

**CUSTOMS AND EXCISE MANAGEMENT (AMENDMENT)  
DECREE 1974**



**Decree No. 26**

[12th January 1973]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For the Second Schedule to the Customs and Excise Management Act 1958, there shall be substituted the new Second Schedule set out in the Schedule to this Decree.

Replace-  
ment of the  
Second  
Schedule to  
the Customs  
and Excise  
Management  
Act 1958.  
1958 No. 55.

2. This Decree may be cited as the Customs and Excise Management (Amendment) Decree 1974 and shall be deemed to have come into force on the 12th day of January 1973.

Citation and  
commence-  
ment.

**SCHEDULE**

s. 1

"SECOND SCHEDULE

(s. 42)

VALUE OF IMPORTED GOODS

1.—(1) The value of any goods imported for use in Nigeria shall be taken to be the normal price, that is to say, the price which, in the opinion of the Board such goods would fetch at the time when the duty becomes payable on a sale in the open market between a buyer and a seller acting independent of each other.

Definition  
of Value.

(2) The normal price of any goods so imported shall be determined on the following assumptions :—

(a) that the goods are treated as having been delivered to the buyer at the port or place of importation into Nigeria ;

(b) that the seller will bear all costs, charges and expenses incidental to the sale and to the delivery of the goods at the port or place of importation into Nigeria which are hence included in the normal price ;

(c) that the buyer will bear any duties or taxes chargeable in Nigeria, which are hence not included in the normal price ; and

(d) that the sale is a sale of the quantity to be valued.

(3) Where imported goods are the subject of a *bona fide* sale, the Board may use the price paid or payable as a basis for valuation of the normal price but the Board may—

(a) take measures aimed at preventing the evasion of customs duty by means of fictitious contracts or prices ; and

(b) make such adjustments of that price as may be considered necessary on account of circumstances of the sale which differ from those envisaged in the definition of value in sub-paragraph (1) above.

(4) Adjustments mentioned in sub-paragraph (3) (b) above refer particularly to—

(i) costs, charges and expenses mentioned in sub-paragraph (6) of this paragraph ;

(ii) discounts or other reductions in price granted in favour of sole agents or sole concessionaires ; or

(iii) any abnormal discounts or other reduction from ordinary competitive price.

(5) Where the determination of value or of the price paid or payable depends upon factors which have been expressed in the currency of another country, such foreign currency shall be converted into the currency of Nigeria at the current official rate of exchange in Nigeria.

(6) The “costs, charges and expenses” referred to in paragraph 1 (2) (b) above includes, *inter alia*, any of the following :—

(a) carriage and freight ;

(b) insurance ;

(c) commission ;

(d) brokerage ;

(e) all other costs, charges and expenses of drawing up outside Nigeria documents incidental to the importation of the goods into Nigeria, including consular fees, duties and taxes applicable outside Nigeria, except those from which the goods have been exempted or have been or will be relieved by means of a refund ;

(f) cost of containers (excluding those which are treated as separate articles for the purpose of levying duties of customs) and cost of packing (whether for labour, material or otherwise) ; and

(g) loading charges.

2.—(1) For the purposes of this Schedule, a sale in the open market between a buyer and a seller acting independently of each other presupposes—

(a) that the price is the sole consideration ;

(b) that the price is not influenced by any commercial or other relationship, whether by contract or otherwise, between seller and any person associated in business with him and the buyer or any other person associated in business with him (other than the relationship created by the sale of the goods in question) ; and

Definition  
of sale in  
the open  
market.

(c) that no part of the proceeds of any subsequent resale, use or other disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.

(2) Two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third party has an interest in the business or property of both of them.

3.—(1) When the imported goods to be valued—

(a) are manufactured in accordance with any patented invention or are goods to which any protected design has been applied ; or

(b) are imported under a foreign trade mark ; or

(c) are imported for sale, use or other disposal under a foreign trade mark ;

the normal price shall be determined on the assumption that it includes the value of the right to use the patent, design or trade mark in respect of the goods.

(2) The provisions of sub-paragraph (1) above shall apply to goods imported for sale, use or other disposal, after further manufacture, under a foreign trade mark.

(3) A trade mark shall be treated as a foreign trade mark if it is the mark of—

(a) any person by whom the goods to be valued have been grown, produced, manufactured, offered for sale or otherwise dealt with outside Nigeria ; or

(b) any person associated in business with any person referred to in (a) above ; or

(c) any person whose rights in the trade mark are restricted by an agreement with any person referred to in (a) or (b) above.

4. The provisions of this Schedule shall apply to the valuation of all goods subject to customs declaration, including duty-free goods and goods liable to specific customs duties.

5. The Commissioner may by order published in the *Gazette* amend any provision of this Schedule as he may deem fit."

Patents,  
protected  
designs and  
foreign  
trade marks.

Schedule to  
apply to  
valuation of  
all imported  
goods.

Power to  
amend  
Schedule.

MADE at Lagos this 17th day of June 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 repeals and replaces the Second Schedule to the Customs and Excise Management Act 1958, following Nigeria's accession in 1973 to the Brussels Convention on Valuation of Goods for Customs Purposes.

New provisions are now made in respect of the valuation of imported goods.

INTERNATIONAL INSTITUTE OF TROPICAL AGRICULTURE  
(AMENDMENT) DECREE 1974



Decree No. 27

[17th June 1974]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The International Institute of Tropical Agriculture Decree 1967 is hereby amended as follows :—

Amend-  
ment of  
1967 No. 32.

(a) in section 3, immediately after paragraph (b) there shall be inserted the following new paragraph—

“(c) borrow money, make loans and guarantee loans made by others with the approval of the board without prejudice to any other provision of this Decree relating to the provision of funds;” and the existing paragraph (c) shall be renumbered as paragraph (d);

(b) in section 4 (1) :—

(i) for the existing paragraph (a) there shall be substituted the following new paragraph—

“(a) the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources or his representative;”;

(ii) for the existing paragraph (b) there shall be substituted the following new paragraph :—

“(b) one member appointed by the Federal Executive Council by rotation from amongst the Vice-Chancellors of Nigerian universities having colleges or departments of agriculture;”;

(iii) immediately after paragraph (d) there shall be inserted the following new paragraph :—

“(e) the Secretary of the Agricultural Research Council of Nigeria;”;

(iv) the existing paragraph (e) shall be renumbered as paragraph (f) and in the paragraph as so renumbered all the words after “Nigeria” where it occurs in the sixth line shall be deleted;

(c) in section 4 (2) for the word “two” where it twice occurs there shall be substituted the word “three”;

(d) immediately after section 6 there shall be inserted the following new section—

“Power to  
lend money  
to employ-  
ees of the  
Institute.

6A. The Institute may make loans to any of its employees or guarantee any loan made to any such employee by any person—

(a) to purchase a motor vehicle required by the employee for the performance of his duty; or

(b) to build a house for the residential use of the employee or of his family, to purchase a plot of land on which a house for the employee may be built or to purchase a house for the residential use of the employee or of his family.”;

(e) in section 8 (1) for the words “and demonstrations” there shall be substituted the words “demonstrations and conduct of the Institute’s business”.

Citation.

2. This Decree may be cited as the International Institute of Tropical Agriculture (Amendment) Decree 1974.

MADE at Lagos this 17th day of June 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 International Institute of Tropical Agriculture Decree 1967, among other things, to vary the composition of the members of the board of trustees of the Institute and to confer on the Institute power to borrow money for its purposes.