

SCHEDULES

FIRST SCHEDULE

Section 1.

LEGISLATIVE POWERS IN NIGERIA

- 1 The 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.
- 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.
- 4 Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to any such legislature as aforesaid.
- 5 Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the 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.
- 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.

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.

Status: This is the original version (as it was originally enacted).

SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING LAW OF NIGERIA

Diplomatic immunities

- 1 In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—
- (a) in subsection (2), the word " or " (in the last place where it occurs before the words " for any state ") shall be omitted, and immediately before the words " for any state " there shall be inserted the words " or Nigeria ";
 - (b) in subsection (3), immediately before the words " and ' Agent-General ' " there shall be inserted the words " or for Nigeria ".
- 2 In subsection (6) of section one of the 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 ".

Financial

- 3 In section two of the Import Duties Act, 1958, in subsection (4), after the words " New Zealand " there shall be inserted the word " Nigeria ".
- 4 In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities), the expression " Dominion " shall include Nigeria; and, during any period falling on or after the appointed day during which there is in force as part of the law of Nigeria any instrument passed or made before that day which makes provision corresponding to the undertaking required to be given by the Government of a Dominion under paragraph (a) of subsection (1) of section one of that Act, paragraphs (a) and (b) of the said subsection (1) shall be deemed to have been complied with in the case of Nigeria.

Visiting forces

- 5 In the 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 Statute of Westminster, 1931.
- 6 In the 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 home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Nigeria.

Status: This is the original version (as it was originally enacted).

Ships and aircraft

- 7 In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, the word " or " (in the last place where it occurs before the words " or in any ") shall be omitted, and immediately before the words " or in any " there shall be inserted the words " or Nigeria ".
- 8 In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, the word " or " in the last place where it occurs shall be omitted and at the end there shall be added the words " or Nigeria ".
- 9 In the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, the word " or " (in the last place where it occurs before the words " or in any ") shall be omitted, and immediately before the words " or in any " there shall be inserted the words " or Nigeria ".
- 10 The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Nigeria or any part thereof; and the penal provisions of that Act shall not apply to persons in Nigeria (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).
- 11 In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Nigeria.

Copyright

- 12 The references in section thirty-one of the Copyright Act, 1956, to a colony shall not include Nigeria or any part thereof.
- 13 If the Copyright Act, 1911, so far as in force in the law of Nigeria or any part thereof is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Nigeria or that part thereof, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

- 14 In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)), the word " and " shall be omitted in all places where it occurs except the first such place and except in the expression " Rhodesia and Nyasaland ", and at the end there shall be added the words " and Nigeria ".

Commonwealth Institute

- 15 In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the 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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TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Colonial Laws Validity Act, 1865	28 & 29 Vict. c. 63.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Colonial Courts of Admiralty Act, 1890	53 & 54 Vict. c. 27.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Imperial Institute Act, 1925	15 & 16 Geo. 5. c. xvii.
Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Colonial Stock Act, 1934	24 & 25 Geo. 5. c. 47.
Whaling Industry (Regulation) Act, 1934	24 & 25 Geo. 5. c. 49.
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Overseas Service Act, 1958	6 & 7 Eliz. 2. c. 14.
Commonwealth Institute Act, 1958	6 & 7 Eliz. 2. c. 16.
Emergency Laws (Repeal) Act, 1959	7 & 8 Eliz. 2. c. 19.