

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

THE FOOD AND DRUGS (LAGOS) BILL 1965

EXPLANATORY MEMORANDUM

The purpose of the Bill is to control the quality and purity of food, drugs, cosmetics and therapeutic devices manufactured locally and to ensure that such local manufacturing or processing is carried out in proper sanitary conditions. The Bill also provides for the control of the importation of food, drugs, cosmetics and therapeutic devices as well as for regulating the advertisement of these products in the interest of and for the protection of public health.

M. A. MAJEKODUNMI,
Minister of Health

ARRANGEMENT OF CLAUSES

Clause

Food, Drugs, Cosmetics and Devices

1. Prohibition of sale of certain food, drugs, cosmetics and devices.
2. Prohibition of sale or advertisement of food etc. as treatment etc. for certain diseases.
3. Power of Minister to obtain particulars in respect of certain substances.
4. Prohibition of various misleading practices.
5. Manufacture etc. of food etc. under insanitary conditions.
6. Minister's certificate for manufacture etc. of drugs specified in Schedule 3 or 4.
7. Declaration by manufacturer.

Food and Drugs Inspecting Officers and Analysts

8. Designation of inspecting officers and analysts.
9. Powers of inspecting officers.
10. False statement.
11. Obstruction of inspecting officers.
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General

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Schedule 2—Publications referred to in section 4.

Schedule 3—Drugs referred to in section 6 (1).

Schedule 4—Drugs referred to in section 6 (2).

A BILL

FOR

AN ACT TO REGULATE THE MANUFACTURE AND SALE OF FOOD, DRUGS, COSMETICS AND DEVICES AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH.

[See section 20 (2)]

Commence-
ment.

Food, Drugs, Cosmetics and Devices

Prohibition
of sale of
certain
food, drugs,
cosmetics
and
devices.

1.—(1) No person shall sell any article of food which—

(a) has in it or upon it any poisonous or harmful substance ;

(b) is unfit for human consumption ; or

(c) consists in whole or in part of any filthy, disgusting, rotten or diseased substance.

(2) No person shall sell any article of food or any drug which is adulterated.

(3) No person shall sell any article of food or any drug or cosmetic which was manufactured, prepared, preserved, packaged, or stored under insanitary conditions.

(4) No person shall sell any cosmetic which—

(a) has in it or upon it any substance which may cause injury to the health of the user thereof when the cosmetic is used—

(i) according to the directions on the label or otherwise accompanying the cosmetic ; or

(ii) for such purposes and by such methods of use as are customary or usual therefor ; or

(b) consists wholly or in part of any filthy or decomposed substance, or of any foreign matter.

(5) No person shall sell any device which, when used according to the directions on the label or otherwise accompanying the device, or under such conditions as are customary or usual therefor, may cause injury to the user thereof.

2. Save as otherwise provided by the regulations no person shall—

(a) advertise to the general public, any food, drug, cosmetic or device as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states specified in Schedule 1 of this Act ; or

(b) sell any food, drug, cosmetic or device that is represented on the label or is advertised to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states specified in the said Schedule 1,

Prohibition
of sale or
advertise-
ment of
foods etc.
as treat-
ment etc.,
for certain
diseases.

Power of
Minister
to obtain
particulars
in respect
of certain
substances.

3.—(1) Where any person carries on any business in the course of which any substance—

(a) is used in the preparation of any food, drug or cosmetic ; or

(b) is imported, produced or sold for use in the preparation of any food, drug or cosmetic,
the Minister or any person authorised by the Minister in that behalf may serve on that person a notice requiring him to furnish to the Minister within such time as may be specified in the notice such particulars as may be so specified, in respect of every substance which, being a substance or a substance of a class specified in the notice, is in the course of that business used as mentioned in paragraph (a) above or imported, produced or sold for use as mentioned in paragraph (b) above. 5 10

2) Without prejudice to the generality of subsection (1) of this section, a notice under that subsection may in particular require the furnishing of the following particulars of any substance to which it applies, that is to say— 15

(a) particulars of the composition of the substance and the chemical formula of every ingredient thereof ;

(b) particulars of the manner in which the substance is used or intended to be used in the preparation of any food, drug or cosmetic ; 20

(c) particulars of—

(i) any investigations (and over what period of time) carried out by or on behalf and to the knowledge of the person carrying on the business for the purpose of determining whether or not the substance or any product produced when the substance is used as mentioned in paragraph (b) above is injurious to or otherwise affects health, and the results of any such investigations ; 25

(ii) any investigations or inquiries (and over what period or time) carried out by or on behalf and to the knowledge of the person carrying on the business for the purpose of determining the cumulative effect on the health of any person consuming in ordinary quantities that substance or any product produced when the substance is used as mentioned in paragraph (b) above. 30

(3) No person shall disclose any information supplied to the Minister in pursuance of a notice under subsection (1) of this section except— 35

(a) with the written consent of the person who supplied the information ; or

(b) in accordance with the directions of the Minister ; or

(c) for the purposes of any proceedings under this Act. 40

4. No person shall—

(a) label, package, treat, process, sell or advertise any food, drug, cosmetic or device in a manner that is false or misleading or is likely to create a wrong impression as to its quality, character, value, composition, merit or safety ; 45

Prohibition
of various
misleading
practices.

(b) where a standard has been prescribed for any food, drug, cosmetic or device, label, package, sell or advertise any substance or article in such a manner that the substance or article is likely to be mistaken for that food, drug, cosmetic or device unless the substance or article complies with the prescribed standard ;

(c) where a standard for a drug is contained in any of the publications specified in Schedule 2 of this Act, label, package, sell or advertise any substance which is not of the published standard in a manner likely to cause it to be mistaken for a drug of the published standard ;

(d) in the case of a drug for which no standard has been prescribed under the regulations or in any of the publications specified in Schedule 2 of this Act—

(i) sell that drug in any manner which is likely to deceive or mislead a purchaser into thinking that the drug conforms to a standard prescribed as aforesaid ; or

(ii) sell that drug as complying with some other standard unless the drug complies with the professed standard under which it is sold.

5. No person shall under insanitary conditions manufacture, prepare, preserve, package or store for the purpose of selling, any food, drug or cosmetic.

Manufacture etc. of food etc. under insanitary conditions.

6.—(1) No person shall manufacture for sale any drug specified in Schedule 3 of this Act without first obtaining in accordance with the regulations a certificate of the Minister to the effect that the premises in which the drug is intended to be manufactured and the process and conditions by and under which the manufacture is to be carried on are in the opinion of the Minister suitable for ensuring that the drug will be safe for use.

Minister's certificate for manufacture etc. of drugs specified in Schedule 3 or 4.

(2) No person shall sell any drug specified in Schedule 4 of this Act without first obtaining in accordance with the regulations a certificate of the Minister that the batch from which the drug was taken is safe for use.

7.—(1) The Minister or any person authorised by him in that behalf may order the manufacturer of any article of food, drug, cosmetic or device to furnish a declaration in the prescribed form that the article in question was manufactured in accordance with the provisions of this Act and the regulations, and it shall be the duty of the manufacturer to comply with the requirements of the order.

Declaration by manufacturer.

(2) Save as provided by the regulations no article of food, drug, cosmetic or device shall be imported or otherwise brought into the Federal territory unless it is accompanied by a certificate from the manufacturer to the effect that it was manufactured in accordance with the law of the country in which it was manufactured and that its sale in that country would not constitute a contravention of the law of that country.

Food and Drugs Inspecting Officers and Analysts

Designation
of inspecting
officers and
analysts.

8.—(1) The Minister may designate—

(a) as a food and drug analyst ; or

(b) as a food and drug inspecting officer,

any person (whether a member of the public service of the Federation or not) who possesses the prescribed qualifications and fulfils such other requirements, if any, as may be prescribed and shall furnish to every person so designated a certificate of designation. 5

Powers of
inspecting
officers.

9.—(1) An inspecting officer may, in the course of his duty, at any reasonable time and on production of his certificate of designation if so required— 10

(a) enter (if need be by force) any premises in which he reasonably believes that any article to which this Act or the regulations apply is manufactured, prepared, preserved, packaged, stored or sold ;

(b) examine any article in the premises which appears to him to be an article to which this Act or the regulations apply or anything in the premises which he reasonably believes is used or is capable of being used for the manufacture, preparation, preservation, packaging, storage or sale of any such article ; 15

(c) take a sample or specimen of any article which he has power to examine under paragraph (b) above ; 20

(d) open and examine, while in the premises, any container or package which he reasonably believes may contain anything to which this Act or the regulations apply or which may help him in his investigation ;

(e) examine any books, documents or other records found in the premises which he reasonably believes may contain any information relevant to the enforcement of this Act or the regulations and make copies thereof or extracts therefrom ; and 25

(f) seize and detain for such time as may be necessary for the purposes of this Act any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations has been contravened. 30

(2) In the foregoing subsection the expression "article to which this Act or the regulations apply" means— 35

(a) any food, drug, cosmetic or device ;

(b) anything used for the manufacture, preparation, preservation, packaging or storing of any food, drug, cosmetic or device ; and

(c) any labelling or advertising material relating to or for use in connection with any food, drug, cosmetic or device, but does not include live animals. 40

(3) The owner or person in charge of any premises entered by an inspecting officer pursuant to this section, and every person found therein, shall give all reasonable assistance in his power to the inspecting officer and shall make available to the inspecting officer all such information as the officer may reasonably require for the purposes of this Act. 45

(4) Any article seized under this Act shall be kept or stored in such place as the inspecting officer may direct and shall be returned to the owner or the person from whom it was seized if the article upon analysis or examination is found to conform with the requirements of this Act and the regulations. 50

(5) Any article seized by an inspecting officer pursuant to this Act or the regulations may be submitted to an analyst for analysis or examination, and the analyst upon making such analysis or examination shall issue a certificate or report in the prescribed form setting forth the result of such analysis or examination.

(6) In this section "animals" includes birds and fishes.

10. No person shall wilfully make or insert any false statement in any certificate or other document required by this Act or the regulations to be issued, made or furnished.

False statement.

11. No person shall—

(a) obstruct or resist an inspecting officer in the execution of his duty under this Act or the regulations; or

(b) make in any manner whatsoever to an inspecting officer acting in the course of his duties any statement which that person knows or has reasonable cause to believe to be false or misleading; or

(c) without the authority of an inspecting officer remove, alter or interfere in any way with any article seized under this Act.

Obstruction of inspecting officers.

12.—(1) An inspecting officer shall have the right to examine any customs entries of any food, drug or cosmetic imported for use in the Federal territory and for the purposes of analysis or examination thereof to take samples of any such food, drug, or cosmetic while still in any customs shed or government warehouse in the Federal territory.

Power of inspecting officers on importation of food etc.

(2) Where samples are taken by an inspecting officer pursuant to subsection (1) of this section, the food, drug or cosmetic from which they are taken shall not be released to the importer except on production of an analyst's certificate or report to the effect that the food, drug or cosmetic complies with the requirements of this Act and the regulations.

Forfeiture

13.—(1) Where the owner of an article seized under this Act consents to the forfeiture thereof, the article shall thereupon be forfeited to the Minister.

Forfeiture.

(2) Where a person has been convicted of an offence under this Act or the regulations, the court may order that the article by means of or in respect of which the offence was committed, and anything of a similar nature belonging to or in the possession of the person convicted or found with that article, be forfeited to the Minister.

(3) Without prejudice to the provisions of subsection (1) of this section, where any article has been seized under this Act, a judge of the High Court of Lagos or a magistrate may, upon application by an inspecting officer and after the giving of notice to such persons as the judge or magistrate may direct, order that the article and anything of a similar nature found therewith be forfeited to the Minister, if after hearing all the parties concerned he is of the opinion that the article is one by means of or in relation to which any of the provisions of this Act or the regulations are being or have been contravened.

(4) Where, whether in pursuance of an order under this section or otherwise, any article or thing is forfeited to the Minister under this section, it shall vest in the Minister free from encumbrances, and the Minister may retain it or cause it to be destroyed or otherwise disposed of as the Minister thinks fit.

Advisory Council

Food and
Drugs
Advisory
Council.

14.—(1) The Minister may set up a Council, to be known as the Food and Drugs Advisory Council, to assist and advise him in the preparation and review of regulations for carrying out the purposes and provisions of this Act and with respect to any other matters connected with this Act.

(2) The said Council shall consist of such persons as the Minister may appoint being persons who appear to the Minister to be suitable for appointment—

(a) by reason of their knowledge or experience of the matters to which this Act relates ; or

(b) as representing the interests of producers or distributors of food, drugs, cosmetics or devices ; or

(c) as representing the interests of consumers or users thereof.

Regulations

Regula-
tions.

15. The Minister may make regulations for carrying out the purposes and provisions of this Act, and without prejudice to the generality of the foregoing may in particular make regulations—

(a) for determining what constitutes the adulteration of any food or drug or class of food or drug and for determining what constitutes foreign matter in relation to any cosmetic or class of cosmetics ;

(b) with respect to—

(i) the labelling and packaging and the offering or exposing in any manner for sale of any food, drug, cosmetic or device ;

(ii) the specifications and fill of packages of food, drugs, cosmetics and devices ; and

(iii) the sale of any food, drug, cosmetic or device ;

(c) with respect to the use of any substance as an ingredient in any food, drug, cosmetic or device, for the purpose of preventing consumers or purchasers thereof from being misled or deceived as to the quantity, character, value, composition, merit or safety of that substance when so used or of preventing injury to the health of consumers or users thereof ;

(d) prescribing standards of composition, potency, purity or quality, or of any other property, for any article of food, drug, cosmetic or device ;

(e) with respect to the importation of any food, drug, cosmetic or device, for the purpose of ensuring compliance with the provisions of this Act and the regulations ;

(f) with respect to the method of preparing, manufacturing, preserving, packing, storing, or testing of any food, drug, cosmetic or device, in the interests of, or for the prevention of injury to the health of, consumers or users thereof ;

(g) requiring persons who sell food, drugs, cosmetics or devices to maintain and keep such books or records as may be prescribed ;

(h) with respect to the form of certificate to be issued by the Minister for the purposes of section 6 (1) of this Act, and the manner of application therefor including the fees payable therefor, and with respect to the premises or processes or conditions of manufacture, including the qualifications of technical staff, which are or are not to be deemed to be suitable for the purposes of that subsection ;

(i) for requiring manufacturers of any drugs specified in Schedule 4 of this Act to submit test portions of any batch of any such drug and with respect to the form of certificate to be issued by the Minister for the purposes of section 6 (2) of this Act including the fees payable therefor ;

(j) with respect to the manner of taking samples and the reporting of results of analysis or examination of samples ;

(k) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act or of the regulations, whether unconditionally or subject to prescribed conditions ;

(l) prescribing forms for the purposes of this Act and the regulations ;

(m) providing for the analysis of food, drugs or cosmetics otherwise than for the purpose of this Act and prescribing a tariff of fees to be paid for such analysis ;

(n) with respect to the distribution of samples of any drug ;

(o) amending any of the Schedules of this Act in the interests of, or for the prevention of injury to the health of, consumers or users ;

(p) prescribing anything authorised or required by this Act to be prescribed.

Penalties and Legal Proceedings

16.—(1) Any person who contravenes any provision of this Act or the regulations or fails to comply with any requirement imposed on him by a notice under section 3 (1) of this Act shall be guilty of an offence and shall be liable—

Penalties.

(a) on summary conviction, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding one year, or to both ; or

(b) upon conviction on indictment, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding two years, or to both.

(2) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings for an offence under this section shall not be commenced except within six months of the commission thereof.

17.—(1) Subject to subsection (2) of this section it shall be a defence in any proceedings for an offence consisting of the sale of any article in contravention of this Act or the regulations to prove—

Defence in proceedings for sale of food etc.

(a) that the accused sold the article in the same package and in the same condition as it was in when he bought it ; and

(b) that the accused could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations.

(2) A person charged with an offence under this Act shall not be entitled to avail himself of the provisions of subsection (1) of this section unless he has given notice of his intention to do so at least ten days before the date of the trial and has at the same time disclosed to the prosecution the name of the person from whom he bought the article in question and the date of the purchase thereof.

Certificate
and pre-
sumptions.

18.—(1) In any proceedings under this Act or the regulations the production of a certificate purporting to be signed by an analyst shall be prima facie evidence of the matters stated therein; but the party against whom the certificate is produced may require the attendance of the analyst for the purpose of cross-examination.

(2) A certificate such as is mentioned in subsection (1) above shall not be received in evidence unless the party producing it has not less than three days before the trial supplied a copy thereof to the party against whom it is intended to be produced and has notified him in writing of the intention to produce it.

(3) In any proceedings under this Act proof that a package containing an article to which this Act or the regulations apply bears a name or address purporting to be the name or address of the person by whom the article was manufactured or packaged shall be prima facie evidence that the article was manufactured or packaged, as the case may be, by the person whose name or address is borne on the package.

(4) Where any employee or agent commits an offence under this Act, his employer or principal shall be deemed to have committed the offence and be liable to be proceeded against and punished accordingly, whether or not the employee or agent has been prosecuted for the same offence; and for the purposes of this subsection any person selling or ostensibly employed to sell on behalf of another person shall be presumed to be employed by him.

(5) Where, in any proceedings against any person for manufacturing any adulterated food or drug contrary to the provisions of this Act or the regulations, it is established that the food or drug is one which, under the regulations, becomes adulterated if any prescribed substance is added thereto, and that that substance was found in his possession or on his premises, it shall be presumed, unless the contrary is proved, that the food or drug manufactured by him is adulterated.

General

Interpreta-
tion.

19. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“analyst” means any person designated as food and drug analyst under section 8 of this Act;

“cosmetic” means any substance or mixture of substances manufactured, sold or advertised for use in cleansing, improving or altering the complexion, skin, hair, or teeth, and includes deodorants and perfumes;

“device” means any instrument, apparatus or contrivance, (including components, parts and accessories thereof) manufactured, sold or advertised for use in the diagnosis, treatment, mitigation or prevention of any disease, disorder, abnormal physical state or the symptoms thereof, in man or in animals ;

“drug” includes any substance or mixture of substances manufactured, sold or advertised for use in—

(i) the diagnosis, treatment, mitigation or prevention of any disease, disorder, abnormal physical state, or the symptoms thereof, in man or in animals ;

(ii) restoring, correcting or modifying organic functions in man or in animals ;

(iii) disinfection, or the control of vermin, insects or pests ; or

(iv) contraception ;

“food” includes any article manufactured, sold or advertised for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purpose whatever, but does not include—

(i) water, or live animals, birds or fish,

(ii) fodder or feeding stuffs for animals, birds or fish other than supplements produced for addition to animal and poultry food-stuffs, or

(iii) articles or substances used only as drugs ;

“insanitary conditions” means such conditions or circumstances as might contaminate any food, drug or cosmetic with dirt or filth or render it injurious to health ;

“inspecting officer” means any person designated as food and drug inspecting officer under section 8 of this Act ;

“label” in relation to any food, drug, cosmetic, device or package includes any legend, word or mark attached to, included in, belonging to or accompanying that food, drug, cosmetic, device or package ;

“the Minister” means the Minister of the Government of the Federation responsible for public health ;

“package” includes anything in which any food, drug, cosmetic or device is wholly or partly contained, wrapped, placed or packed ;

“prescribed” means prescribed by the regulations ;

“the regulations” means any regulations made under this Act ;

“selling” includes offering for sale, exposing for sale, and having in possession for sale or distribution.

20.—(1) This Act may be cited as the Food and Drugs (Lagos) Act 1965, and shall apply to the Federal territory only.

(2) This Act shall come into operation on such day as the Minister may by order published in the Federal Gazette appoint.

(3) The Sale of Food Act is hereby repealed.

Citation,
extent,
commence-
ment and
repeal.

Cap. 185.

Section 2

SCHEDULE 1

DISEASES ETC. REFERRED TO IN SECTION 2

Alcoholism
Appendicitis
Arteriosclerosis
Blood poisoning
Cancer
Cataract
Diabetes
Diphtheria
Disorders of menstrual flow
Disorders of prostatic gland
Epilepsy
Erysipelas
Gallstones, kidney stones, and bladder stones
Gangrene
Any genital or urinary disease not mentioned elsewhere in this
Schedule
Glaucoma
Goitre
Heart disease
High blood pressure
Infectious hepatitis
Influenza
Kidney disease
Meningitis
Locomotor ataxia
Mental conditions
Obesity
Paralysis
Pleurisy
Pneumonia
Poliomyelitis
Hernia
Sexual impotence, loss of virility or sterility
Sleeping sickness
Smallpox
Tetanus
Trachoma
Tuberculosis
Tumours
Typhoid fever
Ulcers of the gastro-intestinal tract
Venereal diseases
Yaws.

Section 4

SCHEDULE 2

PUBLICATIONS REFERRED TO IN SECTION 4

Pharmacopoeia Internationalis

The British Pharmacopoeia

The Pharmacopoeia of the United States

Codex Francais

The Canadian Formulary

The British Pharmaceutical Codex

The British Veterinary Codex

The National Formulary of the United States

New and Non-official Remedies

Any other pharmacopoeia published under the authority of a recognised medical or pharmaceutical council of any other country.

Section 6

SCHEDULE 3

DRUGS REFERRED TO IN SECTION 6 (1)

Liver extract in all forms

Insulin in all forms

Anterior pituitary extracts

Radioactive isotopes

Living vaccines for oral or parenteral use

Drugs prepared from micro-organisms or viruses, for parenteral use

Sera and drugs analogous thereto, for parenteral use.

Antibiotics for parenteral use.

Section 6

SCHEDULE 4

DRUGS REFERRED TO IN SECTION 6 (2)

Arsphenamine

Dichlorophenarsine hydrochloride

Neoarsphenamine

Oxophenarsine hydrochloride

Sulpharsphenamine.

THE EXCISE TARIFF BILL 1965

EXPLANATORY MEMORANDUM

In order to enable excisable goods manufactured locally to compete fairly with similar goods which are imported and are admissible without payment of import duty when consigned to certain privileged persons or intended for certain privileged uses, it has become necessary to introduce into the Excise Tariff, a Schedule of Exemptions from payment of Excise Duty.

The opportunity has been seized to improve on the general lay-out of the whole Tariff.

F. S. OKOTIE-EBOH,
Minister of Finance

ARRANGEMENT OF CLAUSES

Clause

1. Charge of excise duty.
2. Exemptions from excise duty.
3. Power to vary excise duties.
4. Order to be confirmed, amended or revoked by resolution.
5. Effect of order reducing or revoking duty.
6. Excise duty to be paid and treatment of bonds and other securities.
7. Effect on contracts of changes in duties of excise.
8. Duty payable on classification at highest rate.

9. Value of goods for purposes of duty of excise.
10. Goods comprised of two or more separate parts.
11. Repeal.
12. Short title, application and commencement.

SCHEDULES :

Schedule 1—Goods liable to excise duty.

Schedule 2—Goods exempted from excise duty.

Schedule 3—Value of goods for excise purposes.

A BILL

FOR

AN ACT TO MAKE BETTER PROVISION FOR THE IMPOSITION OF DUTIES OF EXCISE
AND FOR PURPOSES CONNECTED THEREWITH.

[See clause 12 (2)]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria
in this present Parliament assembled and by the authority of the same
as follows :—

1. Goods manufactured in Nigeria for the time being specified
5 in Schedule 1 shall, subject to the exemptions specified in Schedule 2,
be charged with duties of excise at the rates for the time being specified
in Schedule 1.

Charge of
excise duty.

2. Goods manufactured in Nigeria for the time being specified in
10 Schedule 2 shall, subject to the conditions set out therein, be exempted
from duties of excise.

Exemptions
from excise
duty.

3.—(1) The House of Representatives may, by resolution, and
the President may, by order,—

Power to
vary excise
duties.

(a) impose, vary or remove any duty ;

(b) add to or vary any of the Schedules ;

15 (c) delete the whole or any part of any of the Schedules ;

(d) substitute a new Schedule or Schedules for any of the Schedules.

(2) An order made by the President under subsection (1) of this
section shall have effect from the date of its publication in the Federal
Gazette until its expiration under the provisions of section 4.

Order to be
confirmed,
amended or
revoked by
resolution.

20 4.—(1) Every order made by the President under section 3 shall
be submitted to the House of Representatives at the meeting of that
House next following the date of the publication of the order in the
Federal Gazette.

25 (2) The House of Representatives may, by resolution, confirm,
amend or revoke any order so made ;

(3) Upon publication of such resolution in the Federal Gazette
the resolution shall come into effect and the order shall then expire.

30 (4) If any order made under section 3 is not submitted to the
House of Representatives as provided by subsection (1) of this section
the order shall expire on the day following the last day of the meeting
referred to in that subsection.

Effect of
order
reducing
or revoking
duty.

35 5.—(1) Where any order made under section 3 has the effect of
reducing or revoking the duty of excise on any goods, any person by
whom such goods are manufactured shall, where the Minister so
directs—

(a) in the case of a reduced duty, pay the reduced duty thereon, and in addition thereto shall—

(i) pay to the Board an amount equal to the difference between the duty payable immediately before the coming into effect of the order and the reduced duty payable under the order; or 5

(ii) give security to the Board by bond or otherwise for such amount;

(b) in the case of a revoked duty—

(i) pay to the Board an amount equal to the duty immediately before the coming into effect of the order; or 10

(ii) give security to the Board by bond or otherwise for such amount.

(2) All payments made under subsection (1) of this section which, without prejudice to the provisions of the said subsection, together with any duty paid, shall be equal to the duty payable after the expiry of the order, shall be realized and brought to account as duties of excise. 15

(3) So much of the amount for which a bond or other security was given under subsection (1) as, together with any duty paid, shall be equal to the duty payable after the expiration of the order shall be realized and brought to account as duties of excise. 20

Excise duty to be paid and treatment of bonds and other securities.

6.—(1) If the amount paid as duty on any goods under any order made under section 3 together with any additional amount paid under subsection (1) of section 5 exceeds the duty on such goods immediately after the expiration of the order the balance shall on application be repaid by the Board to the person who paid such amount. 25

(2) Subject to the provisions of subsection (3) of section 5, any bond or other security given by any person under subsection (1) of section 5 shall, on the expiration of the order, be cancelled.

Effect on contracts of changes in duties of excise.

7.—(1) Where by or under this or any other Act—

(a) a new duty of excise is imposed, or any duty of excise is increased, and 30

(b) any goods in respect of which the duty is payable are, in pursuance of a contract made before the day on which the new or increased duty takes effect, delivered on or after that day, then and in every such case, the seller of the goods may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to any amount paid by him in respect of the goods on account of the new duty or the increase of duty, as the case may be. 35

(2) Where by or under this or any other Act—

(a) any duty of excise is reduced or revoked, and 40

(b) any goods affected by the duty are, in pursuance of a contract made before the day on which the reduction in the duty takes effect or the duty ceases, delivered on or after that day,

then and in every such case, the purchaser of the goods, in the absence of agreement to the contrary, may, if the seller of the goods has had in respect of those goods the benefit of the reduction or revocation of the duty, deduct from the contract price a sum equal to the amount of the reduction of the duty or the amount of the duty, as the case may be.

(3) Where the contract price has been or is to be adjusted in accordance with this section and any repayment is made to the seller under section 6, the seller shall allow the benefit of such repayment to the buyer.

8.—(1) If any goods can reasonably be classified under two or more names, classes or descriptions with the result that liability to duty or the rate of duty chargeable depends on which name, class or description the goods are classified under, such goods shall be classified under the name, class or description which results in such goods being liable to duty or being chargeable at the higher or highest rate of duty.

Duty payable on classification at highest rate.

(2) Where by virtue of this section or any other provision of the excise laws, goods are chargeable at whichever of two or more rates is the higher or highest, there shall be taken into account for the purpose of determining which is the higher or highest rate of duty any additional duty or surtax for the time being chargeable.

9.—(1) Where a duty of excise is chargeable on any goods by reference to their value, their value shall be taken to be that laid down in Schedule 3, and duty shall be paid on that value.

Value of goods for purposes of duty of excise.

(2) The Board may require any manufacturer or other person concerned with the production of excisable goods to furnish to the Board, in such form as it may require, such information as is in the opinion of the Board necessary for a proper valuation thereof, and to produce any books of account or other documents of whatever nature relating to the manufacture or sale of the goods by that person.

10. Notwithstanding the provisions of section 8, wherever any goods chargeable with duty or exempt from duty, as the case may be, are comprised of two or more separate parts, the Board may, in its absolute discretion and subject to any provision in the excise laws to the contrary, direct that any part or parts, though manufactured by itself or themselves, shall be chargeable with the same rate of duty, or be free from duty, as the case may be, as the complete article.

Goods comprised of two or more separate parts.

11. The Excise Tariff Act 1958 is hereby repealed.

Repeal.
No. 58 of
1958.

12.—(1) This Act may be cited as the Excise Tariff Act 1965 and shall be read and construed together with the Customs and Excise Management Act 1958, and shall apply throughout the Federation.

Short title, application and commencement.
No. 55 of
1958.

(2) This Act shall come into operation on a date to be appointed by the President by notification in the Federal Gazette.

SCHEDULE 1

Section 1

GOODS LIABLE TO EXCISE DUTY

Description	Rates of Duty	£ s d
1. BEER—other than native liquor ..	the gallon of worts of a spe- cific gravity of not more than 1040° .. for each addi- tional degree of specific gra- vity ..	0 7 0 0 0 0½
2. BISCUIT	<i>ad valorem</i> 5 per centum.	
3. BLANKET	<i>ad valorem</i> 5 per centum.	
4. CEMENT	the ton ..	0 15 0
5. CIGARETTES :—		
(1) Where the weight of one thousand cigarettes does not exceed two pounds	<i>ad valorem</i> 30 per centum.	
(2) where the weight of one thousand cigarettes exceeds two pounds but does not exceed two and one-half pounds	<i>ad valorem</i> 48 per centum where the value exceeds seventy shillings per thou- sand, and <i>ad valorem</i> 40 per centum in other cases.	
(3) where the weight of one thousand cigarettes exceeds two and one half pounds	<i>ad valorem</i> 50 per centum.	
6. CONFECTIONERY, SUGAR, namely toffees, boiled sweets (commonly so called), pastilles, humbugs, and the like including chocolate confectionery but excluding bakers' confectionery	the pound ..	0 0 3
7. CONTAINERS, METAL	<i>ad valorem</i> 10 per centum.	
8. CORNED BEEF	<i>ad valorem</i> 5 per centum.	
9. ENAMELWARE	<i>ad valorem</i> 5 per centum.	
10. HOUSEHOLD UTENSILS, ALUMINIUM	<i>ad valorem</i> 5 per centum.	
11. LEATHER, Tanned	<i>ad valorem</i> 10 per centum.	
12. LEMONADE AND OTHER AERATED WATERS, whether flavoured or not ..	the gallon ..	0 0 6
13. MATCHES :—		
In boxes containing 80 matches each or less. For the purpose of this item four "booklets" of matches shall be regarded as a box	the gross boxes	0 12 0
Matches in boxes containing a greater quantity than 80 matches each to be charged in proportion		

14. NAILS, BARBED IRON OR STEEL WIRE, SINGLE FLAT WIRE, BARBED OR NOT, AND LOOSELY TWISTED BARBED WIRE of the kind used for fencing, of iron or steel; netting, fencing, reinforcing fabric and similar materials of iron or steel wire the pound .. 0 0 0½
15. OILS :—
- (1) Gas or diesel oils suitable for use in internal combustion engines :—
- (a) for use by the Nigerian Coal Corporation, the Nigerian Railway Corporation, the Electricity Corporation of Nigeria, the Nigerian Electricity Supply Corporation Limited, or the Nigerian Ports Authority, other than in road vehicles the gallon .. 0 0 4
- (b) Other the gallon .. 0 1 9
- (2) Illuminating, including kerosene and other refined burning oils .. the gallon .. 0 1 0
- (3) Lubricating the gallon .. 0 1 0
- (4) Motor spirit and products ordinarily used as such; benzine, bensoline, naphtha (non-potable), gasoline, petrol and petroleum, all kinds of shale and coal tar spirits but not including kerosene and other refined burning oils .. the gallon .. 0 1 9
- (5) Essential *ad valorem* 33½ per centum.
- (6) Other the gallon .. 0 1 6
or *ad valorem* 33½ per centum,
whichever is the higher.
16. PAINT, including enamel paint; lacquers, varnishes, distempers, putty, painter's fillings, and stopping, sealing and similar mastics including resin mastics and cements the pound .. 0 0 2
17. PIECE GOODS :—
- (1) Interlock and other knitted fabric the pound .. 0 2 6
- (2) Cotton fabric, bleached and unbleached the square yard .. 0 0 2
- (3) Other the square yard .. 0 0 6
18. Reinforcing rounds and similar articles *ad valorem* 20 per centum.

19. SOAP PRODUCTS including detergents, whether manufactured from soap or not	<i>ad valorem</i> 5 per centum.
20. SPIRITS, POTABLE	the gallon .. 0 2 6 for each 1 per centum or fraction of 1 per centum by volume of pure alcohol.
21. THREAD	<i>ad valorem</i> 10 per centum.
22. TOWEL AND TOWELLING	<i>ad valorem</i> 10 per centum.
23. TRAVELLING TRUNKS, travel bags, handbags, portmanteaux, purses, suitcases and wallets of all materials ..	<i>ad valorem</i> 10 per centum.
24. TYRES, PNEUMATIC of a sectional width exceeding 4" (101 mm.) but less than 12" (305 mm.) and tubes and flaps therefor	<i>ad valorem</i> 10 per centum.
25. WINE, STILL ; APERITIFS	the gallon .. 1 12 0

SCHEDULE 2

Section 2

GOODS EXEMPTED FROM EXCISE DUTY

1. Fuel, lubricants and other products which the Board is satisfied are necessary for, and will be used solely in the operation of :—
 - (1) aircraft of the Armed Forces of a foreign power ; or
 - (2) civil aircraft registered in a State approved by the President.
2. Goods exported.
3. Goods for an individual or firm under contract to Government where an exemption from the payment of excise duty on the goods is a term of the contract.
4. Goods for the official or personal use of :—
 - (1) the President of the Federal Republic of Nigeria.
 - (2) the Governor of a Region of Nigeria.
 - (3) any person for the time being acting as President of the Federal Republic of Nigeria, or as Governor of a Region of Nigeria during such time as he is so acting.
5. Goods—
 - (1) for the official use of persons and organisations entitled to diplomatic immunities and privileges under the Diplomatic Immunities and Privileges Act 1962 ; No. 42 ;
 - (2) for the personal use of persons entitled to diplomatic immunities and privileges under the Diplomatic Immunities and Privileges Act 1962, subject to such conditions as the Minister may impose.
6. Goods for the official use of the Armed Forces of Nigeria, namely Military, Naval or Air Force.

7. Goods used :—

(1) for the purpose of directly implementing any project arising within any scheme of technical assistance approved by the Government of the Federation by notice in the Federal Official Gazette ;

(2) in the manufacture of other excisable products where excise duty will be paid on the final products.

Provided that this sub-item shall not apply to goods which are released to an "Approved Manufacturer" in accordance with an item in Schedule 1 ;

(3) in the manufacture of identical excisable products, subject to such conditions as the Board may impose ;

(4) as stores on foreign-going ships or aircraft, subject to such conditions as the Board may impose.

8. Goods which have become spoilt or otherwise unfit for use prior to delivery from the entered premises and so certified by the appropriate Health Officer or otherwise so established to the satisfaction of the Board.

9. Goods which the Board is satisfied are not manufactured for sale and which in its opinion are of no commercial value.

10. Oil, crude or residual, ordinarily used as bunker or furnace fuel and not suitable for use in internal combustion engines.

SCHEDULE 3

Section 9

VALUE OF GOODS FOR EXCISE PURPOSES

The value of goods liable to excise duty shall be taken to mean :—

(a) in all cases other than that of cigarettes—

(1) the price declared by the manufacturer to be the price, exclusive of excise duty and before deduction of trade discounts, at which the goods liable to duty are ordinarily sold by him ex-factory ; or

(2) if it appears to the Board that the price so declared is less than the cost of manufacture of the goods and all profits taken or to be taken by the manufacturer in respect thereof, a sum which, in the opinion of the Board, is equal to such cost together with such profits ;

(b) in the case of cigarettes—

(1) the price declared by the manufacturer to be the price, inclusive of excise duty, at which cigarettes of the same brand, weight, quality and description are ordinarily sold by him ex-factory ; or

(2) if it appears to the Board that the price so declared is less than the cost of manufacture of the cigarettes together with the excise duty thereon, and all profits taken or to be taken by the manufacturer in respect thereof, then a sum which, in the opinion of the Board, is equal to such cost together with such excise duty and profits.

RENT CONTROL (LAGOS) AMENDMENT BILL 1965

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Rent Restriction Act (Cap 183), and to change its title to the Rent Control (Lagos) Act. It provides for the setting up of rent control tribunals, each with its own area of operation in the Federal territory, and for representation thereon of both landlords and tenants. Tribunals are to be empowered under the Bill to review and fix rents ; and in so far as it is effective this will operate as a check on arbitrary increases. Tenants in the lower income groups should therefore enjoy more fully any review of salaries and wages made so as to raise their standard of living.

Provisions is also made among other things in the Bill for the Minister in proper case to de-control premises.

A. OGUNSANYA,
Minister of Housing and Surveys

RENT CONTROL (LAGOS) AMENDMENT BILL

ARRANGEMENT OF CLAUSES

Clause

1. Standard rent.
2. Rent Tribunals
3. Powers as to standard rent, and effect of orders.
4. Appeals.
5. Power of Minister to decontrol premises.
6. Prohibition on renting premises in special cases.
7. Partial revocation of Adaptation of Laws Order. L.N. 112/1964.

8. Change of title of principal Act and miscellaneous amendments.
9. Saving for existing orders.
10. Interpretation.
11. Citation and application.

SCHEDULES

Schedule 1—Provisions regarding constitution of tribunals.

Schedule 2—Miscellaneous amendments.

A BILL

FOR

AN ACT TO MAKE PROVISION FOR TRIBUNALS TO CONTROL RENTS IN LAGOS TO AMEND THE RENT RESTRICTION ACT, AND FOR RELATED MATTERS.

[]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1.—(1) Subject to the following provisions of this section,—

Standard
rent.

(a) the rent at which premises were let on 1st October nineteen hundred and sixty (in this Act hereafter referred to as “the material date”) shall be the standard rent, and where the premises were not let on that date the rent at which they were last let before that date shall be the standard rent therefor; and

(b) if the first letting of premises is after the material date, the standard rent shall be the rent agreed to be paid at such first letting.

(2) In the case of premises let at the material date at a progressive rent payable under a tenancy agreement the maximum rent payable under such tenancy agreement shall be the standard rent, anything in this section to the contrary notwithstanding.

(3) In determining whether premises are separately let, the nature of the property or part thereof at the time of the creation of the tenancy shall be deemed to have been the same as its nature at the time in relation to which the question arises, and the purpose for which the premises were let under the tenancy shall be deemed to have been the same as the purpose for which they are or were used at the last-mentioned time.

(4) “Premises” for the purposes of this section, and where used elsewhere in this Act or any enactment amended by this Act unless the context otherwise requires, means a building of any description occupied or used by persons for living or sleeping or other lawful purposes, as the case may be, whether or not at any time it is also occupied or used under any tenancy as a shop or a store, and the expression includes any room or other part of a building of not less than one hundred square feet of floor space separately let or sublet as the case may be, for any such purpose.

(5) Section 3 of the Rent Restriction Act (hereafter as in section 8 of this Act short-titled, and in this Act referred to as the “principal Act”) is hereby repealed.

Cap. 183.

2.—(1) There shall be such number of tribunals to be called the Lagos Rent Tribunals (in this Act hereafter referred to as “the tribunals”) to be distinguished by reference to the area of operation, and constituted in accordance with Schedule 1 of this Act; and the provisions of that schedule shall apply to any such tribunal.

Rent
Tribunals.

(2) A tribunal shall have jurisdiction on application made for the purpose by the landlord or the tenant to determine in respect of premises (whether or not let furnished), any question as to the rent limit or the rent properly payable (in this Act hereafter referred to as "the standard rent") or as to any matter which is or may become material for determining any such question, if the rent claimed in respect of premises or, as the case may be, any particular part thereof, is not more than five hundred pounds per annum; and for such purposes the tribunal may review the rental prescribed in any lease or tenancy agreement in writing.

(3) The tribunal may, on the application of any party interested or of its own motion, sit with assessors in any case where the tribunal is satisfied that it is in the interest of justice so to do; and for such purpose the Minister shall cause to be prepared and maintained a panel of fit persons experienced in land values and rentals properly payable in Lagos. Assessors shall be paid attendance fees at such rate as the Minister after consultation with the Minister of the Federation charged with responsibility for finance may approve, and any such panel may at any time be amended, varied or replaced as the Minister thinks necessary.

(4) Proceedings of a tribunal shall be open to the public and shall be deemed to be judicial proceedings, and members to be judicial officers for the purposes of the Criminal Code. Accordingly, a tribunal may—

(a) examine witnesses on oath,

(b) summon any persons to appear before the tribunal,

(c) require any interested party to produce any document which the tribunal considers relevant, including any document of title.

(5) The failure to comply with the requirements of any order made by a tribunal shall be an offence punishable on summary conviction by a fine of not more than a hundred pounds or by imprisonment for a term of three months, or by both.

(6) Regulations may prescribe—

(a) the tenure of office of the chairman and other members of a tribunal,

(b) the percentage of increase or reduction to be allowed by tribunals in relation to repairs to premises according as the liability to make them is established before the appropriate tribunal,

(c) the type and nature of repairs or fixtures in premises and the percentage to be allowed in computing the standard rent where the tribunal is satisfied that the repairs or fixtures, as the case may be, are necessary to make the premises reasonably fit for human habitation,

(d) the forms and records (other than those made pursuant to rules of the High Court under section 20 of the principal Act) to be used or kept by a tribunal, or as record of payment under any tenancy agreement,

(e) the fees to be paid on applications under this Act, and

(f) generally for matters coming before a tribunal.

(7) Minutes of proceedings and a summary of oral evidence given before a tribunal shall be kept by the chairman ; and notices, summonses, or orders issued or made under the hand of the chairman shall be deemed to have been issued or made by the tribunal.

5 (8) The chairman may in his discretion exclude members of the public ; and where the rent claimed does not exceed fifty-two pounds per annum he may require the parties to attend in person and present their respective cases, anything to the contrary in any other enactment allowing representation notwithstanding.

10 3.—(1) A tribunal on application made to it in the prescribed manner by a landlord or a tenant as the case may be, may fix the standard rent for any premises let on or after the material date where the rent charged at the date of the commencement of this Act does not exceed five hundred pounds per annum ; and subject to the provisions of this Act and of the principal Act, where an order is made by a tribunal fixing the standard rent in respect of premises, any amount in money or money's worth in excess of the standard rent—

Powers as to
standard
rent, and
effect of
orders.

(a) shall not be demanded or be received by the landlord ; or

(b) shall not be tendered or paid by a tenant ;

20 and the excess shall, subject to the next succeeding subsection, be computed and be refunded at the suit of the party aggrieved as the tribunal hearing the case may direct or require.

25 (2) Where in respect of premises let on or after the material date application is made to a tribunal to review the standard rent, the tribunal may relate the standard rent to the locality where the premises are situated, and for such purpose may prescribe units of occupation by a tenant in respect of premises in no case less than one hundred square feet of floor space with or without dividing walls or partitions ; and the standard rent shall be adjusted as to the locality and the number of units of occupation accordingly, so however that where premises—

(a) are let furnished the tribunal may fix in respect of a unit of occupation the standard of furniture requisite and necessary according to the locality and the class or general standard of living of a tenant,

35 (b) are let unfurnished each unit of occupation shall be reasonably suitable for the use or the declared intended use by the tenant.

(3) It is hereby declared for the avoidance of doubt that in the application of subsection (1) of this section and of section 7 of the principal Act (which authorises the deduction of moneys overpaid in certain cases) any amount overpaid shall, notwithstanding the provisions of any enactment or rule of law to the contrary, in any case after the passing of this Act, be irrecoverable—

(a) in respect of moneys for any period in excess of three years paid before the date of the last overpayment under the provisions of any deed ; and

45 (b) in respect of moneys for any period in excess of twelve months paid before the date of the last overpayment in any other case,

and if any amount involved is thereafter deducted, it shall not be allowed as a set-off in favour of the tenant or sub-tenant liable in respect of the premises.

(4) Every order of a tribunal fixing the standard rent of premises shall be signed by the chairman and be issued under the seal of the tribunal, and when so signed and issued shall have effect for a period of three years from the date of the order or the date of determination of any appeal, as the case may be, as if it were an order of a magistrates' court and may be enforced accordingly. Any such order unless sooner revoked, shall bind all persons including any landlord, tenant, subtenant, or mortgagee as such of the premises at any time during the currency of the order.

(5) When determining the standard rent for particular premises, the tribunal hearing the application shall take into consideration any repairs made or agreed to be made by the landlord or, as the case may be by the tenant, at the date of the application to fix the standard rent; and any repairs shall, for such purpose, be deemed to have been made at the material date, and the standard rent shall be adjusted according as to whether they were made by the landlord or by the tenant.

(6) For the purposes of this section—

(a) "repairs" means anything reasonably necessary to be done to put in order for, or keep premises fit for human habitation, and includes structural alterations of any description; and

(b) any such repairs shall be made by the landlord if the tenant is under no liability, express or implied, to make them.

(7) Section 11 of the principal Act is hereby repealed.

Appeals.

4.—(1) Any person aggrieved by a decision of a tribunal determining the standard rent may appeal to a magistrates' court presided over by a chief magistrate. The chief magistrate shall have jurisdiction to hear the case notwithstanding any issue raised as to title where the standard rent determined by a tribunal in the case on appeal is less than fifty-two pounds per annum.

(2) An appeal shall be heard as nearly as may be as if it were an appeal by way of case stated in the High Court, and may be determined accordingly; but no appeal as of right shall thereafter lie in respect of premises where the standard rent as fixed by the tribunal is less than fifty-two pounds per annum.

Power of Minister to decontrol premises.

5.—(1) The Minister may by order direct that the provisions of the principal Act as amended by this Act shall cease to apply to premises described by class or otherwise howsoever in the order, and such premises shall be decontrolled accordingly.

(2) Section 16 of the principal Act is hereby repealed.

Prohibition on renting premises in special cases.

6.—(1) Premises containing less than one hundred square feet of floor space shall not be let as any part of a dwelling-house without the consent in writing of the Minister.

(2) The failure to comply with the requirement of this section shall be an offence punishable on summary conviction by a fine of not less than thirty pounds or more than one hundred pounds or by imprisonment for a term of three months, or both.

Partial revocation of adaptation of Laws Order. L.N. 112 of 1964.

7. The provisions of the Adaptation of Laws (Miscellaneous Provisions) Order 1964 in so far as they relate to the Rent Restriction Act shall be deemed never to have been made, and accordingly and to that extent, such order is hereby revoked.

8.—(1) The Act short-titled the Rent Restriction Act shall be amended to and may hereafter be cited as the Rent Control (Lagos) Act (in this section and elsewhere in this Act referred to as "the principal Act") and,—

Change of
title of
principal
Act and
mis-
cellaneous
amendments.
Cap. 183.

5 (a) there shall be substituted for the words "certain areas" in the long title of the principal Act the word "Lagos"; and

(b) in section 1,

10 (i) the first sentence in that section shall be numbered as subsection (1), and that subsection shall be amended by the substitution therein for all words after "Rent" of the words "Control (Lagos) Act",

(ii) subsection (2) and (3) shall be repealed, and

15 (iii) subsection (4) shall be re-numbered as subsection (2), and shall be amended by the substitution therein for the words "A governor in Council" of the words "The Minister".

(2) The principal Act is further amended to the extent set out in Schedule 2 of this Act.

20 9. Any order made under the provisions of any enactment hereby repealed and in force on the commencement of this Act shall, unless inconsistent with the provisions of this Act, continue in force and have effect as if made under and for purposes of this Act.

Saving for
existing
orders.

25 10.—(1) In this Act unless the context otherwise requires—
"the Minister" means the Minister of the Government of the Federation charged with responsibility for rent control;

Inter-
pretation.

"prescribed" means prescribed by this Act or by regulations made for the purpose of this Act;

"regulations" means regulations made by the Minister for the purposes of the principal Act as amended by this Act; and section 2 of the principal Act shall be amended and have effect accordingly.

30 (2) In the application of the principal Act to rents, the definition of "rent" in section 2 thereof shall have effect, so however that where separate sums are payable by the tenant of any premises to the landlord for two or more of the following,—

(i) occupation of the premises,

35 (ii) use of furniture, and

(iii) services,

it shall mean the aggregate of those sums, and if such sums are payable under separate contracts, those contracts shall be deemed to be one contract.

40 11.—(1) This Act may be cited as the Rent Control (Lagos) Amendment Act 1965 and shall be read as one with the principal Act as affected by this Act.

Citation
and
application.

(2) This Act shall have effect in the Federal territory only.

SCHEDULE

SCHEDULE 1

Section 2

Provisions Regarding Constitution of Tribunals

1. A tribunal shall consist of a magistrate of such grade as the Minister after consultation with the Minister of Justice, thinks fit as chairman, and two other fit members.
2. A tribunal shall have a seal of office to be kept in the custody of the chairman, and the seal shall be in a form approved by the Minister, and shall indicate the area of operation of the tribunal by district or other suitable reference.
3. The chairman and the other members of a tribunal shall be appointed by the Minister and they shall hold office for such period as the respective instruments of appointment provide. During the absence or incapacity of any member a person appointed by the Minister shall act in his place.
4. The opinion of the majority of the tribunal shall be decisive.
5. The members and acting members of a tribunal other than the chairman shall receive such remuneration, and the chairman and all other members shall receive such travelling and other allowance as the Minister after consultation with the Minister of the Government of the Federation charged with responsibility for establishments may determine.
6. There may be appointed by way of secondment from the Public Service of the Federation a clerk and such other officers and servants as the Public Service Commission of the Federation may approve for each tribunal after consultation with such other authority as it may think necessary.
7. The remuneration and allowances of members and acting members of a tribunal, and such other expenses of a tribunal as may be determined as aforesaid, shall be defrayed out of moneys provided by Parliament.

SCHEDULE 2

Section 7 (2)

*Miscellaneous Amendments***Section 4**

All words after "landlord" where it first occurs up to "any" where it first occurs shall be repealed and there shall be substituted therefor the words "at any time lets".

Section 6

This section (which prohibits the receipt of increased rent in certain cases) shall be repealed.

Section 15

The words "1st day of July, 1941" where they thrice occur shall be repealed, and there shall be substituted therefor the words "material date".

Sections 17 and 18

These sections (which respectively provide for substitution of dates in certain cases and for increase of rent) shall be repealed.

Section 19

Subsection (2) shall be amended by repealing the words "by law established in Nigeria" and substituting "exercising jurisdiction in the Federal territory".

Section 20

The figure and symbols "(1)" shall be repealed and references to "court" in paragraphs (a) and (b) and to "courts" in paragraph (c) shall be amended to "tribunal" or "the tribunal" as the circumstances may require in the relevant paragraph.

Section 21

In subsection (1) there shall be inserted after the word "court" the words "or a tribunal under the Rent Control (Lagos) Amendment Act 1965".

Section 22

This section (which applies the principal Act to Lagos and the Southern Cameroons as though they were Regions) shall be repealed.

Schedule 1

This schedule (which prescribes a rate of increase of rent where rates are increased and is enacted as part of section 6) is consequentially repealed.

LEGAL PRACTITIONERS (AMENDMENT) BILL 1965

EXPLANATORY MEMORANDUM

This Bill transfers to the Solicitor-General of the Federation the functions at present performed by the Chief Registrar of the Supreme Court under Schedule 2 of the Legal Practitioners Act 1962, namely those of providing the Legal Practitioners Disciplinary Tribunal with accommodation, secretarial assistance etc., and of accepting service of documents authorised or required to be served on the Tribunal or the Investigating Panel. In this connection it also provides that the Solicitor-General may not sit on the tribunal in any case in which he has personally scrutinised any document served on him in pursuance of the Act.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

A BILL

FOR

AN ACT TO AMEND THE LEGAL PRACTITIONERS ACT 1962 FOR THE PURPOSE OF TRANSFERRING TO THE SOLICITOR-GENERAL OF THE FEDERATION THE FUNCTIONS OF THE CHIEF REGISTRAR OF THE SUPREME COURT RELATING TO THE LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL.

[

]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

- 1.—(1) The functions conferred on the Chief Registrar of the Supreme Court by Schedule 2 of the Legal Practitioners Act 1962 (which relates to the disciplinary tribunal and the investigating panel) shall be performed by the Solicitor-General of the Federation instead of by the Chief Registrar ; and accordingly in paragraphs 4 and 11 of that Schedule, for the word "registrar" there shall be substituted the words "Solicitor-General of the Federation".

Transfer to
Solicitor-
General of
certain
functions as
respects
Legal
Practitioners
Disciplinary
Tribunal.
1962 No. 33.

- (2) In paragraph 7 of Schedule 2 of the said Act of 1962, at the end of sub-paragraph (3) (which provides that no person who acted as a member of the panel with respect to any case shall act as a member of the tribunal with respect to that case) there shall be added the words "and the Solicitor-General of the Federation shall not act as a member of the tribunal with respect to any case in which he has personally scrutinised any document served on him by virtue of paragraph 11 below".

2. This Act may be cited as the Legal Practitioners (Amendment) Act 1965 and shall apply throughout the Federation.

Short title
and extent.

THE COUNCIL OF MINISTERS (EVIDENCE) BILL 1965

EXPLANATORY MEMORANDUM

Where an Act or subordinate instrument confers functions on the Council of Ministers or provides for something to be done subject to the approval or consent of the Council, there is at present no provision for settling the question whether a particular action or decision was in fact taken by the Council. The purpose of the Bill is to enable particular Council actions and decisions to be certified as having been taken, and to make such certificates conclusive evidence of the matters stated in them.

T. O. ELIAS,
*Attorney-General of the Federation
and Minister of Justice*

A BILL

FOR

AN ACT TO PROVIDE FOR THE PROOF BY CERTIFICATE IN CERTAIN CASES OF ACTIONS AND DECISIONS TAKEN BY THE COUNCIL OF MINISTERS.

[]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :

1.—(1) Subject to this section, where any enactment, in whatever
5 words expressed—

(a) confers any power or imposes any duty on the Council of Ministers ; or

(b) authorises or requires anything to be done subject to the
10 approval or consent of the Council of Ministers, or in any other way makes the validity of anything dependent on the taking of some action or decision by the Council of Ministers,

a certificate of the Secretary or Deputy Secretary to the Council of
15 Ministers giving particulars of anything done or decided by the Council of Ministers under or for the purposes of that enactment shall be conclusive evidence of the matters stated in the certificate.

Evidence of
actions and
decisions
taken by
Council of
Ministers.

(2) Any document purporting to be a certificate issued under this section and to be signed by the Secretary or Deputy Secretary to the Council of Ministers shall be deemed to be such a certificate unless the contrary is shown.

(3) A certificate shall not be issued under this section with respect to any matter except with the consent of the Council of Ministers; but in the case of any document purporting to be a certificate issued under this section, the question whether it was issued with the consent required by this subsection shall not be enquired into in any court of law.

1963 . 20. (4) The foregoing provisions of this section shall be without prejudice to section 93 (3) of the Constitution of the Federation (which provides that where by that Constitution the President is required to act in accordance with the advice of any person or authority, the question whether he has in any case received, or acted in accordance with, such advice shall not be enquired into in any court of law), and no certificate shall be issued under this section with respect to anything done or decided by the Council of Ministers for the purposes of giving advice to the President.

1964 No. 1. (5) In this section "enactment" has the same meaning as in the Interpretation Act 1964.

Short title,
extent, etc.

2.—(1) This Act may be cited as the Council of Ministers (Evidence) Act 1965 and shall apply throughout the Federation.

(2) This Act binds the state.