

plicable to circumstances and conditions for the time being existing in Western Samoa shall, subject to any regulations made under section five hereof, be read with all modifications necessary to apply such provisions to Western Samoa pursuant to Article 114 of the Constitution.

5. Regulations — (1) The Head of State may from time to time by Order in Council make all regulations which may in his opinion be necessary or expedient for giving full effect to the provisions of Article 114 of the Constitution and this Ordinance.

(2) The power conferred on the Head of State by subsection one of this section shall include the power to revoke any regulations made by him or the Council of State or the High Commissioner of Western Samoa before or after the coming into force of this Ordinance.

Nigeria

*Transmitted by notes verbales dated 8 October 1962 and 2 April 1963 of the
Permanent Mission to the United Nations*

A. TREATIES

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FEDERATION OF NIGERIA RELATIVE TO THE INHERITANCE OF INTERNATIONAL RIGHTS AND OBLIGATIONS BY THE GOVERNMENT OF THE FEDERATION OF NIGERIA. LAGOS, 1 OCTOBER 1960¹

- (i) all obligations and responsibilities of the Government of the United Kingdom which arise from any valid international instrument shall henceforth, in so far as such instrument may be held to have application to Nigeria, be assumed by the Government of the Federation of Nigeria;
- (ii) the rights and benefits heretofore enjoyed by the Government of the United Kingdom in virtue of the application of any such international instrument to Nigeria shall henceforth be enjoyed by the Government of the Federation of Nigeria.

B. LAWS AND DECREES

1. NIGERIA INDEPENDENCE ACT, 1960²

1. — (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)

¹ United Nations, *Treaty Series*, vol. 384, p. 207. Came into force on 1 October 1960.

² 8 and 9 Eliz. 2, Chapter 55. Enacted by the British Parliament on 29 July 1960.

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.

Consequential modifications of British Nationality Acts

2. — (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:

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 supplementary provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

2. NIGERIA (CONSTITUTION) ORDER IN COUNCIL, 1960¹

Existing laws

3. — (1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the Orders specified in the First Schedule to this Order, have effect after the commencement of this Order as if they had been made in pursuance of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(2) The Governor-General of the Federation of Nigeria may by order at any time within six months after the commencement of this Order make such amendments to any existing law, to the extent that it relates

¹ Supplement to Official Gazette Extraordinary No. 62, vol. 47 (30 September 1960)— Part B. Made at the Court at Balmoral on 12 September 1960. Came into force 1 October 1960.

to any matter with respect to which the Parliament of the Federation has power to make laws, as may appear to the Governor-General to be necessary or expedient—

- (a) for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; or
 - (b) for giving effect or enabling effect to be given to the provisions of any agreement between Her Majesty's Government in the United Kingdom and Her Majesty's Government of the Federation of Nigeria made for the purpose of facilitating the administration of the Southern Cameroons or the Northern Cameroons after the commencement of this Order.
- (3) The Governor of a Region of the Federation of Nigeria may by order at any time within six months after the commencement of this Order make such amendments to any existing law, to the extent to which it relates to any matter with respect to which the legislature of that Region has power to make laws, as may appear to the Governor to be necessary or expedient—
- (a) for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions; or
 - (b) for giving effect or enabling effect to be given to the provisions of any agreement between Her Majesty's Government in the United Kingdom and Her Majesty's Government of the Federation of Nigeria made for the purpose of facilitating the administration of the Southern Cameroons or the Northern Cameroons after the commencement of this Order.
- (4) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.
- (5) Where any matter falls to be prescribed under this Order by the Parliament of the Federation of Nigeria, the legislature of a Region of the Federation or any other person or authority that matter shall be regarded as being so prescribed if it is prescribed by any existing law, as amended under this section or otherwise to such extent, if any, as may be necessary or expedient to meet the circumstances of the case.
- (6) Any existing law enacted before the first day of October, 1954, that relates to a matter with respect to which both the Parliament of the Federation of Nigeria and the legislatures of the Regions of the Federation have power to make laws and that immediately before the commencement of this Order had effect by virtue of the Orders revoked by this Order as if it had been enacted by the Legislature of the Federation of Nigeria shall have effect after the commencement of this Order as if it were an Act of Parliament.
- (7) For the purposes of this section "the existing laws" mean all Ordinances, Laws, rules, regulations, orders and other instruments having the effect of law made or having effect as if they had been made in pursuance of the Orders in Council revoked by this Order and having effect as part of the law of the Colony and Protectorate of Nigeria or any part thereof immediately before the commencement of this Order.

Existing offices, courts and authorities

4. — (1) Subject to the provisions of this section, all offices, courts of law and authorities established under the Orders in Council revoked by this Order for the Colony and Protectorate of Nigeria and existing immediately before the commencement of this Order shall, so far as is consistent with the provisions of this Order, continue after the commencement of this Order as if they were offices, courts and authorities established under this Order for Nigeria; and all persons who immediately before the commencement of this Order are holding or acting in offices established by or under the Orders revoked by this Order for the Colony and Protectorate or are members of the courts and authorities established by or under those Orders for the Colony and Protectorate shall, so far as is consistent with the provisions of this Order, continue in office as if they had been appointed, elected or otherwise selected thereto under this Order in the manner prescribed by this Order and had taken any necessary oaths under this Order:

Provided that—

- (a) any member of a legislative house who has been appointed, elected or otherwise selected to represent any area that after the commencement of this Order is wholly outside Nigeria shall vacate his seat in that house at the commencement of this Order;
- (b) any member of any authority who would have been required to vacate his office at the expiration of any period or upon his attainment of any age prescribed by or under the Orders revoked by this Order shall vacate his office accordingly;
- (c) no person who was a member of any legislative house or President, Deputy President, Speaker or Deputy Speaker thereof immediately before the commencement of this Order shall be regarded as disqualified by this Order from continuing as a member of that house or as President, Deputy President, Speaker or Deputy Speaker, as the case may be, until the next dissolution of that house by reason only that he also continues to hold any other office by virtue of any appointment made before the commencement of this Order; and
- (d) the legislative houses shall, unless sooner dissolved, stand dissolved on the respective dates on which they would have been required to be dissolved by the Orders revoked by this Order.

(2) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the establishment and abolition of offices, courts of law and authorities and the appointment, election or selection of persons to hold or act in any office or to be members of any court or authority and their removal from office.

Pending legal proceedings

5. — (1) Any proceedings pending immediately before the commencement of this Order before any court of law established by the Orders revoked by this Order for the Colony and Protectorate of Nigeria may be continued before the courts established by this Order for Nigeria having jurisdiction in relation to the matter to which those proceedings relate as if they had been initiated before those courts after the commencement of this Order.

(2) Any proceedings pending immediately before the commencement of this Order before Her Majesty in Council or any court of law established by or under the Orders revoked by this Order for the Colony and Protectorate of Nigeria may be continued after the commencement of this Order notwithstanding that, by reason of the terms of this Order, no such proceedings could be initiated after the commencement of this Order.

. . .

Outstanding debts

17. Any debt of the Federation that immediately before the commencement of this Order was by the Orders revoked by this Order charged on the Consolidated Revenue Funds of the Regions of the Federation of Nigeria as well as on the Consolidated Revenue Fund of the Federation shall after the commencement of this Order be secured on the revenues and assets of the Regions as well as the revenues and assets of the Federation.

. . .

The second schedule

Chapter II

CITIZENSHIP

Persons who become citizens on 1st October, 1960

7. — (1) Every person who, having been born in the former Colony or Protectorate of Nigeria, was on the thirtieth day of September, 1960, a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Nigeria on the first day of October, 1960.

Provided that a person shall not become a citizen of Nigeria by virtue of this subsection if neither of his parents nor any of his grandparents was born in the former Colony or Protectorate of Nigeria.

(2) Every person who, having been born outside the former Colony and Protectorate of Nigeria, was on the thirtieth day of September, 1960, a citizen of the United Kingdom and Colonies or a British protected person shall, if his father was born in the former Colony or Protectorate and was a citizen of the United Kingdom and Colonies or a British protected person on the thirtieth day of September, 1960 (or, if he died before that date, was such a citizen or person at the date of his death or would have become such a citizen or person but for his death) become a citizen of Nigeria on the first day of October, 1960.

Persons entitled to be registered as citizens

8. — (1) Any person who, but for the proviso to subsection (1) of section 7 of this Constitution, would be a citizen of Nigeria by virtue of that subsection shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make

an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

(2) Any woman, who on the thirtieth day of September, 1960, was a citizen of the United Kingdom and Colonies or a British protected person and who is or has been married to a person—

- (a) who becomes a citizen of Nigeria by virtue of section 7 of this Constitution; or
- (b) who, having died before the first day of October, 1960, would, but for his death, have become a citizen of Nigeria by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria.

(3) Any woman who is or has been married to a person who becomes a citizen of Nigeria by registration under subsection (1) of this section and is at the date of such registration a citizen of the United Kingdom and Colonies or a British protected person shall be entitled, upon making application within such time and in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria.

(4) Any woman who on the thirtieth day of September, 1960, was a citizen of the United Kingdom and Colonies or a British protected person and who has been married to a person who, having died before the first day of October, 1960, would, but for his death, be entitled to be registered as a citizen of Nigeria under subsection (1) of this section, shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria.

(5) The provisions of subsections (2), (3) and (4) of this section shall be without prejudice to the provisions of section 7 of this Constitution.

Persons naturalized or registered before 1st October, 1960

9. Any person who on the thirtieth day of September, 1960, was a citizen of the United Kingdom and Colonies—

- (a) having become such a citizen under the British Nationality Act, 1948 (a), by virtue of his having been naturalized in the former Colony or Protectorate of Nigeria as a British subject before that Act came into force; or
- (b) having become such a citizen by virtue of his having been naturalized or registered in the former Colony or Protectorate of Nigeria under that Act,

shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria:

Provided that a person who has not attained the age of twenty-one years (other than a woman who is or has been married) may not make an application under this subsection himself but an application may be made on his behalf by his parent or guardian.

Persons born in Nigeria after 30th September, 1960

10. Every person born in Nigeria after the thirtieth day of September, 1960, shall become a citizen of Nigeria at the date of his birth:

Provided that a person shall not become a citizen of Nigeria by virtue of this section if at the time of his birth—

- (a) neither of his parents was a citizen of Nigeria and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to the Federation; or
- (b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

Persons born outside Nigeria after 30th September, 1960

11. A person born outside Nigeria after the thirtieth day of September, 1960, shall become a citizen of Nigeria at the date of his birth if at that date his father is a citizen of Nigeria otherwise than by virtue of this section or subsection (2) of section 7 of this Constitution.

Dual citizenship

12. Any person who, upon his attainment of the age of twenty-one years, was a citizen of Nigeria and also a citizen of some country other than Nigeria shall cease to be a citizen of Nigeria upon his attainment of the age of twenty-two years (or, in the case of a person of unsound mind, at such later date as may be prescribed by Parliament) unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Nigeria by virtue of subsection (2) of section 7 of this Constitution, has made such declaration of his intentions concerning residence or employment as may be prescribed by Parliament:

Provided that where a person cannot renounce his citizenship of the other country under the law of that country he may instead make such declaration concerning that citizenship as may be prescribed by Parliament.

Pakistan

*Transmitted by notes verbales dated 10 December 1962 and 14 July 1965
of the Permanent Mission to the United Nations*

A. OBSERVATIONS

[Achievement of independence by Pakistan]

Pakistan did not achieve independence by any treaty, decree or regulation. The Indo-Pakistan sub-continent was a part of the British Empire. The British Parliament, on 18 July 1947, passed an Act known as the Indian Independence Act, 1947 (10 and 11 Geo. 6 Chap. 30) whereby from the 14th day of August 1947, the sub-continent was divided into two independent dominions, viz. India and Pakistan. Under the authority of this legislation, the Constituent Assembly of Pakistan, in 1956, enacted its own Constitution as a result of which Pakistan became a Republic within the Commonwealth.