

Interpretation Act
Chapter 192
Laws of the Federation of Nigeria 1990

Arrangement of Sections

Preliminary

1. Application of this Act.

Operation of enactments

- | | | |
|---|---|--|
| 2. Passing and commencement. | 3. Punctuation, headings and descriptive words. | 4. Amended and substituted enactments. |
| 5. Construction of references to portions of enactments. | 6. Effect of repeals, expiration, etc. | 7. Forfeiture. |
| 8. Continuation of ex-officio proceedings on death and effect of sanctions on civil remedy. | 9. Enactments binding the state. | |

Construction of statutory powers and duties

- | | | |
|---|-------------------|---|
| 10. Statutory powers and duties- general. | 11. Appointments. | 12. Additional provisions as to powers to make subsidiary instruments, etc. |
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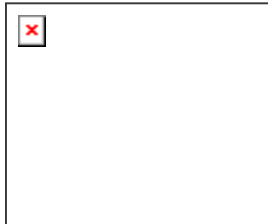
13. Payment to precede the performance of certain duties.

Interpretation of enactments

- | | | |
|------------------------|--|---|
| 14. Gender and number. | 15. Time. | 16. Distance. |
| 17. Penalties. | 18. Interpretation of particular expressions, etc. | 19. Additional provisions as to interpretation of subsidiary instruments. |

Miscellaneous

- | | | |
|--|--|--|
| 20. Imperial Acts to be read with necessary modifications. | 21. Citation of Acts. | 22. Printing of enactments with textual amendments. |
| 23. Deviations in forms. | 24. Execution of instruments made by the President. | 25. Offences under more than one law. |
| 26. Service by post. | 27. Special provisions as to certain statutory bodies. | 28. Quorum. |
| 29. Acts to be read with necessary modification. | 30. Reference to Acts or Laws in Acts. | 31. Jurisdiction over offences against Federal Laws. |
| 32. Law in force with respect to Federal matters. | 33. Evidence of signature of fiat or consent of President or public officer. | 34. Ex-officio proceedings not to abate on death. |
| 35. Carrying out of certain orders. | 36. Application of fees and forfeitures. | 37. Interpretation of this Act, etc. |
| 38. Repeals and savings, etc. | 39. Short title and extent. | |



Interpretation Act
Chapter 192
Laws of the Federation of Nigeria 1990

An Act to provide for the construction and interpretation of Acts of the National Assembly and certain other instruments; and for purposes connected therewith.

Preliminary

1. This Act shall apply to the provisions of any enactment except in so far as the contrary intention appears in this Act or the enactment in question.

Operation of enactments

2. (1) An Act is passed when the President assents to the Bill for the Act whether or not the Act then comes into force.

(2) Where no other provision is made as to the time when a particular enactment is to come into force, it shall, subject to the following subsection, come into force-
 - (a) in the case of an enactment contained in an Act of the National Assembly, on the day when the Act is passed;
 - (b) in any other case, on the day when the enactment is made.
(3) Where an enactment is expressed to come into force on a particular day, it shall be construed as coming into force immediately on the expiration of the previous day.
3. (1) Punctuation forms part of an enactment, and regard shall be had to it accordingly in construing the enactment.

- (2) A heading or marginal note to an enactment does not form part of the enactment and is intended for convenience of reference only.
 - (3) Words in an enactment descriptive of another enactment shall not be used as an aid to the construction of the other enactment and are intended for convenience of reference only.
4.
 - (1) A reference in an enactment to another enactment shall, if the other enactment has been amended, be construed as a reference to the other enactment as amended.
 - (2) Where an enactment is repealed and another enactment is substituted for it, then-
 - (a) the repealed enactment shall remain in force until the substituted enactment comes into force;
 - (b) any reference to the repealed enactment shall, after the substituted enactment comes into force, be construed as a reference to the substituted enactment;
 - (c) any subsidiary instrument in force by virtue of the repealed enactment shall, so far as the instrument is not inconsistent with the substituted enactment, continue in force as if made in pursuance of the substituted enactment.
5.
 - (1) Where an enactment describes a portion another enactment in terms of a word occurring in the, enactment, that word is included in the portion
 - (2) Where an enactment describes a consecutive series provisions of another enactment by reference to the first or last provision of the series, that provision is included in series described.
6.
 - (1) The repeal of an enactment shall not-
 - (a) revive anything not in force or existing at the when the repeal takes effect;

- (b) affect the previous operation of the enactment anything duly done or suffered under the enactment.
 - (c) affect any right, privilege, obligation or liability accrued or incurred under the enactment;
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under enactment;
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, penalty, forfeiture or punishment; and any such investigation, legal proceeding or remedy be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if enactment had not been repealed.
- (2) When an enactment expires, lapses or otherwise ceases to have effect, the provisions of subsection (1) of section shall apply as if the enactment had been repealed.
7. Where an enactment provides that any property, be forfeited, the enactment shall be construed as providing that the property, or where the property is duly sold proceeds of sale, shall vest in the Minister of government of the Federation responsible for finance be held by him for the purposes of the government of Federation.
8. (1) Any civil or criminal proceedings taken by or against any person by 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.
- (2) An enactment shall not be construed as preventing the recovery of damages in respect of injury attributable to any act by reason only of the fact that the enactment provides for a penalty, forfeiture or punishment in respect of the act.
9. (1) An enactment shall not prejudicially affect-
- (a) the executive authority of the Federation; or

- (b) any property in so far as it is held for the purposes of the Government of the Federation.
- (2) The provisions of subsection (1) of this section shall not apply to an enactment-
- (a) if the enactment is expressed to bind the State; or
 - (b) in so far as an enactment so provides by other express words or by necessary implication, and the provisions of this section shall have effect notwithstanding anything in section 1 of this Act.

Construction of statutory powers and duties

- 10.** (1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.
- (2) An enactment which confers power to do any act shall be construed as also conferring all such other powers as are reasonably necessary to enable that act to be done or are incidental to the doing of it.
- (3) Where an Act is not to come into force immediately on the passing of the Act and confers power to make a subsidiary instrument, to give notices, to prescribe forms, to make an appointment or to do any other thing for the purposes of the Act, the power may be exercised at any time after the Act is passed so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of its commencement, so however that no subsidiary instrument made by virtue of this subsection shall come into force before the commencement of the Act conferring power to make the instrument except in so far as may be necessary for bringing that Act into force.
- 11.** (1) Where an enactment confers a power to appoint a person either to an office or to exercise any functions, whether for a specified period or not, the power includes-

- (a) power to appoint a person by name or to appoint the holder from time to time of a particular office;
 - (b) power to remove or suspend him;
 - (c) power, exercisable in the manner and subject to the limitations and conditions (if any) applicable to the power to appoint,-
 - (i) to reappoint or reinstate him,
 - (ii) to appoint a person to act in his place, either generally or in regard to specified functions, during such time as is considered expedient by the authority in whom the power of appointment in question is vested.
- (2) A reference in an enactment to the holder of an office shall be construed as including a reference to a person for the time being appointed to act in his place, either as respects the functions of the office generally or the functions in regard to which he is appointed, as the case may be.
- 12.** (1) Where an Act confers a power to make a subsidiary instrument, proclamation or notification, the power shall include-
- (a) power to make different provision for different circumstances;
 - (b) power, exercisable in the like manner and subject to the like consent and conditions (if any), to vary and revoke the instrument, proclamation or notification;
 - (c) in the case of a subsidiary instrument, power to prescribe punishments for contravention of provisions of the instrument, not exceeding as respects a particular contravention-
 - (i) in the case of rules of court imprisonment for a term of three months or a fine of fifty naira or both,
 - (ii) in any other case, imprisonment for a term of six months or a fine of one hundred naira or both.

(2) A contravention of a provision of a subsidiary instrument may be prosecuted in a summary manner.

13. (1) Where a sum of money is payable in respect of the performance of a duty imposed by an enactment on any person, that person may abstain from performing the duty until the sum is paid or, where the sum cannot be finally ascertained before the performance of the duty, until such an amount is paid as that person may reasonably estimate (without prejudice to its subsequent adjustment) to be the relevant sum.

(2) Where under any Act or 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 appropriate 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, realised, 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 appropriate Treasury.

(3) Where in any Act or 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.

Interpretation of enactments

- 14.** In an enactment-
- (a) words importing the masculine gender include females;
 - (b) words in the singular include the plural and words in the plural include the singular.
- 15.** (1) A reference in an enactment to the time of day is a reference to the time which is one hour in advance of Greenwich mean time.
- (2) A reference in an enactment to a period of days shall be construed-
- (a) where the period is reckoned from a particular event, as excluding the day on which the event occurs;
 - (b) where apart from this paragraph the last day of the period is a holiday, as continuing until the end of the next following day which is not a holiday.
- (3) Where by an enactment any act is authorised or required to be done on a particular day and that day is a holiday, it shall be deemed to be duly done if it is done on the next following day which is not a holiday.
- (4) Where by an enactment any act is authorised or required to be done within a particular period which does not exceed six days, holidays shall be left out of account in computing the period.
- (5) In this section "holiday" means a day which is a Sunday or a public holiday.
- 16.** In determining a distance for the purposes of an enactment, the distance shall be measured in a straight line on a horizontal plane.
- 17.** (1) Where a punishment in respect of an offence is provided by an enactment, the enactment shall be construed as providing that an

offender shall be liable in pursuance of the enactment to a punishment not exceeding the punishment so provided.

- (2) Where imprisonment in respect of an offence is provided by an enactment, the enactment shall be construed as providing that any imprisonment imposed in pursuance of the enactment in respect of the offence shall be-
 - (a) with or without hard labour as the court imposing the imprisonment may in its discretion direct;
 - (b) with hard labour if no such direction is given.
- (3) Where a punishment is set out at the foot of an enactment, the enactment shall be construed as providing that a contravention of the enactment shall be an offence for which an offender shall be liable, subject to subsection (1) of this section, to the punishment so set out.

- 18.** (1) In an enactment the following expressions have the meanings hereby assigned to them respectively, that is to say-

"act" includes an omission, and references to the doing of an act shall be construed accordingly;

"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;

"commencement", in relation to an enactment, means the time at which the enactment comes into force;

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

"contravention", in relation to an enactment, includes a failure to comply with the enactment;

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

"Crown Agents" means the body established in the United Kingdom and commonly known as the Crown Agents for Overseas Governments and Administrations;

"daily penalty", "weekly penalty" and "monthly penalty", in relation to an offence, means a penalty for each day, week or month, as the case may be, during which the offence is continued after conviction for the offence;

"financial year" means the period of twelve months beginning on 1st January and ending on 31st December, so however that with respect to the year 1980 it shall be the period of nine months beginning on 1st April and ending on 31st December;

"immovable property" means land;

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

"land" includes any building and any other thing attached to the earth or permanently fastened to any thing so attached, but does not include minerals;

"Law" means any law enacted or having effect as if enacted by the legislature of a State and includes any instrument having the force of law which is made under a Law;

"legal practitioner" has the meaning assigned to it by the Legal Practitioners Act;

"local authority" means the local authority of a township; "master", in relation to a ship, means any person other than a pilot or harbour master having for the time being control or charge of the ship;

"military forces" means the armed forces of the Federation and includes any person who is not a member of the last-mentioned forces but who accompanies, or is employed in the service of a body of those forces;

"Minister", where no particular Minister is specified in the context, means the Minister of the government of the Federation charged in pursuance of the Constitution of the Federal Republic of Nigeria with responsibility for the matter to which the context relates;

"monogamous marriage" means a marriage which is recognised 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 a calendar month reckoned according to the Gregorian calendar;

"oath" and "affidavit", in relation to a person authorised by law to make an affirmation or declaration instead of an oath, includes an affirmation or declaration made in accordance with the relevant law, and "swear" shall be construed accordingly;

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

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

"prescribed" means prescribed by or under the enactment in which the expression occurs;

"public holiday" means a day which is a public holiday-

- (a) as respects Lagos, by virtue of the Public Holidays Act;
- (b) as respects any other part of Nigeria, by virtue of any corresponding enactment in force in that part;

"public officer" means a member of the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria or of the public service of a State;

"qualified medical practitioner" means a person who is a fully registered medical practitioner within the meaning of the Medical and Dental Practitioners Act;

"regulations", in an enactment passed or made before the passing of this Act, includes rules and bye-laws;

"to sell" includes to exchange and to barter and to offer or expose for sale;

"seaman" includes every person (other than a master, pilot or indentured apprentice) who is employed or engaged in any capacity on board a ship;

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

"to sign", in relation to a person who is unable to write his name, means to make his mark;

"territorial waters" means any part of the open sea within thirty nautical miles of the coast of Nigeria (measured from low water mark) or of the seaward limits of inland waters;

"township" means a township established under the Townships Act;

"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; and

"year" means a period of twelve months.

- (2) Where by subsection (1) of this section or any other enactment a meaning is assigned to a word, parts of speech related to the word have corresponding meanings.
- (3) The word "or" and the word "other" shall, in any enactment, be construed disjunctively and not as implying similarity.
- (4) A reference in an enactment, in relation to any matter, to a Minister or an official described by a designation which-
 - (a) under the system of government in force in Nigeria or any part thereof; or
 - (b) by reason of any change in the organisation of any department or ministry whether or not by the transfer of functions from one ministry or department to another or others,
- (5) A reference in an enactment, in relation to any matter to any ministry or department or other unit of any Government in Nigeria described by a designation which-
 - (a) under the system of government in Nigeria or any part thereof;
 - (b) by reason of any change in the organisation of any ministry or department or other unit as aforesaid (including the abolition or the amalgamation of any of them or the creation of new ones),

is no longer appropriate, shall be construed in relation to that matter as a reference to the ministry or department or, as the case may require, to any other unit of any Government in Nigeria for the time being charged with responsibility for the matter.

- 19.** (1) An expression used in a subsidiary instrument has the same meaning as in the Act conferring power to make the instrument.
- (2) In a subsidiary instrument, the expression "the Act" instruments. means the Act conferring power to make the instrument.

Miscellaneous

20. Whenever by any Act of the National Assembly, any Act of the National Assembly is extended or applied to Nigeria or to a State, such Act shall be read with such formal alterations as to names, localities, courts, offices, persons, moneys, penalties and otherwise as may be necessary to make the same applicable to the circumstances.
21. An Act may be cited-
- (a) in the case of an Act included in a revised edition of Acts of the National Assembly which is in force by virtue of an enactment, by its chapter number in that edition;
 - (b) in the case of any other Act, by the number of the year in which it was passed and its number among the Acts passed in that year, and the mode of citation authorised by this section shall be in addition to any other mode of citation authorised by any other enactment.
22. (1) Where an enactment is amended by the insertion or omission of words or by the substitution of words for other words, then on printing the enactment at any time after the amendment takes effect the person authorised to print the enactment shall, if so directed by the Attorney-General of the Federation, print the enactment as so amended.
- (2) A direction under subsection (1) of this section in respect of any amendment shall include provision requiring the printer to indicate, in such a manner as may be specified by the direction, the extent of the amendment and the enactment by which it was made.
23. Where a form is prescribed by an enactment, a form which differs from the prescribed form shall not be invalid for the purposes of the enactment by reason only of the difference if the difference is not in a material particular and is not calculated to mislead.
24. Where a power to make an instrument which is conferred on the President by an enactment is exercisable in accordance with the advice of

the Council of Ministers or a Minister of the Government of the Federation, then, without prejudice to the exercise of the power by the President in person, any instrument made in exercise of that power may be executed under the hand of the Secretary to the Federal Government or the Deputy Secretary to the Council of Ministers.

25. Where an act constitutes an offence under two or more enactment or under an enactment and at common law, the alleged offender shall be liable to be prosecuted and on conviction punished under any one of the enactment or, as the case may be, either under the enactment or at common law, but shall not be liable to be punished twice for the same offence.
26. Where an enactment authorised or requires a document to be served by post, whether the word "serve" or some other word is used, then-
- (a) the document may be served by posting an envelope-
 - (i) which contains the document, and
 - (ii) on which the postage (where any is payable) has been pre-paid, and
 - (iii) which is addressed to the person on whom it is to be served at his last known address; and
 - (b) where the provisions of paragraph (a) of this section have been satisfied as respects the document, it shall be deemed to have been served at the time at which the envelope would have been delivered in the ordinary course of post unless it is proved that the envelope was not delivered at that time.
27. (1) Where a body established by an enactment comprises three or more persons, then-
- (a) any act which the body is authorised or required to do may be done in the name of the body by a majority of those persons or of a quorum of them; and

- (b) in any vote taken at a meeting of the body the person presiding when the vote is ordered shall have a casting vote, whether or not he also has a deliberative vote.
- (2) Without prejudice to subsection (1) of this section, where a body established by an enactment comprises three or more persons and is empowered to make subsidiary instruments, any such instrument may be executed under the hand of any two of the members thereof as may be authorised by such body generally for that purpose or specially on any particular occasion.
- 28.** Notwithstanding anything contained in any Act or any other enactment, the quorum of any tribunal, commission or inquiry (including any appeal tribunal established for the purpose of hearing any appeal arising therefrom) shall not be less than two (including the Chairman):
- Provided that the Chairman and the member shall be present at every sitting of the tribunal, commission or inquiry throughout the duration of the trial or hearing.
- 29.** Whenever by any Act or Law, any Act is extended or applied to the Federation or a State, such Act shall be read with such formal alterations as to names, localities, courts, offices, persons, moneys, penalties or otherwise as may be necessary to make the same applicable to the circumstances.
- 30.** Where in any Act or Law reference is made to any provision of an Act and that provision is subsequently repealed and re-enacted without substantial modification, the reference in such Act or Law to the provision of the Act so repealed shall, if the context so requires and unless the contrary intention appears, be construed as a reference to the provision so re-enacted.

Provisions Relating to Courts

- 31.** (1) Where jurisdiction is conferred by any Law upon a High Court or a magistrate's court established for a State with respect to-

- (a) the summary trial and conviction; or
 - (b) the examination and commitment for trial on indictment; or
 - (c) the trial and conviction on indictment, of offenders or persons charged with offences against the Laws of the State and with respect to the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith, such court shall, except in so far as other provision is made by law in force in the State, have the like jurisdiction with respect to offenders or persons charged with offences against a Federal law committed in the State or who may lawfully be tried for offences committed elsewhere.
- (2) In this section "Federal law" means any law enacted by the National Assembly, or having effect as if so enacted, which relates to a matter within the exclusive legislative competence of the Federal legislature.
- 32.** (1) Subject to the provisions of this section and except in so far as other provision is made by any Federal law, the common law of England and the doctrines of equity, together with the statutes of general application that were in force in England on the 1st day of January, 1900, shall, in so far as they relate to any matter within the legislative competence of the Federal legislature, be in force in Nigeria.
- (2) Such Imperial laws shall be in force so far only as the limits of the local jurisdiction and local circumstances shall permit and subject to any Federal law.
- (3) For the purpose of facilitating the application of the said Imperial laws they shall be read with such formal verbal alterations not affecting the substance as to names, localities, courts, officers, persons, moneys, penalties and otherwise as may be necessary to render the same applicable to the circumstances.
- (4) Every Judge or officer of a High Court having or exercising functions of the like kind, or analogous to the function of any Judge or officer referred to in any such law, shall be deemed to be within the

meaning of the enactment thereof relating to such last-mentioned Judge or officer, and every magistrate or officer of a magistrate's court having or exercising functions of the like kind, or analogous to the functions of any magistrate, justice of the peace or officer referred to in any such law, shall be deemed to be within the meaning of the enactment thereof relating to such last-mentioned magistrate or officer or such justice of the peace.

(5) Wherever the great seal or any other seal is mentioned in any law it shall be read, in its application to a High Court, as if the seal of the High Court were substituted therefor, and, in its application to a magistrate's court, as if the seal of the magistrate's court were substituted therefor.

33. Whenever the fiat or consent of the President 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 of the public officer concerned shall be received as prima facie evidence in any proceeding without proof being given that the signature to such fiat or consent is that of the President or the public officer concerned.

34. Any civil or criminal proceedings taken by or against any person by 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.

35. Where in any Act or 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.

36. (1) Where under any Act or 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 appropriate 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, realised, 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 appropriate Treasury.
- (2) Nothing in this section shall affect any provision in any Act or 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.
- (3) Except where the requirement, judgment or commission referred to in subsection (1) of this section relates to a function of the Government of the Federation, the expression "appropriate Treasury" shall be interpreted as meaning the Treasury in the State concerned:

Provided that nothing contained in this section shall affect the rights inter se of the Treasuries of the States of the Federation.

37. (1) Without prejudice to the provisions of section 18 of this Act, in this Act the following expressions have the meanings hereby assigned to them respectively, that is to say-

"Act" means an Act of the National Assembly, whether passed before or after the commencement of this Act, and includes this Act and an instrument made before the first day of October, 1960, in so far as the instrument has effect as an Act;

"enactment" means any provision of an Act or subsidiary instrument;

"subsidiary instrument" means any order, rules, regulations, rules of court or bye-laws made either before or after the commencement of this Act in exercise of powers conferred by an Act.

(2) Nothing in this Act shall be construed as purporting prejudice the provisions of the Constitution of the Federal Republic of Nigeria.

(3) This Act binds the State.

38. The enactment specified in the first and second columns of the Schedule to this Act is hereby repealed to the extent shown in the third column of that Schedule.

39. This Act may be cited as the Interpretation Act.
