nineteen hundred and sixty (in this Act referred to as “the appointed day”), the Colony and the Protectorate as respectively defined by the Nigeria (Constitution) Orders in Council, 1954 to 1960, shall together constitute part of Her Majesty’s dominions under the name of Nigeria.
- (2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Nigeria or any part thereof as part of the law thereof, and as from that day—
 - (a) Her Majesty’s Government in the United Kingdom shall have no responsibility for the government of Nigeria or any part thereof; and
 - (b) the provisions of the First Schedule to this Act shall have effect with respect to legislative powers in Nigeria.
- (3) Without prejudice to subsection (2) of this section, nothing in subsection (1) thereof shall affect the operation in Nigeria or any part thereof on and after the appointed day of any enactment, or any other instrument having the effect of law, passed or made with respect thereto before that day.

2 F1

Textual Amendments

F1 S. 2 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

3 Consequential modification of other enactments.

- (1) F2

*Status: Point in time view as at 01/01/1996.**Changes to legislation: There are currently no known outstanding effects for the Nigeria Independence Act 1960. (See end of Document for details)*

- (2) As from the appointed day—
- (a) the expression “colony” in the ^{M1}Army Act 1955, the ^{M2}Air Force Act 1955, and the ^{M3}Naval Discipline Act 1957, shall not include Nigeria or any part thereof; and
 - (b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty- five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-five of the said Act of 1957—
 - (i) the word “or” (being in the said Acts of 1955, that word in the last place where it occurs in those definitions) shall be omitted; and
 - (ii) at the end there shall be added the words “or Nigeria”.
- (3) Any Order in Council made on or after the appointed day under either of the said Acts of 1955 providing for that Act to continue in force beyond the date on which it would otherwise expire shall not operate to continue that Act in force beyond that date as part of the law of Nigeria or any part thereof.
- (4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, . . .
F3
- Provided that this subsection shall not extend to Nigeria or any part thereof as part of the law thereof.

Textual Amendments**F2** S. 3(1) repealed by [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **Sch. 3****F3** Words repealed by [Statute Law \(Repeals\) Act 1969 \(c.52\)](#), **Sch. Pt. VI****Modifications etc. (not altering text)****C1** The text of s. 3(2)(b), sch. 2 paras. 2, 3, 6(a), 7, 8, 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.**Marginal Citations****M1** 1955 c. 18.**M2** 1955 c. 19.**M3** 1957 c. 53.**4 Modification of Overseas Service Act, 1958.**

- (1) In relation to any person who at the date of the passing of this Act is serving in the naval forces of the Federation of Nigeria established by section three of the ^{M4}Nigeria (Constitution) Order in Council 1954, the ^{M5}Overseas Service Act 1958 (which authorises the Secretary of State to appoint officers to be available for civilian employment in the public service of an overseas territory in accordance with arrangements made by the Secretary of State with the government of that territory and to make provision as to superannuation in respect of officers so appointed) shall have effect as if service in those forces and service on or after the appointed day in the naval forces of Nigeria were civilian employment in the public service of that Federation or, as the case may be, of Nigeria.

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- (2) In relation to any person who, having served in the naval forces of the said Federation in accordance with arrangements made by the Secretary of State with the government of that Federation, has by reason of death or retirement ceased so to serve before the date of the passing of this Act, subsection (2) of section four of the said Act of 1958 (which authorises the Secretary of State to pay pensions to or in respect of persons who have served as officers to whom that Act applies) shall have effect as if that person were a person who has served as such an officer and as if those arrangements were such arrangements as are mentioned in subsection (1) of section one of that Act.

Marginal Citations

M4 [S.I. 1954 No. 1146.](#)

M5 [1958 c. 14.](#)

5 Short title and interpretation.

- (1) This Act may be cited as the Nigeria Independence Act 1960.
- (2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

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SCHEDULES

FIRST SCHEDULE

Section 1.

LEGISLATIVE POWERS IN NIGERIA

- 1 The ^{M6}Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by any legislature established for Nigeria or any part thereof.

Marginal Citations

M6 1865 c. 63.

- 2 No law and no provision of any law made on or after the appointed day by any such legislature as aforesaid shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of any such legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Nigeria or any part thereof and in so far as it relates to matters within the legislative powers of that legislature.
- 3 Any such legislature as aforesaid shall have full power to make laws having extra-territorial operation, so far as those laws relate to matters within the legislative powers of that legislature.

^{F4}4

Textual Amendments

F4 Sch. 1 para. 4 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with ss. 312(1), Sch. 14 para. 1)

- 5 Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the ^{M7}Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Nigeria.

Marginal Citations

M7 1890 c. 27.

- 6 Nothing in this Act shall confer on any such legislature as aforesaid any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

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In this paragraph, the expression “the constitutional provisions” means this Act, any Order in Council made before the appointed day which revokes the Nigeria (Constitution) Orders in Council, 1954 to 1960, and any law, or instrument made under a law, of any such legislature as aforesaid made on or after that day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any of the provisions of this Act, that Order in Council or any such law or instrument previously made.

SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING LAW OF NIGERIA

Diplomatic immunities

1 F5

Textual Amendments

F5 Sch. 2 para. 1 repealed by Finance Act 1969 (c. 32), Sch. 21 Pt. IX

2 In subsection (6) of section one of the ^{M8}Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, immediately before the word “and” in the last place where it occurs there shall be inserted the word “Nigeria”.

Modifications etc. (not altering text)

C2 The text of s. 3(2)(b),sch. 2 paras. 2, 3, 6(a), 7, 8, 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M8 1952 c. 18

Financial

3 In section two of the ^{M9}Import Duties Act, 1958, in subsection (4), after the words “New Zealand” there shall be inserted the word “Nigeria”.

Modifications etc. (not altering text)

C3 The text of s. 3(2)(b),sch. 2 paras. 2, 3, 6(a), 7, 8, 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M9 1958 c. 6

4 F6

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Textual Amendments

F6 Sch. 2 para. 4 repealed by [Trustee Investments Act 1961 \(c. 62\)](#), [Sch. 5](#)

Visiting forces

- 5 In the ^{M10}Visiting Forces (British Commonwealth) Act 1933 section four (which deals with attachment and mutual powers of command) and the definition of “visiting force” for the purposes of that Act which is contained in section eight thereof shall apply in relation to forces raised in Nigeria as they apply in relation to forces raised in Dominions within the meaning of the ^{M11}Statute of Westminster 1931.

Marginal Citations

M10 1933 c. 6.

M11 1931 c. 4 (22 & 23 Geo. 5).

- 6 In the ^{M12}Visiting Forces Act 1952—
- (a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) the word “or” in the first place where it occurs shall be omitted, and at the end there shall be added the words “Nigeria or”;
 - (b) in paragraph (a) of subsection (1) of section ten the expression “colony” shall not include Nigeria or any part thereof;
- and, until express provision with respect to Nigeria is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to homes forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Nigeria.

Modifications etc. (not altering text)

C4 The text of s. 3(2)(b),sch. 2 paras. 2, 3, 6(a), 7, 8, 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M12 1952 c. 67.

Ships and aircraft

^{F77}

Textual Amendments

F7 Sch. 2 para. 7 repealed (1.1.1996) by [1995 c. 21](#), ss. 314(1), 316(2), [Sch. 12](#) (with ss. 312(1), [Sch. 14](#) para. 1)

^{F88}

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Textual Amendments

F8 Sch. 2 para. 8 repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with ss. 312(1), Sch. 14 para. 1)

9 **F9**

Textual Amendments

F9 Sch. 2 para.9 repealed by Emergency Laws (Re-enactments and Repeals) Act 1964 (c. 60), **Sch. 2**

10 **F10**

Textual Amendments

F10 Sch. 2 para.10 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XV**

11 In the ^{M13}Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in Nigeria.

Marginal Citations

M13 1934 c. 49.

Copyright

12, 13. **F11**

Textual Amendments

F11 Sch. 2 paras. 12, 13 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), **Sch. 8**

14 **F12**

Textual Amendments

F12 Sch. 2 para 14 repealed by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(2), **Sch. 2**

Commonwealth Institute

15 In subsection (2) of section eight of the ^{M14}Imperial Institute Act, 1925, as amended by the ^{M15}Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) the word “and” shall be omitted and at the end there shall be added the words “and Nigeria”.

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Modifications etc. (not altering text)

- C5** The text of s. 3(2)(b),sch. 2 paras. 2, 3, 6(a), 7, 8, 15 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M14 [1925 c. xvii](#)

M15 [1958 c. 16](#)

Status:

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