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CHAPTER 69

INTERPRETATION

A LAW TO MAKE PROVISION FOR THE CONSTRUCTION OF LAWS AND OF THE TERMS AND PROVISIONS USUALLY ADOPTED THEREIN

[9 November 1939]

1. This Law may be cited as the Interpretation Law

2. This Law shall apply to this Law and to all Laws in force at the date of this Law and to all Laws hereafter enacted, and to regulations orders, rules of court, appointments, notices and directions made, issued or given in the State consequent upon authority vested in any person or body by any Law.

3. —(1) Definitions:-

A—GOVERNMENTAL DEFINITIONS

"Accountant-General of the Federation" means the chief accounting officer of the receipts and payments of the Government of the Federation;

"Act" includes an Ordinance and also any order, regulation rule of court or proclamation made under the authority of an Act; and the expression "the Act", when used in any such order, regulation, rule of court or proclamation, means the Act under the authority of which such order, regulation, rule of court or proclamation, as the case may be, has been made;

"area court" means an area court established or deemed to be established under any Law authorising the establishment of area courts;

"Chapter," "Part," "section" and "Schedule" denote respectively a Chapter, Part, and section of, and Schedule to, the Act or Law in which the word occurs, and "subsection" denotes a subsection of the section in which the word occurs;

"Commissioner" or "State Commissioner" where no particular Commissioner is specified in the

context means the Commissioner of the Government of the State to whom responsibility for the matter to which the context relates is for the time being assigned;

"commencement" used with reference to a Law means the time at which the Law comes into operation;

"Constitution" means the Constitution of the Federal Republic of Nigeria, 1979;

"Director of Internal Revenue" means the authority responsible for the administration of the Personal Tax Law, and shall be substituted for the "Commissioner of Revenue" wherever that title appears in that Law or in any or all other Laws enacted or having effect as if enacted at the date of this Law, and in regulations, orders, rules of court, appointments, notices and directions made, issued or given in the Gongola State of Nigeria;

"Federation" means the Federal Republic of Nigeria established by the Constitution;

"Federal Government" means the Government of the Federal Republic of Nigeria;

"financial year" means the twelve months ending the 31 st day of December in any year;

"Gazette" includes the Official Gazette of the Federal Republic of Nigeria and the State Gazette, and the "State Gazette" means the Official Gazette of Gongola State;

"Government" means the Government of the Federal Republic of Nigeria and except where the context otherwise requires includes the Government of the State;

"Government notice" means any announcement not of a legislative character made in the Gazette;

"Governor" means the Governor of the State and includes any person discharging the functions of the Governor in accordance with the Constitution;

"High Court" means the High Court of the State established by section 234 of the Constitution;

"judge" includes any person appointed to exercise the powers of a judge;

"Law" means any law enacted or having effect as if enacted by the legislature of a State and includes any order, regulation, rule of court, proclamation, notice or other subsidiary instrument having the force of law which is made under a Law; and the expression "the Law", where used in any such order, regulation, rule of court, proclamation, notice or other subsidiary instrument means the Law under the authority of which such order, regulation, rule of court, proclamation, notice or other subsidiary instrument, as the case may be, has been made;

"law officers" means the persons for the time being holding the offices respectively of Attorney-General and Solicitor-General of the Federation and the Attorney-General and the Solicitor-General of a State;

"local government council" means any council established or deemed to be established for the purposes of local government under the provisions of any Law authorising the of local governments;

"magistrate" means a person appointed to be a magistrate under any Act or Law creating the office of magistrate in Nigeria;

"magistrate's court" includes the court of a magistrate established by the Laws of the State;

"military forces" includes all officers, warrant officers, noncommissioned officers, civilians, ratings and rank and file belonging to and borne on the strength of or seconded for service with the armed forces of the Federal Republic;

"Nigeria" used without qualification means the Federal Republic of Nigeria together with all the inland and territorial waters thereof;

"Gongola State" means that portion of Nigeria thereof as defined by or under the Constitution;

"Ordinance" includes an Act and also a Proclamation enacted for Northern Nigeria before the 1st day of January, 1914, and also any order, regulation, rule of court or proclamation made under the authority of an Ordinance; and the expression "the Ordinance", when used in any such order, regulation, rule of court or proclamation, means the Ordinance under the authority of which such order, regulation, rule of court or proclamation, as the case may be, has been made;

"police officer" means any member of a police force and "superior police officer" means any police officer of or above the rank of assistant superintendent;

"prescribed" means prescribed by or under the Law in which the word occurs;

"President" means the President of the Federal Republic of Nigeria;

"public notice" means a notice published in the Gazette under this title or in such other manner as may be prescribed by law;

"public officer" or "public department" extends to and includes every officer or department invested with or performing duties of a public nature whether under the immediate control of the President or of the Governor of a State or not;

"State legislature" or "Legislature" means the House of Assembly of Gongola State;

"State notice" means any announcement not of a legislative character made by a Governor in the State Gazette;

"State public notice" means a notice published in the State Gazette under this title or published in such other manner as may be prescribed by law;

"regulations" includes rules and by-laws;

"rules of court" means when used in relation to any court, rules made by the authority having for the time being power to make rules and others regulating the practice and procedure of such court, together with the forms necessary thereto;

"statutory declaration" if made:-

(a) in the Federation beyond the State, means a declaration made before a Justice of the Peace, notary public or other person having authority therein under the law for the time being in force to take or receive a declaration;

(b) in any other place, means a declaration made before any person having authority under the law for the time being in force to take or receive a declaration.

"Supreme Court" means the Supreme Court of Nigeria established by section 210 of the Constitution;

"the State" means, according as the context requires, Gongola State, or the Government or the people of Gongola State, or the Government or the people of the Federation;

"Treasury" means the Treasury of the State;

"written law" includes all Acts and Laws and all orders, proclamation and letters patent and all regulations and rules of court made by any person or body having authority under any statutory or other enactment to make the same in and for Nigeria or any part thereof.

B—GENERAL DEFINITIONS

"act" used with reference to an offence or civil wrong includes a series of acts, and words which refer to acts done extend to illegal omissions;

"Chief" means a person who, in accordance with the law in force in any part of Nigeria, is accorded the dignity of a Chief by reference to that part or to a community established in that part, and "head Chief" means any Chief who is not subordinate to any other Chief;

"consul" or "consular officer" includes consul-general, consul, vice-consul, consular agent and any person for the time authorised to discharge the duties of a consul-general, consul or vice-consul;

"crew" in relation to a ship or other vessel means and includes masters, mates, pilots, engineers, stokers, deck hands, and all persons engaged in the navigation or service of the ship or other vessel;

"daily penalty," "weekly penalty" and "monthly penalty" means a penalty for each day, week or

month respectively on which an offence is continued after conviction therefor;

"definitions" when followed by terms defined means that those terms shall have the meanings assigned to them, unless there is anything in the subject or context repugnant to such meaning;

"function" includes a power and a duty;

"immovable property" or "lands" includes land and everything attached to the earth or permanently fastened to anything which is attached to the earth, and all chattels real, but does not include minerals;

"inland waters" means and includes all rivers, creeks and lagoons inside the river bars of Nigeria;

"legal practitioner" has the meaning assigned to that expression by the Legal Practitioners Act 1975;

"master" used with reference to a ship means any person (except a pilot or harbour master) having for the time being control or charge of the ship;

"monogamous marriage" means a marriage which is recognized by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage;

"month" means calendar month; "month."

"oath," "swear" and "affidavit" include and apply to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu or an oath;

"person" includes any company or association or body of persons corporate or unincorporate;

"public holiday" means any day which, under the provisions of any law for the time being in force in the State, is to be observed as a public holiday;

"qualified medical practitioner" means a person registered in Nigeria as a medical practitioner under the law for the time being relating to the registration of medical practitioners;

"sale" and "sell" include exchange, barter and offering or exposing for sale;

"seaman" includes every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship;

"ship" includes every description of vessel used in navigation not exclusively propelled by oars or paddles;

"sign" with reference to a person who is unable to write his name includes mark;

"vessel." includes floating craft of every description;

"will" includes a codicil;

"writing" and expressions referring to writing include printing, lithography, photography, typewriting and other modes of representing or reproducing words or figures in a visible form;

"year." means a year reckoned according to the Gregorian calendar.

(2) A reference in any Law, in relation to any functions, to an officer described by a designation which under the system of government in force in a particular part of Nigeria is no longer appropriate in relation to those functions shall be construed in relation to those functions and that part as a reference to the person on whom the functions have devolved under the system of government for the time being in force in that part.

GENERAL PROVISIONS

Commencement, Distance and Time

4. Where any Law, or any part of a Law, or any notice, order, regulation, rule of court, warrant, scheme or letters patent made, granted or issued under a power conferred by any Law, or by any competent authority, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the next day preceding such day.

5. In the measurement of any distance for the purposes of any Law, that distance shall, unless the contrary intention appears be measured in a straight line on a horizontal plane.

6. In computing time for the purposes of any Law, unless the contrary intention appears:-

(a) a period reckoned by days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;

(b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as excluded days), the period shall include the next following day not being an excluded day;

(c) when any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the day next afterwards not being an excluded day;

(d) when an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.

7.—(1) Whenever any expression of time occurs in any Law, State notice or State public notice, deed or legal document, the time referred to shall, unless the contrary intention appears, be held to be standard time.

(2) "Standard time" means standard time as used in Nigeria; namely, sixty minutes in advance of Greenwich mean time.

Repeal, Re-enactment and Amending Legislation

8. Where any Law repealing in whole or in part any former Law is itself repealed, such last repeal shall not revive the Law or provisions before repealed, unless

words be added reviving such repealing Law or provisions.

9. Where any Law repeals wholly or in part any former Law and substitutes other provision therefor, the repealed Law shall remain in force until the substituted provision comes into operation.

10. Where any Law repeals and re-enacts with or without modifications any provisions of a former Law, references in any other Law to the provisions so repealed shall, unless the contrary intention appear, be construed as references to the provisions so re-enacted.

11. What any Law amends or adds to any Law, the amending Law shall, so far as is consistent with the tenor thereof, and unless the contrary intention appear, be construed as one with the amended Law; and the amended Law may, in the amending Law, be referred to as the principal Law.

12. The repeal or any Law or any part thereof shall not, unless the contrary intention appear:-

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any Law so repealed or anything duly done or suffered under any enactment so repealed; or

(c) affect any right, privilege, obligation or liability accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Law so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Law had not been passed:

Provided that when the penalty, forfeiture or punishment imposed by the repealing Law is heavier than that imposed by the repealed Law, the provisions by which the lighter penalty, forfeiture or punishment is imposed shall, unless such repealing Law otherwise provides, be applied if the court decides to inflict any punishment.

13. Omitted as spent.

14. Omitted as spent.

Special Provisions relating to Subsidiary Legislation

15. When terms defined in a Law are used in any order, regulation, rule of court or proclamation under such Law, such terms shall have the meanings assigned to them by the Law, unless they are otherwise defined in the order, regulation, rule of court or proclamation or are inconsistent with the subject or context.

16. Any reference in any order, proclamation, regulation or rule of court to the expression "the Law" shall be read and construed as references to the Law conferring the power to make or issue such order, proclamation, regulation or rule of court.

17. When any Law is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make grant or issue any instrument, to give notice or make orders, regulations or rules of court, to prescribe forms, or to do any other thing for the purpose of the Law, that power may, unless the contrary intention appear, be exercised at any time after the Law has been assented to by the Governor, so far as may be necessary or expedient for the purpose of bringing the Law into operation at the date of commencement thereof:

Provided that orders, regulations or rules of court so made shall not take effect till the commencement of the Law.

18. When a Law or part of a Law is repealed, all orders ,regulations, rules of court, proclamations and notices issued or made in virtue thereof shall remain in force, so far as they are not inconsistent with the repealing Law, and, unless the contrary intention appear, until they shall have been repealed or have been replaced by orders, regulations, rules of court, proclamations or notices, as the case may be, issued or made under the provisions of the said repealing Law.

19. Where any Act prevails over any Law in the circumstances described in section 4 of the Constitution, the provisions of sections 8, 12 and 18 of this Law shall apply in relation to:-

- (a) any Ordinance or Law repealed;
- (b) anything duly done or suffered, or any right, privilege, obligation or liability accrued or incurred, or any penalty, forfeiture or punishment incurred;
- (c) any orders, regulations, rules of court, proclamations and notices issued or made by or under the Law or the part of a Law which becomes void in accordance with the provisions of section 4 of the Constitution, as though the Law or the part of a Law which becomes void were a repealed Law, and the Act or part of an Act which prevails were a repealing Law.

20.—(1) Where a Law confers power on any authority to make orders, regulations or rules of court, the following provisions shall have effect with reference to the making and operation of such orders, regulations or rules of court:-

- (a) any order, regulation or rule of court may be at any time amended, varied, rescinded or revoked by the same authority and in the same manner by and in which it was made:

Provided that where such authority has been replaced wholly or partially by another authority the power conferred therein upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

- (b) there may be annexed to the breach of any order or regulation such penalty not exceeding five hundred naira, or such imprisonment not exceeding six months, or both, as the order or regulation making authority may think fit;
- (c) there may be annexed to any rule of court such penalty not exceeding two hundred naira or imprisonment not exceeding three months as the rule making authority may think fit on any person who fails to take any action required by a rule of court or who disobeys any rule of court;

(d) no order, regulation or rule of court shall be inconsistent with the provisions of any Law in force in any part of the State to which the order, regulation or rule of court applies.

(2) Where a Law conferring powers to make a particular form of subsidiary legislation is repealed or amended so that while a subsidiary legislative power over similar objects is provided the form thereof is changed, any subsidiary legislation made and in force under the repealed or amended Law shall, in so far as it concerns any matters or things within the jurisdiction of the authority constituted under the repealing or amending Law, be deemed to have been made by that authority and shall continue in force until other provisions shall be made by virtue of the repealing or amending Law.

(3) All orders, regulations and rules of court made under any Law of the State shall be published in the State Gazette.

(4) All orders, regulations and rules of court, shall have the force of law upon the making

thereof, in accordance with the provisions of this section or from the date named therein.

(5) Notwithstanding subsections (3) and (4), where a rule, by-law or order is made by any authority, or any rule of court is made by any area court under a Law, the Governor by order published in the State Gazette may prescribe the manner in which such rule, by-law, order or rule of court shall be published, and any such rule, by-law, order or rule of court shall come into operation on publication in the prescribed manner, unless it is otherwise provided therein.

(6) A copy of any such rule, by-law or order, as in subsection (5) mentioned, certified by the secretary to a local government as made and published in the prescribed manner shall be admitted in evidence in any court without further proof thereof.

(7) The breach of any order, regulation or rule of court may be prosecuted in a summary manner.

(8) The provisions of this section shall not apply where a contrary intention appears in the Law conferring the power to make the order, regulation or rule of court.

21.—(1) Where any Law confers power on any authority to make orders, regulations or rules of court and to make provision therein in respect of fees or charges, such authority may provide in the orders, regulations or rules of court:-

(a) specified fees or charges;

(b) maximum or minimum fees or charges;

(c) maximum and minimum fees or charges;

(d) for the payment of fees or charges either generally or under specified conditions; and

(e) for the reduction, the waiver or the refund in whole or in part of any such fees or charges either upon the happening of certain events or in the discretion of any person.

(2) Where any reduction, waiver or refund in whole or in part of any fee or charge is provided such reduction, waiver or refund may be made to apply either generally or specifically:-

(a) in respect of certain matters or classes of matters;

(b) in respect of certain documents or classes of documents;

(c) where any event happens or ceases to happen;

(d) in respect of certain persons or classes of persons; and

(e) in respect of any combination of such matters, persons, documents or events,

and may be made to apply subject to such conditions as may be set out in order, regulation or rules of court or in the discretion of any specified person.

22.—(1) Where any person, public officer, public department, local government council is required to do anything for which a fee is to be paid or a charge made under any Law, order, regulation or rule of court, such person, officer, responsible officer of the public department or council may decline to do that thing till the fee is paid or payment be made and, where the precise amount of the payment to be made cannot be ascertained until the thing is done, till there be paid such an amount as may be estimated to be the correct amount by the person, officer, responsible officer of the department or authority required to do that thing.

(2) Where a thing has been done for which an estimated amount shall have been paid such amount shall be adjusted to the correct amount either by means of a further payment or by a refund of the amount overpaid.

23. When power is given to the President or to the Governor to issue a proclamation or notification, it shall include the power of amending, revoking or suspending the said proclamation or notification, and of declaring the date of its coming into force and also of substituting another therefor.

24. Subject to any express provision in any Law where power is Orders or given to the President

to make orders or regulations, any such orders or regulations when made by him shall take precedence over any orders or regulations made by any other authority in which is also vested by any Law subsidiary legislative powers respect of the same matters, and where any such orders or regulations conflict the orders or regulations made by the President shall prevail.

25. Subject to any express provision in any Law where power is given to the Governor to make orders or regulations, any such orders or regulations when made by him shall take precedence over any orders or regulations made by any other authority in which is also vested by any Law (in force in the State) subsidiary legislative powers in respect of the same matters, and where any orders or regulations conflict the orders or regulations made by the Governor shall prevail.

26. Proclamations and notifications of the Governor shall come into operation on the date they are made unless otherwise specified.

27. The production of a copy of the Gazette containing any order, regulation, rule of court, proclamation, Government or public notice, or State notice or State public notice or of any copy of any order, regulation, rule of court, proclamation, Government or public notice or State notice or State public notice purporting to be printed by the Government Printer, shall be prima facie evidence, in all courts and for all purposes whatsoever, of the due making and tenor of such order, regulation, rule of court, proclamation, Government or public notice, or State notice or State public notice.

Powers and Appointments Powers to be

28. When any Law confers any power or imposes any duty, then unless a contrary intention appears, the power may be exercised or the duty shall be performed from time to time as occasion arises.

29. Where any Law confers a power or imposes a duty on the holder of any office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office or by a person appointed to act for him.

30. Where by or under any Law a power to make any appointment is conferred, then, unless the contrary intention appears, the authority having power to make the appointment shall also have power to remove, suspend, dismiss, reappoint or reinstate any person appointed by it in exercise of the power and shall also have power to appoint any person to act in the appointment during such period as the person holding the appointment is temporarily absent from Nigeria or is absent on leave within Nigeria or is temporarily incapacitated from performing the functions of his office.

31. Where in any Law power is given to any person to do or enforce the doing of any act or thing all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

32. Where by a Law the President or Governor or any Commissioner or any public officer or body is empowered to appoint or name a person to have and exercise any powers or perform any duties, the President or Governor or such Commissioner or such public officer or body may either appoint a person by name, or direct the person for the time being holding the office designated by the President or Governor or such Commissioner or such public officer or body to

have and exercise such powers and perform such duties; and thereupon, or from the date specified by the President or Governor or the Commissioner or the public officer or body, the person appointed by name or the person holding the office aforesaid shall have and may exercise such powers or perform such duties accordingly.\

33. When reference is made in any Law, Government or public notice, State notice or State public notice, letters patent, warrant, or process of any kind made or issued by the President or a Governor, or any body or person having authority under any Law to make or to issue the same, to any public officer by the term designating his office, such officer shall include the officer for the time being executing the duties of such office or any portion of such duties.

34. Where by any Law any powers are conferred or any duties are imposed upon a public officer, the Governor may direct that, if during any period owing to absence or inability to act from illness or any other cause such public officer shall be unable to exercise the powers or perform the duties of his office in any place under his jurisdiction or control, such powers shall be had and may be exercised and such duties shall be performed in such place by the person named or the public officer holding the office designated by the Governor; and thereupon such person or public officer, during any period aforesaid, shall have and may exercise the powers and shall perform the duties aforesaid, subject to such conditions, exceptions and qualifications as the Governor may direct.

35. Where by a Law any functions are conferred upon, or any direction, approval, confirmation or consent is to be or may be given by the holder of a public office in and for the State or province or other area thereof, any reference to the holder of such office shall be deemed to be a reference to every holder of the office in and for the State, province or area, as the case may be, in which the Law is in force, and every holder of such an office shall exercise the functions and may give the direction, approval, or confirmation or consent in and for the State, province or area in which he holds the office.

Delegation of Powers

36.—(1) Where by any Law the President is empowered to exercise any powers or perform any duties, he may depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such conditions, exceptions and qualifications as the President may prescribe, and thereupon, or from the date specified by the President, the person so deputed shall have and exercise such powers and perform such duties, subject as aforesaid:

Provided that nothing herein contained shall authorise the President to depute any person to make regulations under the power in that behalf conferred upon him by any Law.

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the President.

37. —(1) Where by a Law the Governor is empowered to exercise any powers or perform any duties, he may depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf, subject to such

conditions, exceptions and qualifications as he may prescribe, and thereupon, or from the date specified by the Governor, the person so deputed shall have and exercise such powers and perform such duties, subject as aforesaid:

Provided that nothing herein contained shall authorise the Governor to depute any person to make regulations under the power in that behalf conferred upon him by any Law.

(2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Governor.

Citation of Acts, Ordinances and Laws

38. When any Act, Ordinance, Decree, Edict or Law is referred to, it shall be sufficient for all purposes to cite such Act, Ordinance, Decree, Edict or Law either by the short title (if any), by which it is made citable, or by the year in which it was made and its number among the Acts, Decrees, Edicts, Ordinances or Laws of that year, or in the case of a revised edition of the Acts, Decrees, Edicts, Ordinances or Laws issued under any Act, Decree, Edict, Ordinance or Law providing for the issue of a revised edition, by its short title or its chapter number; and the reference may in all cases be made according to the copies of Acts, Decrees, Edicts, Ordinances or Laws printed by the Government Printer.

39. In any Act, Ordinance, Decree, Edict or Law a description or citation of a portion of another Act, Ordinance, Decree, Edict or Law shall, unless the contrary intention appear, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

40. If it is provided that any Act, Ordinance, Decree, Edict or Law may, as to the whole or any part thereof, be cited with any group of Acts, Ordinances or Laws, that group shall be construed as including that Act, Ordinance, Decree, Edict or Law, or part, and, if the collective title of the group states the first and last year of the group, the year in which the Act, Ordinance, Decree, Edict or Law is passed shall be substituted for the last year of the group, and so on as often as a subsequent Act, Ordinance, Decree, Edict or part is added to the group.

41. In any Law:-

(a) words importing the masculine gender shall include females; and

(b) words in the singular shall include the plural, and words in the plural shall include the singular.

42. Every Law shall be deemed to be a public law, and every such Law shall be judicially taken notice of as such, unless the contrary be expressly provided by such Law.

43. Every Schedule to any Law shall, together with any note thereto, be construed and have effect as part of the Law.

44. When a Law is divided into parts, chapters, titles, or other subdivisions, the fact and particulars of such division shall, with or without express mention thereof in the Law, be taken

notice of in all courts and for all purposes whatsoever.

45. Whenever forms are prescribed in any Law slight deviations therefrom, not affecting the substance or calculated to mislead, shall not invalidate them.

46.—(1) When a Law is amended the Government Printer may, with the authority of the Governor, print copies of the Law with all the necessary additions, omissions, substitutions and amendments effected by the amending Law or Laws and such copies shall be deemed to be authentic copies of the Law so amended.

(2) The provisions of subsection (1) shall apply in respect of modification to a Law made by an order under section 274 of the Constitution as they apply in respect of amendments effected by Law.

47. A reference in any Law to the number of a line of any section of any Act or Law shall mean such line in the latest official printed copy of such Act or Law at the time of the passing of the Law containing such reference.

48. Omitted as no longer relevant.

49. Where the words "or," "other" and "otherwise" are used, they shall, unless a contrary intention appear, be construed disjunctively and not as implying similarity, unless the word "similar" or some other word of like meaning is added.

50. Where any Law authorises or requires any document to be served by post, whether the expression "serve", "give" or "send" or any other expression is used, then, unless the contrary intention appear, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

51. When any power is given to the Governor to make any order, regulation, declaration or appointment or give any authorisation, exemption, notice, direction, approval, permission or consent, it shall be sufficient, unless it is otherwise expressed, for the same to be signified under the hand of the Deputy Governor or of such public officer as the Governor may appoint for the purpose.

52. Whenever the fiat or consent of the President or Governor or of any public officer is necessary before any prosecution or action is commenced, any document purporting to bear the fiat or consent of the President or Governor or of the public officer concerned shall be received as prima facie evidence in any public proceeding without proof being given that the signature of such fiat or consent is that of the President or Governor or the public officer concerned.

53. Save as may be otherwise expressly provided by any written law:-

(a) whenever any act or thing is by any written law required to be done, or any decision taken, by a body of persons consisting of not less than three such act or thing may be done, or such decision taken, in the name of that body by a majority of those persons;

(b) whenever such body is assembled the chairman or other member presiding shall, in all matters in which a decision is taken by vote by whatever means such vote may be called, have a casting as well as a deliberative vote.

54. A reference in any Law to any public officer by the usual or common title of his office shall, if there be such an office customarily in Nigeria and unless the contrary intention appears, be read and construed as referring to the person for the time being holding or carrying out the duties of that office in Nigeria.

55. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence or removal from office, but may be carried on by or against, as the case may be, the person appointed to perform the duties of the office.

56. Changes in the title of any Commissioner or public officer of the State or of any Ministry, department or branch of a department of the Government of the State shall be made by the Governor by order unless made by any other written law. Upon the coming into effect of such order or other written law references to such Commissioner, public officer, Ministry, department or branch of a department in any State Law shall be deemed to have been similarly altered.

Penal Provisions

57. The imposition of a penalty by any Law, in the absence of express provision to the contrary, shall not relieve any person from civil liability to answer for special damages to a person injured.

58. Where any act or omission constitutes an offence under two or more Laws or under a Law and under an Act, Statute or Order in Council, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of such Laws or under such Act, Statute or Order in Council, but shall not be liable to be punished twice for the same offence.

59. Whenever in any Law a penalty is prescribed for an offence against such Law, the same shall indicate that such offence shall be punishable, upon conviction, by a penalty not exceeding (except as may be otherwise provided in the Law) the penalty prescribed.

60. Whenever in any Law penalties are set out at the foot of any section the same shall indicate that any contravention of the section, whether by act or omission, shall be an offence against the Law punishable upon conviction by a penalty not exceeding (except as may be otherwise provided in the Law) the penalty provided.

61. Whenever any court is empowered to award to any convicted prisoner any sentence of imprisonment, such sentence shall be deemed to be a sentence of imprisonment with or without hard labour at the discretion of the court awarding the same and if the form of imprisonment is not specified such imprisonment shall be with hard labour.

62. Where in any Law power is given to any authority to impose any fine or make any order or give any directions whatever and it is stated that such fine, order or direction shall be imposed, be recoverable or in any manner have effect as if the same were a fine, order or direction, imposed, made or given by a court or by a judicial or other officer, any such court or judicial or other officer having jurisdiction in the place where such fine, order or direction was imposed, made or given, or where the person who was ordered to pay the fine or who is required to obey the order or direction resides or may happen to be, may take the necessary steps to enforce the payment of the fine or the carrying out of the order or direction, as the case may be, in all respects as if the fine, order or direction had in fact been imposed, made or given by such court or judicial or other officer.

63. —(1) Where under any Law any person is required to pay any charge or fee for any act or thing done, or document issued, or signature or seal affixed to any document, by any public officer or department, or where any person is adjudged by any court, or other authority duly authorised by law, to pay or forfeit any sum of money, such charge or fee and such sum of money shall be paid into the Treasury, unless the contrary is otherwise provided; and if any such charge or fee, or if any commission on money received or taken possession of, realized, or otherwise dealt with, is required to be paid to any public office or department, such officer or department receiving the same shall pay it into or account for the same in due course to the Treasury.

(2) Where under any Law any thing or any animal is adjudged by any court, or other authority duly authorised by law, to be forfeited, it shall, unless the contrary is otherwise provided, or unless it is expressed by law to be forfeited to any person, be forfeited to the State, and the net proceeds thereof, if it is ordered by competent authority to be sold, shall be paid into the Treasury, unless the contrary is otherwise provided.

(3) Nothing in this section shall affect any provision in any Law whereby any shares of fines or forfeitures, or of proceeds of forfeitures, are expressed to be recoverable by any person, or may be granted by any authority to any person.

The State

64. No Law shall in any manner whatsoever affect the rights of the State, unless it is therein expressly stated, or unless it appears by necessary implication, that the State is bound thereby.

65. This Law shall be binding on the State.