

NIGERIAN EXPORT PROMOTION COUNCIL DECREE 1976



Decree No. 26

[24th June 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Nigerian Export Promotion Council (hereafter in this Decree referred to as "the Council") which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name.

Establish-
ment of
Export
Promotion
Council.

(2) The provisions of the Schedule to this Decree shall have effect with respect to the matters therein mentioned.

2. The functions of the Council shall be—

Functions of
the Council.

(a) to advance the course of export trade of Nigeria and to suggest policies to be pursued and measures to be taken by the Federal Government towards achieving this objective ;

(b) to conduct periodic reviews of the export trade policy of the country and advise government on measures to be taken to improve the performance of Nigerian exports in world markets ;

(c) to advise government on the setting up of flexible machinery to provide Nigerian producers and exporters with export financing facilities, rebates on exports and other incentives for the promotion of Nigerian exports ;

(d) to advise government on tariff policies in so far as they relate to the export trade ;

(e) to assist government in the identification of export-oriented industries and the determination of export targets for various classes of goods with adoption of measures necessary to the attainment of the targets ;

(f) to advise government on the establishment or provision of trade promotional facilities, including showrooms, at important commercial centres both in Nigeria and abroad ;

(g) to advise government on measures designed to eliminate trade malpractices and the setting up of machinery for arbitrating disputes arising between Nigerian exporters and foreign importers ;

(h) to engage in promotional publicity in Nigeria and abroad in collaboration with Nigeria's trade missions overseas, designed to educate and motivate Nigerian producers and to provide information regarding Nigerian export products; and

(i) to carry out research into any of the matters mentioned in the foregoing provisions of this section, and provide advisory services in connection with the promotion of Nigeria's export trade.

Power of the Commissioner to give directives.

3. The Commissioner may give the Council directives of a general nature or relating generally to particular matters (but not to any individual person or case) with regard to the performance of the functions of the Council and it shall be the duty of the Council to comply with such directives.

Membership of the Council.

4.—(1) The Council shall consist of the following members—

(a) a chairman who shall be appointed by the Commissioner;

(b) one representative from each of the following Federal Ministries, that is :—

(i) Trade;

(ii) Finance;

(iii) External Affairs;

(iv) Industries;

(v) Transport; and

(vi) Agriculture and Rural Development;

(c) one representative from each State of the Federation;

(d) one representative of the Research Department of the Central Bank of Nigeria;

(e) one member to represent the Manufacturers' Association of Nigeria;

(f) one member to represent the Nigerian shipping industry;

(g) one member to represent the Nigerian Chamber of Commerce, Industry, Mines and Agriculture; and

(h) six persons to be appointed by the Commissioner to represent special interests in insurance, banking and similar commercial institutions.

(2) All appointments under paragraphs (e), (f) and (g) shall be made by the Commissioner on the recommendation of the appropriate bodies.

Fund of the Council.

5.—(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—

(a) such sums as may from time to time be granted to the Council by the Federal Military Government;

(b) all moneys raised for the purposes of the Council by way of gifts, grants-in-aid, testamentary disposition and sales from publications; and

(c) all subscriptions, fees, and charges for services rendered by the Council and all other sums that may accrue to the Council from any source.

6. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and shall submit the same once every year for auditing by the Auditor-General of the Federation.

Accounts
and audit.

7.—(1) The Council 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 Council during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Council for that year and of the report of the Auditor-General of the Federation on the accounts.

Annual
report.

(2) The Commissioner shall cause a copy of the report made to him under this section to be laid before the Federal Executive Council so soon after the receipt thereof as may be convenient.

8. The Council may from time to time apply the proceeds of the fund established in pursuance of section 5 above for the following purposes—

Expenditure
of the
Council.

(a) to the cost of administration of the Council and any research work carried on by or on behalf of the Council ;

(b) to the provision of such training for the employees of the Council as the Council may deem necessary ;

(c) to reimburse members of the Council and the committees of the Council for such expenses as may be expressly authorised by the Council ;
and

(d) in connection with all or any of its functions under this Decree or any other written law.

9. The Council may, with the approval of the Commissioner, make regulations for carrying into effect the provisions of this Decree.

Regulations.

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

Interpre-
tation.

“the Council” means the Nigerian Export Promotion Council established by section 1 ;

“the chairman” means the chairman of the Council ;

“the Commissioner” means the Federal Commissioner charged with responsibility for matters relating to trade.

11. This Decree may be cited as the Nigerian Export Promotion Council Decree 1976.

Citation.

SCHEDULE

Section 1 (2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) A member of the Council other than a person holding office by virtue of section 4(1)(b) to (d) shall hold office for a term of three years and subject to the provisions of subparagraph (2) of this paragraph shall be eligible once again for re-appointment.

(2) The office of a member of the Council under this Decree shall become vacant if—

(a) he resigns his office by notice in writing under his hand, addressed to the chairman of the Council ; or

(b) the Commissioner is satisfied that it is not in the interest of the Council for the person appointed to continue in office and notifies the member in writing to that effect.

2. Members of the Council may be paid such travelling and other allowances as may from time to time be approved by the Commissioner.

3.—(1) Where a vacancy occurs in the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the Commissioner who shall, where appropriate, act on the recommendation of the same authority as had recommended his predecessor in office.

(2) The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

4.—(1) The Council may appoint one or more committees to advise it on the exercise and performance of its functions.

(2) Every such committee shall consist of—

(a) a chairman who shall be appointed by the Council from among the members of the Council ;

(b) not more than five persons (who may or may not be members of the Council), so however that any non-member of the Council co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.

(3) In this paragraph "chairman" means the chairman of a committee.

Proceedings of the Council

5.—(1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than twice in a year.

(2) The chairman may at any time, and shall at the request in writing of the Commissioner or of not less than four members from the States, summon a meeting ; and if the chairman fails so to do, the Commissioner may himself summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

6.—(1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) Thirteen members, four of whom shall represent the States, shall form a quorum at any meeting of the Council.

(3) The chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7.—(1) The chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council, the members present shall elect one of their number to preside at that meeting.

(2) During the chairman's absence on leave or if the chairman is otherwise not available, or is unable to perform his functions, the Commissioner may appoint any member of the Council to act as chairman for a specified period.

8. Subject to the provisions of this Decree, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

9.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

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

10.—(1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or some other member authorised generally or specifically by the Council to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

MADE at Lagos this 24th day of June 1976.

LT.-GENERAL O. OBASANJO,
*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 establishes the Nigerian Export Promotion Council to advise the Federal Government on the policies to be pursued and measures to be taken generally to advance the course of the export trade of Nigeria. The Decree also makes sundry provisions for the effective implementation of the functions of the Council.

**NIGERIAN ENTERPRISES PROMOTION (AMENDMENT)
DECREE 1976**



Decree No. 27

[See section 2]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Commence-
ment.

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

(a) for subsection (3) of section 1 there shall be substituted the following new subsection —

Amendment
of 1972 No.
4.

“(3) The members of the Board shall be appointed by the Supreme Military Council and shall comprise—

(a) five Nigerians from outside the Public Services of the Federation or the States who shall be persons of proven integrity (one of whom shall be appointed as Chairman of the Board) ;

(b) a representative each of the following Federal Ministries, that is—

(i) Industries,

(ii) Finance,

(iii) Economic Development, and

(iv) Trade,

who shall be persons of the rank of Deputy Secretary or above ;

(c) the Secretary of the Capital Issues Commission ;

(d) the Director of each of the Stock Exchanges in Nigeria, and

(e) the Secretary of the Board.”;

(b) in section 2 (2) for the existing paragraph (d) there shall be substituted the following new paragraph—

“(d) six other persons to be appointed by the State Commissioner or State Commissioners, as the case may be, for trade and industries, and of

the six persons, at least three shall be Nigerians from outside the Public Services of the Federation or the States who shall be persons with proven experience in commerce and industry.”; and

(c) immediately after the existing section 6 there shall be inserted the following new sections :—

“Power to seal up premises.

6A. (1) If the Board is satisfied that—

(a) an alien has been engaging in any of the enterprises specified in Schedule 1 to this Decree, not being an alien in respect of whom an exemption has been granted under section 9 of this Decree ; or

(b) that an alien enterprise is being carried on in contravention of section 5 or any other provision of this Decree, the Chairman of the Board may direct an inspector to seal up any premises in which the offending enterprise is being carried on.

(2) Whenever an inspector has sealed up any premises he shall be deemed to have been duly directed to do so by the Chairman.

(3) Every police officer shall if called upon by an inspector give all reasonable assistance to the inspector necessary to effect the sealing up of any affected premises and to prevent unauthorised persons from having access to or interfering with the premises or any goods contained therein.

(4) Without prejudice to the generality of section 12 of this Decree, the Board may exercise any of the powers conferred upon it under that section in respect of any enterprises the premises relating to which have been sealed up under this section.

Power of inspector to prosecute offenders.

6B (1) Any inspector may in a court of competent jurisdiction prosecute an offender for an offence under this Decree.

(2) It shall not be an objection to the competency of an inspector to give evidence as a witness in any prosecution for an offence under this Decree that the action is prosecuted or conducted by that inspector”.

Citation and commencement.

2. This Decree may be cited as the Nigerian Enterprises Promotion (Amendment) Decree 1976 and shall be deemed to have come into operation on 29th June 1976.

MADE at Lagos this 5th day of July 1976.

LT.-GENERAL O. OBASANJO,
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 general purport)*

The Decree amends the Nigerian Enterprises Promotion Decree 1972 to provide for the reconstitution of the Nigerian Enterprises Promotion Board and to enlarge the powers of the Board to include power to seal up business premises of enterprises being carried on other than in compliance with the Decree.

**CO-OPERATIVE AND SOCIAL DEVELOPMENT
(TRANSFER OF FUNCTIONS) DECREE 1976**



Decree No. 28

[1st July 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Co-operative Development Decree 1974 is hereby amended as follows—

Amendment
of 1974
No. 5.

(a) in section 1 (1), for the word "Labour" there shall be substituted the words "Co-operatives and Supply" ;

(b) in section 2 (c), immediately before the word "supervision" there shall be inserted the words, "registration and" ; and

(c) in section 4, in the definition of "the Commissioner" for the word "Labour" there shall be substituted the words "Co-operatives and Supply".

2. The Social Development Decree³ 1974 is hereby amended as follows—

Amendment
of 1974
No. 12.

(a) in section 1 (1), for the word "Labour" there shall be substituted the words "Social Development, Youth and Sports" ;

(b) in section 2, for the semi-colon and the word "and" at the end of paragraph (k) there shall be substituted a fullstop and paragraph (l) shall stand repealed ;

(c) for paragraph (b) of section 3 (2) there shall be substituted the following new paragraph (b), that is—

"(b) the Chief Welfare Officers, Chief Social Development Officers or Chief Community Development Officers in each of the States in the Federation ;" ; and

(d) in section 4, in the definition of "the Commissioner" for the word "Labour" there shall be substituted the words "Social Development, youth and Sports".

Citation and
commence-
ment.

3. This Decree may be cited as the Co-operative and Social Development (Transfer of Functions) Decree 1976 and shall be deemed to have come into force on 1st July 1975.

MADE at Lagos this 30th day of June 1976.

LT.-GENERAL O. OBASANJO,
*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 makes consequential amendments to the Co-operative Development Decree 1974 and the Social Development Decree 1974 following the transfer of the Co-operative Development Division and the Social Development Division from the Federal Ministry of Labour respectively to the newly created Federal Ministries of Co-operatives and Supply and of Social Development, Youth and Sports.

LEGAL PRACTITIONERS (AMENDMENT) DECREE 1976



Decree No. 29

[30th June 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Subsection (1) of section 3 of the Legal Practitioners Decree 1975 is hereby amended as follows, that is—

Amendment
of Decree
No. 15 of
1975.

(a) by the substitution for paragraph (a) thereof of the following—

“(a) the Chief Justice of Nigeria and all the Justices of the Supreme Court ;” ; and

(b) by the substitution for the expression “subsection (3)” in paragraph (h) thereof of the expression “subsection (5)”.

2. This Decree may be cited as the Legal Practitioners (Amendment) Decree 1976.

Citation.

MADE at Lagos this 30th day of June 1976.

LT.-GENERAL O. OBASANJO,
*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 amends the Legal Practitioners Decree 1975 principally to enlarge the composition of membership of the Body of Benchers by the inclusion of all the Justices of the Supreme Court on that body.