

NIGERIAN NATIONAL OIL CORPORATION DECREE 1971



ARRANGEMENT OF SECTIONS

Section

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Establishment of the Corporation.
etc. 2. Duties of the Corporation. 3. Powers of the Corporation. 4. Appointment of the General
Manager and Secretary to the
Corporation. 5. Financial provisions. 6. Annual Report. 7. Disposal of surplus funds. | <ol style="list-style-type: none"> 8. Application of certain enactments. 9. Restrictions on certain transac-
tions. 10. Protection of certain rights. 11. Interpretation. 12. Citation, extent, etc. |
|--|---|

Schedule—Supplementary Pro-
visions.

Decree No. 18

[See section 12 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) There shall be established as from 1st April 1971 a Nigerian National Oil Corporation (hereafter in this Decree referred to as “the Corporation”) which shall be a body corporate with perpetual succession and a common seal.

Establish-
ment of the
Corporation,
etc.

(2) The affairs of the Corporation shall be conducted by a Board of Directors of the Corporation (in this Decree referred to as “the Board”) which shall consist of members mentioned in the Schedule to this Decree.

(3) The provisions of the said Schedule relating to the powers and procedure of the Board, and other matters there mentioned, shall have effect as provided for in that Schedule.

2. Subject to the provisions of this Decree, the Corporation shall be charged with the general duty of—

Duties of
the Cor-
poration.

(a) exploring and prospecting for, working, winning or otherwise acquiring, possessing and disposing of petroleum;

(b) purchasing petroleum and its products and by-products, and treating, processing, mining and marketing petroleum, its products or by-products;

(c) constructing and laying of pipes for the carriage or conveyance of crude oil, natural gas, water or any other liquid;

(d) constructing, equipping and maintaining tank farms and other facilities ; and

(e) performing the other functions conferred on the Corporation by this Decree.

Powers of
the Cor-
poration.

3.—(1) Subject to subsection (2) below, the Corporation shall have powers to do anything which in its opinion is calculated to facilitate the carrying out of its duties under this Decree including, without limiting the generality of the foregoing, the power—

(a) to sue and be sued in its corporate name ;

(b) to hold and manage the movable and immovable property of the Corporation ;

(c) to purchase or otherwise acquire or take over all or any asset, business, property, privilege, contract, right, obligation and liability of any other company, firm or person in furtherance of the business engaged in by the Corporation ;

(d) to enter into contracts or partnerships with any company, firm or person which in the opinion of the Corporation will facilitate the discharge of the said duties under this Decree ;

(e) to train managerial and technical staff for the purpose of the running of its operations ; and

(f) to exercise such other powers as are necessary or expedient for giving full effect to the provisions of this Decree.

(2) Except with the general or special approval of the Commissioner and as otherwise prescribed by this Decree, the Corporation shall not have power to borrow money or to dispose of any property.

Appoint-
ment of the
General
Manager
and
Secretary
to the Cor-
poration.

4.—(1) There shall, on the recommendation of the Commissioner, be appointed by the Federal Executive Council a General Manager of the Corporation, who shall be the chief executive officer of the Corporation, and who shall be responsible for the day to day running of the affairs of the Corporation.

(2) There shall be appointed by the Board a Secretary to the Corporation who shall keep the records of the Corporation and conduct its correspondence, and perform such other duties as the Corporation may from time to time direct.

Financial
provisions.

5.—(1) The Corporation shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct, being a form which shall conform with the best commercial standards.

(2) The Corporation shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by auditors who shall with the consent of the Commissioner be appointed by the Board.

(3) The auditors shall, on the completion of the audit of the accounts of the Corporation for each financial year, prepare and submit to the Board reports setting out—

(a) general observations and recommendations of the auditors on the financial affairs of the Corporation for the year and on any important matters which the auditors desire to bring to the notice of the Corporation and the Federal Executive Council ; and

(b) detailed observations and recommendations of the auditors on all aspects of the operations of the Corporation for that year.

(4) The Corporation shall maintain a fund which shall consist of—

(a) such moneys as may from time to time be provided by the Federal Executive Council for the purposes of this Decree by way of grants or loans as the case may be or both, and

(b) such moneys as may be received by the Corporation in the course of its operations or in relation to the exercise by the Corporation of any of its functions under this Decree,

and from such fund there shall be defrayed all expenses incurred by the Corporation; and the Corporation shall submit to the Commissioner not later than three months before the end of each financial year estimates of its expenditure and income (which shall exclude payments to the Corporation out of moneys provided by the Federal Military Government) relating to the next following financial year.

6.—(1) It shall be the duty of the Corporation to prepare and submit to the Commissioner not later than three months after the end of each financial year a report which shall be in such form as the Commissioner may direct and shall relate to the activities of the Corporation during the immediately preceding financial year.

Annual
Report.

(2) The report shall include a copy of the audited accounts of the Corporation for that year and a copy of the auditors' report on the accounts and shall be presented to the Federal Executive Council by the Commissioner soon after the receipt thereof as may be convenient.

7. The Commissioner may with the approval of the Federal Executive Council issue to the Corporation such directions as he may think necessary as to the disposal of any surplus funds of the Corporation, and subject to any such directions, the Corporation may invest its funds, and maintain a general reserve.

Disposal of
surplus
funds.

8.—(1) For the purposes of this Decree, the Corporation shall be subject to all rights, powers, obligations and duties to which—

Application
of certain
enactments.

(a) a licensee or lessee by virtue of the Petroleum Decree 1969, and

1969 No. 51.

(b) a licensee and the holder of a permit by virtue of the Oil Pipelines

Act
are subject.

Cap. 145.

(2) Accordingly, the provisions of the enactments mentioned in sub-section (1) of this section shall apply in relation to the Corporation as they apply in relation to any licensee or lessee, as the case may be, under those enactments, so however that in the application thereof—

(a) paragraph 12 of the Schedule 1 to the Petroleum Decree 1969 (which provides for the relinquishment of one-half of the leased area after ten years of an oil mining lease), and

(b) paragraphs 3 and 6 of the said Schedule (which relate to the duration of an oil exploration licence and oil prospecting licence, respectively) shall be excluded.

(3) Section 2 of the Statutory Corporations etc. (Special Provisions) Decree 1969 shall apply in relation to the Corporation as if the Corporation were included in the list of the corporations affected by that Decree in section 1 (2) thereof and to that extent, that Decree shall (subject to the provisions of this Decree) apply.

1969 No. 34.

Restrictions
on certain
transac-
tions.

9.—(1) Notwithstanding the foregoing provisions of this Decree, the powers of the Corporation in relation to the matters set out in subsection (2) below shall not be exercised except with the prior approval of the Federal Executive Council.

(2) The matters to which subsection (1) of this section relates are as follows, namely—

(a) award of any contract in relation to any project or activity of the Corporation, or the entering into any agreement or arrangement in connection with such project or activity, the value or consideration in connection with which is not less than fifty thousand pounds ;

(b) any investment or any transaction connected therewith of a value of not less than fifty thousand pounds ;

(c) the creation of any office of the Corporation in any part of the Federation ;

(d) the acquisition, sale, participation in partnership, or the taking over of any asset, business or property or privilege, contract, right, obligation and liability of any company, firm or person ;

(e) any step towards the abandonment of rights in respect of any of the matters mentioned in paragraph (d) of this subsection or of any exploration or production rights.

Protection
of certain
rights.

10. Where in the exercise of any function under this Decree certain rights are affected, the provisions of this Decree shall not be construed so as to exclude—

(a) the payment of compensation in respect of any loss or damage that may have been suffered in consequence of the operation of the provisions of this Decree ; and

(b) the determination of any right or interest in any property acquired or possessed by the Corporation, and the amount of compensation payable as may be determined, by any court of competent jurisdiction.

Interpreta-
tion.

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

“the Commissioner” means the Federal Commissioner for Mines and Power ; and

“functions” includes powers and duties.

Citation,
extent and
commence-
ment.

12.—(1) This Decree may be cited as the Nigerian National Oil Corporation Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into operation on 1st April 1971.

SCHEDULE

Section 1

SUPPLEMENTARY PROVISIONS

Members

1. The Board of Directors shall consist of—

(a) the Permanent Secretary to the Federal Ministry of Mines and Power, who shall be the Chairman ;

(b) the Permanent Secretary to the Federal Ministry of Economic Development and Reconstruction, or his deputy ;

(c) the Permanent Secretary to the Federal Ministry of Industries, or his deputy ;

(d) the Permanent Secretary to the Federal Ministry of Finance, or his deputy ;

(e) the Director of Petroleum Resources, Federal Ministry of Mines and Power, or his deputy ;

(f) the Chief Executive Officer of the Corporation ; and

(g) three persons appointed by the Commissioner being persons who in the opinion of the Commissioner have, by reason of any necessary ability, experience, specialised knowledge of the oil industry or their business or professional attainments, a special contribution to make to the work of the Corporation.

2. In paragraph 1 above "deputy", in relation to the Permanent Secretary to a Ministry means a public officer serving in the Ministry who is authorised in writing by the Permanent Secretary to act (either generally or on a particular occasion) as the Permanent Secretary's deputy for the purposes of the said paragraph.

3.—(1) Subject to this Decree, a member of the Board who is not a public officer shall, unless he previously vacates his office—

(a) hold office for three years on such terms as may be specified in his instrument of appointment, and

(b) be eligible for re-appointment.

(2) Members of the Board shall be paid out of moneys at the disposal of the Board such remuneration and allowances as the Commissioner may with the approval of the Federal Executive Council determine.

Proceedings

4. Subject to this Decree and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

5. Every meeting of the Board shall be presided over by the Chairman or, if the Chairman is unable to attend any particular meeting, by another member appointed by the members to act as Chairman for that particular meeting.

6. The quorum at a meeting of the Board shall be the Chairman (or, in an appropriate case, the person appointed to act as Chairman under paragraph 5 above) and four other members.

7. Except as provided by paragraphs 1 (b) to (e) above, no member of the Board shall be entitled to appoint an alternate or deputy to represent him at a meeting.

8. Where standing orders made under paragraph 4 above provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to it by the Board, but shall not be entitled to vote at a meeting of the Board.

Pension schemes, etc.

9. The officers and servants of the Corporation shall be appointed by the Board which shall determine their salaries and emoluments; and subject to any regulations made under paragraph 10 below, the Board may pay to or in respect of any officer or servant of the Board such pensions and gratuities as the Board may also determine.

10. With the approval of the Commissioner, the Board may make regulations providing for—

(a) the grant of pensions, gratuities and other retiring allowances to its officers and servants and their dependants, and the grant of gratuities to the estates, or dependants of their deceased officers or servants, and

(b) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds and the contributions payable thereto and the benefits receivable therefrom.

Miscellaneous

11. The fixing of the seal of the Board shall be authorised by the signature of the Chief Executive Officer and the Secretary.

12. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

13. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

14. The validity of any proceedings of the Board shall not be affected—

(a) by any vacancy in the membership of the Board, or

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

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

15. Any member of the Board who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 14th day of April 1971.

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

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its purpose)

This Decree establishes the Nigerian National Oil Corporation as a statutory corporation. The Corporation is empowered to engage in prospecting for, mining and marketing oil, and in all other activities associated with the petroleum oil industry.

NIGERIAN STEEL DEVELOPMENT AUTHORITY DECREE 1971



ARRANGEMENT OF SECTIONS

Section

1. The Authority.
2. Responsibilities and functions of the Authority.
3. Powers of the Authority.
4. The Chief Executive Officer and the Secretary.
5. Staff generally.
6. Application of section 2 of 1969 No. 34.
7. Financial provisions.

8. Annual report.
9. Compulsory acquisition of land.
10. Protection of Authority's land.
11. Interpretation.
12. Citation and extent.

SCHEDULE

Schedule—Supplementary provisions relating to the Authority.

Decree No. 19

[14th April 1971]

Com-
mencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There shall be established a body by the name of the Nigerian Steel Development Authority, which shall be a body corporate with perpetual succession and a common seal.

The Authority.

(2) The Schedule to this Decree shall have effect with respect to the membership and procedure of the Authority and the other matters there mentioned.

2.—(1) Subject to and in accordance with this Decree, the Authority shall be charged with the responsibility for—

Responsi-
bilities and
functions
of the
Authority.

(a) the construction, operation and maintenance of a national iron and steel plant or national iron and steel plants in such a place or such places in Nigeria as the Federal Military Government may require,

(b) the procurement of materials for the construction, operation and maintenance of the plant or plants in question, and

(c) the development of the application and use of iron and steel generally.

(2) In connection with the discharge of its responsibilities under subsection (1) above, the functions of the Authority shall be—

(a) to examine from the technical and economic point of view in all its aspects the feasibility of establishing in Nigeria a national iron and steel plant or national iron and steel plants on the basis of locally available raw materials, imported raw materials or both, to consider suitable processes,

possible sites and other factors relating to the establishment of the said plant or plants and to make recommendations as to the viable economic conditions for the establishment thereof,

(b) to conduct, manage and co-ordinate (in collaboration with the Federal Ministry of Mines and Power and its departments) surveys, mining operations and other necessary activities for obtaining in Nigeria materials of the kind needed for iron and steel production,

(c) to establish facilities and conduct tests and operations for ascertaining and improving the qualities and performance of the materials and processes for iron and steel production, and of iron and steel products,

(d) to design, erect and construct in Nigeria a national iron and steel plant or national iron and steel plants and provide and carry out incidental services and works,

(e) to train managerial and technical staff for the running of the said plant or plants and for the carrying on of the various surveys, services and other activities incidental or related to the plant or plants and its or their establishment,

(f) to conduct research and development in the technology and other aspects of iron and steel production and in the application of iron and steel products,

(g) to operate and manage the said plant or plants and incidental services and to sell iron and steel products,

(h) to utilize the by-products of the said plant or plants,

(i) to develop and manufacture iron and steel products and equipment to be used for the purposes of and in relation to basic engineering,

(j) to collect information on the supply and demand and prices of iron and steel products in Nigeria and elsewhere in order to determine how the development of industries in Nigeria is thereby affected,

(k) to effect the standardization of iron and steel products for economic production and utilization and for the purpose of facilitating the co-ordination of specifications,

(l) to make recommendations to the Commissioner on the formulation of policies relating to the development of the iron and steel industry and related industries in Nigeria, and

(m) to carry on all such other activities as are necessary or expedient for the discharge of its responsibilities under subsection (1) above.

Powers of
the Authority.

3.—(1) Subject to subsection (2) below, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities, including without prejudice to the generality of the foregoing the power to—

(a) sue and be sued in its corporate name,

(b) hold and manage movable and immovable property, and

(c) enter into contracts.

(2) Except with the general or special approval of the Commissioner, the Authority shall not have power to borrow money or dispose of any property (including land vested in the Authority pursuant to section 9 of this Decree).

The Chief
Executive
Officer and
the Secretary.

4.—(1) There shall be a General Manager of the Authority who shall be the Chief Executive Officer and shall be responsible for the day to day running of the Authority's iron and steel plants and their associated services and the day to day conduct of the Authority's activities.

(2) Notwithstanding subsection (1) above—

(a) the General Manager shall not be appointed until the Commissioner and the Authority have agreed that production of iron and steel by the Authority is about to commence and that the appropriate time has arrived for the appointment to be made, and

(b) until the appointment is made, there shall be a Project Manager who shall be the Chief Executive Officer and shall be responsible for managing and carrying on all activities necessary or incidental to the commencement of the production of iron and steel by the Authority and in particular, without prejudice to the generality of the foregoing, for the proper carrying out of the Authority's functions under paragraph (f) and paragraphs (i) to (l) of section 2 (2) of this Decree.

(3) There shall be a Secretary to the Authority who shall be an officer but not a member of the Authority and shall keep the Authority's records and conduct its correspondence and perform such other duties of a clerical and secretarial nature as the Authority may from time to time direct and require.

5.—(1) Subject to this Decree, the Authority may appoint such persons as members of its staff as it considers necessary and may approve conditions of service, including provision for the payment of pensions :

Staff
generally.

Provided that no pensions scheme shall be put into operation without the prior approval in writing of the Federal Commissioner responsible for pensions.

(2) If the Commissioner thinks it expedient that any vacancy in the staff of the Authority should be filled by a person holding office in the public service of the Federation, he shall inform the Commissioner responsible for establishments to that effect, and thereafter the Public Service Commission of the Federation may fill the vacancy by way of secondment or transfer.

(3) Where a member of the public service of the Federation is seconded under subsection (2) above, he shall be notified of the terms and conditions of the secondment ; and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(4) A person seconded under subsection (2) above may elect to be transferred to the staff of the Authority, in which case any previous service in the public service of the Federation shall count as service for the purposes of any pension subsequently payable by the Authority.

(5) Where a person who is a member of the public service of the Federation is transferred to the service of the Authority, then, if the Commissioner responsible for pensions so directs—

(a) that person's former service in the public service of the Federation shall be taken into account in applying the provisions of the Pensions Act, and

Cap. 147.

(b) that Act shall have effect as if that person's subsequent service with the Authority were service in the public service of the Federation.

6. Section 2 of the Statutory Corporations Etc. (Special Provisions) Decree 1969 shall apply in relation to the Authority as if the Authority were a corporation affected by that Decree, so however that in the application of that section—

Application
of section
2 of 1969
No. 34.

(a) references to the board of an affected corporation shall be construed as references to the Authority, and

(b) references to appointments shall be construed as excluding references to the appointment of ex officio members of the Authority or their deputies.

Financial provisions.

7.—(1) There may be made to the Authority out of moneys provided by the Federal Military Government payments for the purposes of this Decree, either by way of grant or by way of loan or both, of such amounts and on such terms as may be approved by the Commissioner; and the funds of the Authority shall consist of any payments so made and of all other moneys received by the Authority in the course of its activities under this Decree.

(2) The Authority shall submit to the Commissioner not later than 31st December in each financial year an estimate of its expenditure and income (excluding payments to the Authority out of moneys provided by the Federal Military Government) during the next succeeding financial year.

(3) The Authority shall keep proper accounts in respect of each financial year (and proper records in relation to those accounts) and shall cause its accounts to be audited as soon as may be after the end of each financial year by auditors approved by the Federal Commissioner for Finance.

(4) The Commissioner, if he thinks fit, may modify the requirements of subsections (2) and (3) above in their application to the financial year during which the Authority is established.

(5) With the approval of the Federal Executive Council the Commissioner may issue to the Authority directives as to the disposal of surplus funds, and subject to any such directives the Authority may invest its funds and maintain a general financial reserve.

Annual report.

8.—(1) The Authority shall prepare and submit to the Commissioner not later than 30th June in each financial year a report in such form as the Commissioner may direct on the activities of the Authority during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the auditors' report on the accounts.

(2) The Commissioner shall cause a copy of each report made to him under this section to be laid before the Federal Executive Council.

(3) The Commissioner, if he thinks fit, may modify the requirements of subsections (1) and (2) above in respect of the financial year during which the Authority is established and the immediately preceding financial year.

Compulsory acquisition of land.

9.—(1) Whenever there is any hindrance to the acquisition by the Authority of any land required for any purpose of the Authority under this Decree (including any failure by the Authority to reach agreement as to the amount to be paid in respect of the acquisition), the Commissioner, on the application of the Authority and after such enquiry as he may think fit, may declare that the land is required for the service of the Authority.

Cap. 167.

(2) Where a declaration is made under subsection (1) above, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Land Acquisition Act, and the Head of the Federal Military Government—

(a) may cause action to be taken under that Act for acquiring the land for the Federal Military Government, or

(b) if the land is native land, may issue a requisition under the appropriate law for the revocation of any rights relating to the land.

(3) Where a declaration has been made under subsection (1) above in respect of any land other than native land and—

(a) the land has been acquired pursuant to subsection (2) (a) above, or

(b) the Head of the Federal Military Government is satisfied that there are no rights subsisting in respect of the land,

the Head of the Federal Military Government may vest the land in the Authority by means of a certificate under the hand and seal of the Chief Federal Land Officer.

(4) Where a declaration has been made under subsection (1) above in respect of any native land and—

(a) the rights relating thereto have been revoked pursuant to subsection

(2) (b) above, or

(b) the Military Governor or Administrator of the State in which the land is situated is satisfied that there are no rights subsisting in respect of the land,

the Military Governor or Administrator in question may grant to the Authority a right of occupancy of the land on such terms and conditions as he thinks fit.

(5) The compensation, if any, payable under the Public Land Acquisition Act for the acquisition of any land under this section or payable under the appropriate law for the revocation of any rights relating to the land, as the case may be, shall in the first instance be paid by the Federal Military Government but the Authority shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

(6) A plan of any land referred to in subsection (1) above—

(a) containing measurements of the boundaries of the land,

(b) showing the relationship of the land to any sufficient identifying mark, and

(c) signed by the Chief Executive Officer of the Authority,

shall be a sufficient description of the land for the purposes of an application under that subsection.

10.—(1) Land vested in the Authority shall not be liable to be acquired compulsorily under any enactment; and notwithstanding anything in any other enactment, no mining operations shall be carried on in or under any land vested in the Authority or any land over which the Authority is entitled to rights of support for the benefit of lands so vested except with the prior consent in writing of the Commissioner or the Authority.

Protection
of Authority's land.

(2) Any person who suffers loss by reason of the provisions of subsection (1) above relating to mining operations shall—

(a) be paid adequate compensation by the Authority in respect of the loss, and

(b) be entitled to refer any question as to his interest in the subject matter of the loss and as to the amount of any compensation payable in pursuance of this subsection for determination by the High Court having jurisdiction in the area in which the subject matter is situated.

(3) This section binds the state for the purposes of section 9 of the Interpretation Act 1964.

1964 No. 1.

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

“the appropriate law”, in relation to a State, means any law in force in the State defining native lands and providing for the revocation of rights relating thereto if any such land is required for public purposes of the Federation;

Interpretation.

"the Authority" means the Nigerian Steel Development Authority established under section 1 (1) of this Decree ;

"the Commissioner" means the Federal Commissioner for Industries ;

"mining operations" includes the prospecting for and getting of minerals and mineral oils and any activities preparatory or incidental thereto ;

"native land", in relation to a State, means native land in the State within the meaning of the appropriate law ;

"plant" includes machinery, buildings, furniture, fixtures and other equipment.

Citation
and extent.

12. This Decree may be cited as the Nigerian Steel Development Authority Decree 1971 and shall apply throughout the Federation.

SCHEDULE

Section 1

SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

Members

1. Subject to paragraph 3 below, the Authority shall consist of—

(a) the Permanent Secretary to the Federal Ministry of Industries, who shall be the Chairman,

(b) the Permanent Secretary to the Federal Ministry of Economic Development, or his deputy,

(c) the Permanent Secretary to the Federal Ministry of Mines and Power, or his deputy,

(d) the Permanent Secretary to the Federal Ministry of Finance, or his deputy,

(e) the Permanent Secretary to the Federal Ministry of Trade, or his deputy,

(f) the Head of the Iron and Steel Division, Federal Ministry of Industries,

(g) the Chief Executive Officer of the Authority, and

(h) three persons appointed by the Commissioner, being persons who in the opinion of the Commissioner have by reason of their business and professional attainments a special contribution to make to the work of the Authority.

2. In paragraph 1 above "deputy", in relation to the Permanent Secretary to a Ministry, means a public officer serving in the Ministry (not being an officer below the rank of Administrative Officer Grade I or its equivalent) who is authorized in writing by the Permanent Secretary to act, either generally or on a particular occasion, as the Permanent Secretary's deputy for the purposes of the said paragraph 1.

3. When the Commissioner is of the opinion that production of iron and steel by the Authority is likely to start in about three months time, he shall invite the Federal Executive Council to review the membership of the Authority, and shall thereafter by order in the Federal Gazette—

(a) specify such changes in the membership, if any, as the Federal Executive Council may have directed to be made, and

(b) make appropriate consequential amendments to this Schedule.

4. A member of the Authority who is not a public officer shall, subject to this Decree—

(a) hold office for three years on such terms as may be specified in his instrument of appointment,

(b) be eligible for reappointment, and

(c) be paid out of the moneys at the disposal of the Authority such remuneration and allowances as the Commissioner with the approval of the Federal Executive Council may determine.

Proceedings

5. Subject to this Decree and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Authority may make standing orders regulating the proceedings of the Authority or any committee thereof.

1964 No. 1

6. Every meeting of the Authority shall be presided over by the Chairman or, if the Chairman is unable to attend any particular meeting, by another member appointed in writing by the Commissioner to act as Chairman for that particular meeting.

7. The quorum at a meeting of the Authority shall be the Chairman (or, in an appropriate case, the person appointed to act as Chairman under paragraph 6 above) and four other members.

8. Except as provided by paragraph 1 (b) to (e) above, no member of the Authority shall be entitled to appoint an alternate or a deputy to represent him at a meeting.

9. Where standing orders made under paragraph 5 above provide for a committee of the Authority to consist of or co-opt persons who are not members of the Authority, the committee may advise the Authority on any matter referred to it by the Authority, but members of the committee who are not members of the Authority shall not be entitled to vote at a meeting of the committee.

Miscellaneous

10. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman or the Chief Executive Officer.

11. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorized to act for that purpose by the Authority.

12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

13. The validity of any proceedings of the Authority or a committee thereof shall not be affected—

(a) by any vacancy in the membership of the Authority or committee, or

(b) by any defect in the appointment of a member of the Authority or committee, or

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

14. Any member of the Authority or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority or committee shall forthwith disclose his interest to the Authority or committee and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 14th day of April 1971.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree, but is
intended to explain its purpose)*

This Decree establishes the Nigerian Steel Development Authority as a statutory corporation. The Authority will be responsible for establishing, developing and operating a Nigerian iron and steel industry.

THE CRIMINAL CODE (AMENDMENT) DECREE 1971



Decree No. 20

[14th April 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Immediately after sub-paragraph (3) of section 174 of the Criminal Code there shall be added the following—

Amend-
ment of
section 174
of Criminal
Code.
Cap. 42.

“or
(4) knowingly tampers with a postage stamp by smearing or coating the surface with mucilage or any other substance so that it may be used again at a post or telegraph office ;”

2. This Decree may be cited as the Criminal Code (Amendment) Decree 1971 and shall apply throughout the Federation.

Citation and
extent.

MADE at Lagos this 14th day of April 1971.

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

EXPLANATORY NOTE

*(This note does not form part of the above Decree, but is
intended to explain its purpose)*

The Decree expands the scope of section 174 of the Criminal Code to make it also an offence to tamper with a postage stamp in the manner described in the Decree.