

PRICE CONTROL DECREE 1970



ARRANGEMENT OF SECTIONS

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Decree No. 33

[25th May 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a board to be known as the Price Control Board, which shall consist of—

Price
Control
Board.

(a) the Permanent Secretary, Federal Ministry of Trade, who shall be Chairman and Chief Price Controller,

(b) the Permanent Secretaries of the Federal Ministries of—

(i) Industries,

(ii) Finance, and

(iii) Economic Development and Reconstruction,

(c) the Chief Statistician of the Federation,

(d) two members appointed by the Commissioner to represent trade unions,

(e) one member to represent each State, who shall be appointed by the Commissioner for Trade and Industries of the State concerned, and

(f) four other members (including at least one woman) appointed by the Commissioner who, in making the appointments, shall take into consideration the prospective member's experience in industry and commerce and the need to represent as widely as possible other varying national interests.

(2) There shall be a Secretary to the Board, who shall be a public officer in the Federal Ministry of Trade.

**Price
Control
Committees.**

2.—(1) There is hereby established for each State a committee to be known as the Price Control Committee.

(2) The Committee in each State shall consist of—

(a) the Permanent Secretary to the Ministry of Trade and Industries of the State, who shall be Chairman of the Committee and State Price Controller,

(b) the Permanent Secretary to the Ministry of Agriculture of the State,

(c) the Permanent Secretary to the Ministry of Local Government of the State,

(d) two other persons to be nominated by the State Commissioner for Trade and Industries, and

(e) the Commissioner of Police for the State or his representative.

(3) The representative in the State of the Federal Ministry of Trade (or if there is no such representative, an officer in the public service of the State appointed by the Military Governor) shall be the Secretary to the Committee.

(4) It shall be the principal function of the Committee to advise and assist the Board on the implementation of this Decree in the State for which the Committee is established.

(5) If in any State any office mentioned in paragraph (a), (b), (c) or (d) of subsection (2) above does not exist, the paragraph in question shall be construed as referring to the office which in the opinion of the Military Governor most nearly corresponds to the office so mentioned.

(6) In this section "Military Governor" includes "Administrator".

**Imposition
of price
control.**

3.—(1) Price control is hereby imposed in accordance with this Decree on any goods which are of the kind specified in Schedule 1 to this Decree.

(2) The Board may by order add any goods to the said Schedule 1 or delete any goods therefrom.

**Fixing of
controlled
price.**

4.—(1) The Board may by order—

(a) fix a basic price for any controlled commodity in accordance with subsection (2) below, and

(b) fix the permitted increase for that commodity in respect of any State in accordance with subsection (3) below,

and the basic price plus the permitted increase shall then constitute the controlled price (which shall be the retail price unless the Board in the order otherwise directs) for that commodity in that State.

(2) The basic price is the price which in the opinion of the Board properly represents—

(a) in the case of goods produced in Nigeria, the price ex-factory, and

(b) in the case of imported goods, the duty-paid landed cost in Nigeria.

(3) The permitted increase, in relation to any particular controlled commodity and State, is the amount representing transport and other costs which in the opinion of the Board ought properly to be added to the basic price in order to represent a fair price (wholesale or retail, as the case may be) in the State.

5.—(1) Subject to this Decree, the Secretary to the Board shall have the duty of supervising the enforcement of the orders of the Board.

Enforce-
ment
staff.

(2) Subject to subsection (3) below, public officers may be appointed by the Commissioner to be senior price inspectors and price inspectors for the purposes of this Decree.

(3) Every divisional or district officer shall be ex officio a senior price inspector for the area in which he exercises jurisdiction.

(4) Every inspector shall be under the direction and control of the State Price Controller who in turn shall be responsible to the Chief Price Controller and, without prejudice to any other power conferred by this Decree, the Chief Price Controller, the State Price Controller or an inspector may—

(a) enter and inspect any premises in the occupation or under the control of any manufacturer, wholesaler or retailer, or

(b) examine any books, accounts or other documents relating to the trade or business of any manufacturer, wholesaler or retailer, or

(c) require any manufacturer, wholesaler or retailer to furnish any information in relation to his trade or business, or

(d) conduct on behalf of the Board any civil or criminal proceedings arising under this Decree, or

(e) do any other thing necessary or expedient for the proper discharge of his functions.

(5) Any person who knowingly obstructs the Chief Price Controller, the State Price Controller or an inspector in the exercise of his functions shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £1,000 or to imprisonment for a period not exceeding one year, or to both.

6.—(1) It shall be unlawful for any person to sell, agree to sell or offer to sell any controlled commodity at a price which exceeds the controlled price.

Prohibition
of sales
above
controlled
price.

(2) If any person contravenes subsection (1) above in respect of any controlled commodity—

(a) he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £1,000 or to imprisonment for a period not exceeding one year, or to both, and

(b) the commodity shall be liable to forfeiture.

(3) Where a person is convicted of an offence under subsection (2) above in respect of any commodity, the court shall make an order forfeiting the commodity; and, where such an order is made, the commodity shall be disposed of by the Board as it thinks fit, any proceeds of the disposal being paid into the Consolidated Revenue Fund of the Federation.

(4) Where proceedings under subsection (2) above do not result in a conviction, the court shall make an order for the disposal of any commodity to which the proceedings relate.

(5) On the third or any subsequent occasion on which any person carrying on the business of manufacturer, importer, wholesaler or retailer of any controlled commodity is convicted of an offence under subsection (2) above, the court on an application made by or with the consent of the Attorney-General of the Federation may make an order preventing that person from carrying on or being directly or indirectly concerned in that business and cancelling any licence or permit (however described) whereby that person is authorised to do so; and, if any person contravenes such an order, he shall be guilty of an offence and on conviction shall be liable to a fine of £1,000 or to imprisonment for a period of three years, or both.

(6) Where an offence under this section 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 may be proceeded against and punished accordingly.

Hoardings.

7.—(1) If—

(a) a person carrying on a business in the course of which controlled commodities of any description are normally sold has in his possession in the course of that business a stock of controlled commodities of that description, and

(b) that person, or any employee employed by him to sell goods in the course of that business, when asked by any other person (referred to in this section as “the buyer”) to sell any controlled commodity of that description or whether he or, as the case may be, his employer has any such commodity for sale—

(i) refuses to sell the commodity in question, or denies that he (or, as the case may be, his employer) has the commodity, or uses any words or gives any other indication calculated to lead the buyer to suppose that he (or, as the case may be, his employer) has not got the commodity or will not or cannot sell it, or

(ii) offers to sell the commodity subject to a condition requiring the buying of any other goods (whether controlled commodities or not) or the making of any payment in respect of any service, or subject to any other condition except a condition that the buyer shall pay the price forthwith or take delivery within a reasonable time,

the person carrying on the business shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under subsection (1) above in respect of any controlled commodity to prove that the sale of the commodity, or the sale of the commodity without the fulfilment

of a condition proposed by him or his employee, would, having regard to the quantity of the commodity which he or his employee was requested to sell or any other consideration—

- (a) be contrary to the normal practice of his business, or
- (b) involve a breach of some obligation lawfully binding on him, or
- (c) interfere with arrangements made by him for an orderly disposal of his stocks among his regular customers.

(3) Where a person is convicted of an offence under subsection (1) above in respect of a controlled commodity of any description—

(a) he shall be liable to a fine not exceeding £1,000 or to imprisonment for a period not exceeding one year, or to both, and

(b) his stock of controlled commodities of that description shall be liable to forfeiture.

(4) Subsections (3) to (6) of section 6 of this Decree shall apply in relation to proceedings under this section as they apply in relation to proceedings under subsection (2) of the said section 6.

8.—(1) Where a senior price inspector has reasonable grounds to believe that any controlled commodity has become liable to forfeiture under section 6 (2) (b) of this Decree—

Seizure of goods suspected of being liable to forfeiture.

(a) he may at any time seize or detain the commodity and, if he does so, shall, forthwith report the fact to the Committee, and

(b) Schedule 2 to this Decree shall apply in relation to the seizure.

(2) Every police officer shall, if called upon by a senior price inspector, give the senior price inspector all reasonable assistance in the implementation of subsection (1) above; and every officer in charge of a police station shall, if so called upon, provide such facilities as are reasonably possible for the safe custody of any commodity seized or detained under this section.

9.—(1) Where a senior price inspector has reasonable grounds to believe that any premises have been, are being or will or might be used directly or indirectly for the purpose of frustrating the operation of this Decree, he may requisition and seal the premises in question.

Requisitioning and sealing of premises.

(2) Where a senior price inspector acts under subsection (1) above—

(a) he shall report his action to the Committee as soon as possible,

(b) any person aggrieved by the action—

(i) may appeal to the Committee, which may confirm or cancel the action, and

(ii) may make a second or further appeal to the Committee in respect of the same matter if more than twelve weeks have passed since a previous appeal, and

(c) the requisitioning and sealing shall last for three months in the first instance and may be extended by the Committee for further periods of three months at a time, so however that the total period of requisitioning and sealing shall not exceed twelve months.

(3) Notwithstanding the provisions of subsection (2) of this section, upon receipt of a report under that subsection in respect of any premises which have been requisitioned and sealed up, the Committee may direct that any commodity found therein which in its opinion is of a perishable nature shall be destroyed or disposed of at such time and in such manner as the Committee thinks fit :

Provided that any controlled commodity which is to be sold under the foregoing provisions of this subsection shall be sold at the controlled price.

(4) Any proceeds of the disposal of any commodity under subsection (3) of this section shall be paid to the owner of the commodity.

(5) Any person who knowingly and without reasonable excuse breaks a seal affixed under subsection (1) above shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £1,000 or to imprisonment for a period not exceeding one year, or to both.

(6) In this section "premises" includes premises which consist of part of larger premises.

10.—(1) Subject to any directions given by the Commissioner, the Board and each Committee may fix its own quorum and otherwise regulate its own procedure.

(2) There may be paid to the members of the Board and each Committee such remuneration and allowances (if any) as the Commissioner may decide.

(3) The validity of any proceedings of the Board or a Committee shall not be affected by—

(a) any vacancy in its membership, or

(b) any defect in the appointment of any member, or

(c) the fact that a person not entitled to do so took part in the proceedings.

11.—(1) Chapter III of the Constitution of the Federation is hereby suspended for the purposes of this Decree, and no question whether any provision thereof has been or is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall be inquired into in any court of law; and accordingly sections 115 and 117 (2) (d) of that Constitution shall not apply in relation to any such question.

(2) No personal liability in respect of any act done in good faith in pursuance or purported pursuance of this Decree shall be incurred by any member of the Board or a Committee, the Chief Price Controller, the State Price Controller, any inspector or any police officer.

12. In this Decree, unless the context otherwise requires—

"the Board" means the Price Control Board established by this Decree ;

"the Commissioner" means the Federal Commissioner for Trade ;

"Committee" means a Price Control Committee established by this Decree and "the Committee", in relation to a State, means the Committee so established for that State ;

Supple-
mentary
provisions
as to the
Board and
Committees.

Exclusion
of Chapter
III of 1963
No. 20 and
personal
liability.

Interpreta-
tion.

"controlled commodity" means any goods specified in Schedule 1 to this Decree or any class of any such goods ;

"controlled price", in relation to a controlled commodity, means the controlled price, wholesale or retail, fixed in accordance with section 4 of this Decree ;

"divisional or district officer", in relation to an area where the office of divisional or district officer does not exist, means any person holding or acting in an office declared by the Commissioner to correspond with the office of divisional or district officer for the purposes of this Decree ;

"inspector" means senior price inspector or price inspector ;

"State" means a State of the Federation.

13. This Decree may be cited as the Price Control Decree 1970 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULES

SCHEDULE 1

Section 3

CONTROLLED COMMODITIES

1. Textiles and clothing.
2. Cement.
3. Roofing sheets.
4. Beer and stout.
5. Soft drinks.
6. Sugar.
7. Tyres and inner tubes.
8. Flour.
9. Matches.
10. Bicycles and spare parts.
11. Salt.
12. Tinned Meat.
13. Tinned Fish.
14. Kerosene.
15. Petrol.
16. Diesel oil.
17. Fuel oil.
18. Motor vehicles and spare parts.
19. Milk.
20. Building materials.
21. Tobacco.
22. Pharmaceuticals.
23. Educational materials.

SCHEDULE 2

Section 8

DISPOSAL OF SEIZED COMMODITIES

1. This Schedule applies where a senior price inspector seizes a commodity under section 8 of this Decree.

2. The commodity shall be held in the custody or under the control of the Board until it is disposed of in accordance with this Schedule or section 6 of this Decree.

3. Unless the commodity is seized in the presence of the offender or alleged offender or in the presence of the owner of the commodity or his servants, notice of the seizure shall be given by the senior price inspector to any person appearing to the senior price inspector to be the owner of the commodity.

4. A notice under paragraph 3 above shall be in the form specified in the Appendix to this Schedule and, without prejudice to any other method of service, may be served—

(a) by being delivered by hand, by post or otherwise to the usual or last-known place of abode or business of the person to be served or, in the case of a body corporate, to its registered or principal office, or

(b) by being published in a newspaper circulating in the State in which the seizure took place.

5.—(1) Any person claiming that he is the owner of the commodity and that the commodity is not liable to forfeiture may give notice of his claim in the form specified in the Appendix to this Schedule to the Committee within twenty-eight days of the seizure or, if a notice is served under paragraph 3 above, within twenty-eight days of the service of the notice under that paragraph.

(2) The said period of twenty-eight days may be extended by the Committee if it thinks fit.

6.—(1) If a claim is made under paragraph 5 above—

(a) the Committee shall refer the claim to a court of summary jurisdiction, and

(b) the claim shall be disposed of by the court (notwithstanding any pecuniary limitation on the court's jurisdiction) as nearly as may be as if it were an action of detinue or its equivalent brought by the claimant against the senior price inspector as representative of the Board, power being hereby conferred on the court to give any special procedural directions which may be necessary or expedient to ensure the proper disposal of the claim on that basis.

(2) Without prejudice to the generality of section 11 (2) of this Decree, the Federal Military Government shall indemnify the senior price inspector against any expenses incurred by him in proceedings under this paragraph.

7. If no claim is made under paragraph 5 above, or if any such claim is dismissed by the court under paragraph 6 above, then, subject to paragraph 8 below, the commodity shall be deemed to be forfeited and shall be disposed of by the Board as it thinks fit, any proceeds of the disposal being paid into the Consolidated Revenue Fund of the Federation.

8. If criminal proceedings under section 6 of this Decree are instituted in respect of the commodity, then, notwithstanding anything in this Schedule, the commodity shall be disposed of as ordered in those proceedings, and any proceedings started under paragraph 6 above shall forthwith abate and be discharged.

9. References in this Schedule to the owner of a commodity shall be construed, where a commodity has more than one owner, as references to any co-owner.

10. In this Schedule "court of summary jurisdiction", in relation to a seizure, means a magistrate's court or District Court having jurisdiction in the place where the seizure took place.

Appendix

NOTICE OF SEIZURE

paragraph 4

(Price Control Decree 1970)

Take notice that under the powers conferred by section 8 of the Price Control Decree 1970 the goods listed below were seized on.....(date)

at.....(place).

List of Goods

Date.....

Signature.....

To.....

of.....

NOTICE OF CLAIM TO SEIZED GOODS

paragraph 5

(Price Control Decree 1970)

Take notice that it is hereby claimed that.....
of.....is the owner of the
goods listed below which were seized on.....(date)
at.....(place) and that it is hereby
further claimed that the said goods are not liable to forfeiture under the
Price Control Decree 1970.

List of Goods

Date.....

Signature.....

To : The Secretary,

The Price Control Committee for.....State.

MADE at Lagos this 25th day of May 1970.

MAJOR-GENERAL Y. GOWON,
Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria

**THE EAST-CENTRAL STATE (ADMINISTRATION)
(AMENDMENT) DECREE 1970**



Decree No. 34

[26th May 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. As from the commencement of this Decree, the Central-Eastern State (Administration) Decree 1969 shall be known, and for all purposes may be cited, as the East-Central State (Administration) Decree 1969 and accordingly for all references in that Decree to "Central-Eastern" there shall be substituted references to "East-Central".

New citation
for 1969
No. 46.

2. The East-Central State (Administration) Decree 1969 is hereby further amended as follows—

Amendment
of sections 2
and 8 of
1969 No. 46.

(a) after section 2 there shall be inserted the following new section—

"Executive
Council for
the State.

2A.—(1) There shall be for the purposes of the government of the State an executive council which shall consist of—

- (a) the Administrator, as chairman ;
- (b) the most senior officer of the Nigerian Army, the Navy and the Air Force in the State ;
- (c) the most senior officer of the Nigeria Police in the State ; and
- (d) such other members as the Administrator, in his discretion may, from time to time, appoint.

(2) Nothing in this section shall be construed to revive, as respects the State, any provision in the Constitution of former Eastern Region relating to the executive council of the Region." ;

(b) in section 8, for the definition of "the Administrator" there shall be substituted the following definition—

"the Administrator" means the Administrator for East-Central State.'

Citation and
extent.

3. This Decree may be cited as the East-Central State (Administration) (Amendment) Decree 1970 and shall apply throughout the Federation.

MADE at Lagos this 26th day of May 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*