



# Nigeria Independence Act 1960

## 1960 CHAPTER 55

### **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 Consequential modifications of British Nationality Acts**

- (1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—
  - (a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word " and" in the last place where it occurs were omitted, and at the end there were added the words " and Nigeria";
  - (b) in the First Schedule to the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words " Nigeria Protectorate " were omitted:

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Provided that a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with the Nigeria Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Nigeria under the law thereof.

- (2) Subject to the subsequent provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—
  - (a) under the law of Nigeria he becomes on that day a citizen of Nigeria; and
  - (b) he, his father or his father's father was born in any of the territories comprised in Nigeria.
- (3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection if he, his father or his father's father—
  - (a) was born in the United Kingdom or in a colony; or
  - (b) is or was a person naturalised in the United Kingdom and Colonies; or
  - (c) was registered as a citizen of the United Kingdom and Colonies; or
  - (d) became a British subject by reason of the annexation of any territory included in a colony.
- (4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.
- (5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.
- (6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.
- (7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).
- (8) Any reference in subsection (3) or (4) of this section to a territory of any of the following descriptions, that is to say, a colony, protectorate, protected state or United Kingdom trust territory, shall, subject to the next following subsection, be construed as a reference to a territory which is of that description on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not on that day of one of those descriptions.

- (9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.
- (10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

### **3 Consequential modification of other enactments**

- (1) Notwithstanding anything in the Interpretation Act, 1889, the expression " colony " in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Nigeria or any part thereof.
- (2) As from the appointed day—
  - (a) the expression " colony " in the Army Act, 1955, the Air Force Act, 1955, and the 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, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day:

Provided that this subsection shall not extend to Nigeria or any part thereof as part of the law thereof.

### **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 Nigeria (Constitution) Order in Council, 1954, the 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

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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.

- (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.

## **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.