

**NIGERIAN ENTERPRISES PROMOTION
(AMENDMENT) DECREE 1974**



Decree No. 7

[23rd February 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Nigerian Enterprises Promotion Decree 1972 is hereby amended as follows :—

Amend-
ment of
1972
No. 4.

(a) in Schedule 1 to the Decree, for item 12 there shall be substituted a new item as follows :—

“12. Haulage by road of goods other than petroleum products.” ;

(b) in Schedule 2 to the Decree, immediately after item 13, there shall be inserted a new item as follows :—

“13A Haulage by road of petroleum products.”

2. This Decree may be cited as the Nigerian Enterprises Promotion (Amendment) Decree 1974.

Citation.

MADE at Lagos this 23rd day of February 1974.

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 amends the Schedules to the Nigerian Enterprises Promotion Decree 1972 to transfer the haulage of petroleum products by road from Schedule 1 to Schedule 2 of the Decree.

**ROBBERY AND FIREARMS (SPECIAL PROVISIONS)
(AMENDMENT) DECREE 1974**



Decree No. 8

[8th August 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Robbery and Firearms (Special Provisions) Decree 1970 is hereby amended as follows—

Amendment
of 1970 No.
47.

(a) in section 1 thereof and—

(i) in subsection (1) of that section, for the word "liable" there shall be substituted the word "sentenced";

(ii) in subsection (2) of that section, for the words "shall be liable upon conviction under this Decree to sentence of death." there shall be substituted the words "shall upon conviction under this Decree be sentenced to death."; and

(iii) in subsection (3) of that section, for the words "the offender may suffer death" there shall be substituted the words "by causing him to suffer death";

(b) in sections 2 and 3 thereof, for the words "shall be liable upon conviction under this Decree to" whenever those words occur in the sections there shall be substituted the words "shall upon conviction under this Decree be sentenced to".

2. This Decree may be cited as the Robbery and Firearms (Special Provisions) (Amendment) Decree 1974 and shall be deemed to have come into operation on 8th August 1970.

Citation, etc.

MADE at Lagos this 23rd day of February 1974.

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 amends the Robbery and Firearms (Special Provisions) Decree 1970 to emphasize that the various penalties therein prescribed are mandatory.

ANTIQUITIES (PROHIBITED TRANSFERS) DECREE 1974



Decree No. 9

[23rd February 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) No person shall—

- (a) buy any antiquity unless he is an accredited agent ; or
- (b) sell any antiquity to any person other than an accredited agent.

Ban on buy-
ing or selling
of antiquities.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine of two thousand naira or five times the value of the antiquity, whichever is the greater, or to imprisonment for a term of three years, and the court imposing the fine or the imprisonment shall make an order for the forfeiture of the antiquity connected with the offence to the State.

2.—(1) Any police officer may at any time search without warrant any person or the property of any person he reasonably suspects of—

- (a) buying any antiquity while he is not an accredited agent, or
- (b) selling any antiquity to a person who is not an accredited agent,

Search with-
out warrant
by police or
customs.

and he may seize anything he reasonably suspects to be an antiquity together with any container in which it is kept.

(2) Any officer of the Board of Customs and Excise may at any time search without warrant anything intended to be exported from Nigeria if he reasonably believes that the thing intended to be exported from Nigeria contains any antiquity, and he may seize the thing he reasonably suspects to be an antiquity together with any container in which it is kept.

(3) Anything seized under subsection (1) or (2) above shall as soon as possible be taken before a magistrate who—

(i) in respect of seizure under subsection (1) above, shall make an order for the forfeiture of the thing seized together with any container in which it is kept to the State, if it is established that the thing seized is an antiquity and that it has been bought or sold contrary to the provisions of section 1 of this Decree ;

(ii) in respect of seizure under subsection (2) above, shall make an order for the forfeiture of the thing seized together with any container in which it is kept to the State if it is established that the thing seized is an antiquity and that no export permit in respect thereof has been issued by the Commission.

(4) A magistrate shall, notwithstanding the provisions of any other enactment, have jurisdiction for the summary trial of any matter under this

Decree and may impose any fine, any sentence or any other penalty, provided by this Decree.

(5) Any antiquity forfeited to the State under any of the provisions of this Decree shall be kept in the custody of the Director and shall be disposed of in such a manner as the Commission may direct.

(6) Any person obstructing a police officer or an officer of the Board of Customs and Excise in the performance of his duties under this Decree shall be guilty of an offence and liable on conviction to a fine of one thousand naira or to imprisonment for a term of three years.

Registration
of
antiquities.

3.—(1) Any person who has an antiquity in his possession or under his control either before or after the commencement of this Decree shall, if so demanded by an accredited agent, register the antiquity with the accredited agent who may call upon him in person between the hours of 8 a.m. and 6 p.m. any day, except on Sundays and public holidays, for that purpose.

(2) Any antiquity not so registered by a person who is in possession or control of it when an accredited agent has called upon him in person for the registration thereof shall be liable to seizure by a police officer, but the antiquity shall not be forfeited except on the order of a magistrate.

Clearance
permit.

4.—(1) Where a person is in any doubt as to whether or not an object in his possession is an antiquity, he may apply in person, or in writing, attaching the object in his possession or a photograph of it, to the Director, or any person authorised in writing by the Director, for the determination of the matter.

(2) Where the Director, or the person authorised in writing by him, is satisfied that the object in the possession of the applicant is not an antiquity, he may issue a permit (hereinafter called a "clearance permit") in respect of that object.

(3) A clearance permit issued in respect of an object shall be conclusive proof that the object is not an antiquity.

Compulsory
purchase of
antiquity.

5.—(1) Where any person has applied to the Commission for a permit to export any antiquity from Nigeria and the permit is refused, the Commission acting through an accredited agent may for a fair and reasonable local price compulsorily buy the antiquity from the applicant.

(2) Any person who is dissatisfied with the local price offered or paid for his antiquity by an accredited agent may, within thirty days of the offer or the payment, apply to the High Court having jurisdiction in the place where the offer or the payment was made to determine a fair and reasonable local price for his antiquity.

(3) Any application under subsection (2) above shall be by summons and as in the Form set out in the Schedule to this Decree.

(4) Any applicant for a permit under subsection (1) above who intentionally destroys or damages the antiquity for which a permit to export from Nigeria has been refused shall be guilty of an offence and on conviction shall be liable to a fine of two hundred naira or to imprisonment for a term of six months.

Citation
and interpre-
tation.

6.—(1) This Decree may be cited as the Antiquities (Prohibited Transfers) Decree 1973.

(2) In this Decree—

"accredited agent" means the Director or a member of the staff of the

department of antiquities authorised in writing by the Director to act for him, or any person or body in any State authorised in writing by the Director to act for him in that State ;

"antiquity" has the same meaning as in section 2 of the Antiquities Act ; Cap 12.

"Commission" means the Antiquities Commission established under section 3 of the Antiquities Act ;

"Director" means the Director of Antiquities Department in the public service of the Federation ;

"export permit" means the permit issued under section 22 of the Antiquities Act ;

"the State" means the Government of the Federation ;

"value" means the price for which an antiquity would be sold if it were offered for sale in an international art market.

SCHEDULE

Section 5 (3)

Antiquities (Prohibited Transfers) Decree 1974

IN THE HIGH COURT OF.....

DETERMINATION OF REASONABLE PRICE FOR ANTIQUITY

Let all parties attend at..... on
the..... day of..... 19.....
at..... o'clock in the..... noon on the hearing
of an application on the part of..... for the
determination of the following questions :—

What should be a fair and reasonable local price for the antiquity for which—

(a).....

demands a price of.....

(b) the Commission has paid/offered to pay.....

and any other questions connected with the local price of the antiquity.

If any party fails to attend at the date, place and time above-mentioned such order may be made as the court thinks just.

DATED the..... day of..... 19.....

.....
Signature of Judge

This summons was taken out by.....

To.....
of.....

(Insert names and addresses of all parties interested in the question to be decided).

MADE at Lagos this 23rd day of February 1974.

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 effect)*

The Decree prohibits any person from buying any antiquity, or selling any antiquity to any person, other than the Director of Antiquities or a person or body authorised in writing by him. An offence committed under this provision carries a fine of ₦2,000 or imprisonment for a term of three years and the antiquity connected with the offence shall be forfeited.

Persons in possession or control of antiquities are to register such antiquities when approached for the registration by accredited agents and failure to register when so approached may entail the seizure and forfeiture of the antiquities. The Director of Antiquities may for a fair price compulsorily buy any antiquity from any person under certain circumstances. Customs and Police Officers are given powers of search without warrant under certain conditions.

PRICE CONTROL (AMENDMENT) DECREE 1974



Decree No. 10

[25th February 1974]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 12 of the Price Control Decree 1970, in the definition of "senior price inspector" (as inserted by section 7 (2) (b) of the Price Control (Amendment) Decree 1971) for the words "senior price controller" there shall be substituted the words "senior price inspector".

Minor
amendment
of the defi-
nition of
"senior price
inspector".
1970 No. 33.
1971 No. 3.

2. This Decree may be cited as the Price Control (Amendment) Decree 1974.

Citation.

MADE at Lagos this 25th day of February 1974.

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 removes the defect caused by the use of the word "controller" (instead of the word "inspector") in the Price Control Decree 1970.