

COMMODITY BOARDS DECREE 1977



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Decree No. 29

[1st April 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

PART I

ESTABLISHMENT OF COMMODITY BOARDS

1.—(1) There shall be established seven bodies corporate (hereinafter referred to collectively as "Commodity Boards") to be known by the following names, that is to say—

Establish-
ment,
etc. of
Commodity
Boards.

- (a) the Nigerian Cocoa Board ;
- (b) the Nigerian Groundnut Board ;
- (c) the Nigerian Cotton Board ;
- (d) the Nigerian Palm Produce Board ;
- (e) the Nigerian Rubber Board ;
- (f) the Nigerian Grains Board ;
- (g) the Nigerian Tuber and Root Crops Board,

which shall deal with such commodities and shall have such powers and exercise such functions as are specified in this Decree.

(2) The headquarters of each Commodity Board shall be as follows, that is—

- (a) Ibadan, in respect of the Nigerian Cocoa Board ;
- (b) Kano, in respect of the Nigerian Groundnut Board ;
- (c) Funtua, in respect of the Nigerian Cotton Board ;
- (d) Calabar, in respect of the Nigerian Palm Produce Board ;
- (e) Benin, in respect of the Nigerian Rubber Board ;
- (f) Minna, in respect of the Nigerian Grains Board ; and
- (g) Makurdi, in respect of the Nigerian Tuber and Root Crops Board.

2.—(1) Each Commodity Board shall consist of a Chairman and the following other members, that is—

Member-
ship of each
Board:

- (a) one representative of each State Government in the major producing areas of the principal commodity or commodities concerned ;
- (b) one representative of the Central Bank of Nigeria ;
- (c) one representative of each of the following Federal Ministries, that is—
 - (i) Co-operatives and Supply,
 - (ii) Agriculture and Rural Development, and
 - (iii) Trade ;
- (d) the General Manager of the Board ; and
- (e) two persons to represent special interests.

(2) The Chairman and the other members of each Commodity Board, not being ex-officio members, shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

(3) The supplementary provisions contained in Schedule 1 to this Decree shall have effect with respect to the tenure of office of the members of each Commodity Board and the other matters therein mentioned.

General
Manager
and Secre-
tary.

3.—(1) There shall be appointed by the Federal Executive Council, on the recommendation of the Commissioner, a General Manager for each Commodity Board who shall be the chief executive officer of the Board concerned and shall be responsible for the execution of the policy of such Board and the day-to-day running of the affairs of the Board.

(2) Each Commodity Board shall appoint a Secretary to the Board who shall not be a member of the Board concerned and who shall keep the records and conduct the correspondence of the Board and perform all other duties as the Board, the Chairman or the General Manager may from time to time direct.

Staff
generally.

4.—(1) Subject to this Decree, each Commodity Board may appoint such persons as members of staff of the Board as it considers necessary and may approve conditions of service including provision for the payment of pensions.

(2) If the Board thinks it expedient that any vacancy in the staff of the Board concerned should be filled by a person holding office in any of the public services in the Federation, the Board shall inform the appropriate Public Service Commission to that effect to enable the Board fill the vacancy by way of secondment or transfer.

(3) Where a member of any of the public services in 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 Board concerned in which case any previous service in the public service shall count as service for the purposes of pensions subsequently payable by the Board.

General
functions of
each Board.

5.—(1) It shall be the duty of each Commodity Board—

(a) to secure the most favourable arrangements for the purchase of the relevant commodity and subsequent sale thereof to meet domestic requirements and the evacuation to a port of shipment of any surplus to such requirements intended for export; and

(b) to purchase all relevant commodities which are offered for sale to the Board and which conform with the grades and standards of quality prescribed under any enactment; and

(c) to promote the development and the rehabilitation of the producing areas generally and in particular to ensure that adequate supply of fertilizers and improved seedlings and other requisite inputs are made available to promote the benefit and prosperity of the the producers, and for the avoidance of doubt, no Commodity Board shall have any exclusive rights in relation to the production, sale or purchase, processing of or any other matter in connection with the relevant commodities in so far as the domestic market is concerned but the Boards shall have exclusive responsibility for any commodity meant for export trade.

(2) For the purposes of this section, the relevant commodities shall be as specified below, that is—

- (a) cocoa, coffee and tea, in the case of the Nigerian Cocoa Board ;
- (b) groundnuts, soya beans, beniseed, sheanuts and ginger, in the case of the Nigerian Groundnut Board ;
- (c) seed cotton, cotton lint and cottonseed and kenaf, in the case of the Nigerian Cotton Board ;
- (d) palm oil, palm kernel and copra, in the case of the Nigerian Palm Produce Board ;
- (e) rubber, in the case of the Nigerian Rubber Board ;
- (f) guinea corn, millet, maize, wheat, rice and beans, in the case of the Nigerian Grains Board ; and
- (g) yams and cassava, in the case of the Nigerian Tuber and Root Crops Board.

6.—(1) Without prejudice to the generality of section 5 of this Decree but subject to the other provisions of this Decree, each Board shall have power—

Powers of
each Board.

(a) to hold and manage whether by way of investment or otherwise and alienate movable and immovable property ;

(b) to purchase or otherwise take over all or any of the assets, business, properties, privileges, contracts, rights, obligations and liabilities of any company, firm or person in furtherance of any business engaged in by the Board ;

(c) to enter into contracts or partnerships with any company, firm or person which in the opinion of the Board will facilitate the discharge of its functions under or pursuant to this Decree ;

(d) to train managerial and other staff for the purpose of the running of its operations ;

(e) to support and stabilize the price of the relevant commodity ;

(f) to appoint licensed buying agents, ginning and other agents ;

(g) to fix and control the allowances to be paid to licensed agents for the the relevant commodity ;

(h) to grant, renew and withhold licences to licenced agents, to impose conditions upon the granting or renewal of such licences and to cancel or suspend them for good cause ;

(i) to prescribe by public notice specific periods during which the buying of the relevant commodity for export or for mechanised processing shall be prohibited, restricted or allowed ;

(j) to do all things necessary for and in connection with the purchase, sale, cleaning, packing and transport of the relevant commodity ;

(k) to engage in the processing of the relevant commodity and, where necessary, the purchase and subsequent sale of processed and semi-processed products thereof for the domestic market and for the export of any surplus to such requirements ;

(l) to establish buying centres in all major producing areas for the relevant commodity ;

(m) to ensure quality control of the relevant commodity and, for that purpose, to advise the Federal Commissioner charged with responsibility for external trade with regard to standards and grades of the relevant commodity which may be exported ;

(n) to conduct research into the production, handling, marketing, pest control of the relevant commodity and any other matter relating to the relevant commodity and any products derived from or connected therewith ; and

(o) to do any other thing as may be necessary or expedient for giving full effect to the provisions of this Decree.

(2) In the performance of its functions under this Decree, every Board shall comply with any other written law affecting or governing the performance of those functions.

PART II

FINANCIAL PROVISIONS

Funds of
each Board.

7. The funds and resources of each Commodity Board shall be—

(a) such sums as may be provided thereto by the Government of the Federation for the purposes of this Decree either by way of loans or grants or otherwise howsoever ;

(b) moneys derived from the sale of commodities ;

(c) moneys earned or arising from any property or investments acquired by or vested in the Board under or pursuant to this Decree ;

(d) all sums as may from time to time be lent to the Board by any person ; and

(e) all sums or assets which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

Expenditure.

8. Each Commodity Board may, from time to time, apply the funds at its disposal —

(a) to or in connection with the purchase of the relevant commodity ;

(b) to the stabilisation of prices to the producers in accordance with the provisions of this Decree ;

(c) to the cost of administration of the Board, including payments to members thereof or of any committee of the Board and all salaries, allowances, gratuities or pensions and loans to the staff of the Board ;

(d) to the development and rehabilitation of the producing areas and supply of inputs to producers ;

(e) to the control of pests and diseases affecting the relevant commodity ; and

(f) for and in connection with all or any of the functions of the Board under this Decree or any other written law.

9. Each Commodity Board may from time to time borrow, whether by way of overdraft, mortgage or otherwise howsoever, such sums as it may require in the exercise of its functions under this Decree, not being those referred to in section 10 of this Decree.

General
power to
borrow.

10.—(1) Without prejudice to so much of section 29 of the Central Bank of Nigeria Act as relates to the powers of that Bank to grant advances and provisions for securities, the Central Bank shall, to the exclusion of any other bank (within the meaning of the Banking Decree 1969) be responsible for granting advances to the Commodity Boards for the purposes of this section.

Central
Bank's
power to
finance mar-
keting opera-
tions, etc.
and repeals.
Cap. 30.
1969 No. 1.

(2) Such advances shall be—

(a) for such period as may be agreed between the relevant Board and the Central Bank at a minimum rate of interest which shall be at least one per cent above the Central Bank's minimum rediscount rate ; and

(b) without prejudice to subsection (3) of this section, upon such conditions as the Central Bank may, after consultation with the Commissioner, specify.

(3) The advances referred to in subsection (1) above may be granted in any particular case only where a guarantee is given in writing by the Federal Government to the Central Bank on behalf of the Board concerned, so however that—

(a) the total advances which may be granted shall not exceed an amount considered by the Bank to be adequate for the Board concerned to commence its operations at the beginning of the season ; and

(b) any such advances shall be secured so soon after the advances have been granted as may be agreed by the Central Bank (either in part or in whole) as prescribed in section 29(1) (e), (j) or (k) of the Central Bank of Nigeria Act and the said provisions shall be so construed.

(4) The Board concerned shall ensure that such advances shall be used by that Board solely for the purpose of—

(a) financing any purchasing and marketing operations authorised to be undertaken by any such Board by or pursuant to this Decree ; and

(b) financing, with the approval of the Central Bank, such other operation as may be incidental thereto.

(5) The reference in this section to the granting of advances includes a reference to the provision of credit facilities.

(6) Section 1 of the Central Bank of Nigeria Act (Amendment) (No. 3) Decree 1968 is hereby repealed and section 2 of the Central Bank of Nigeria Act (Amendment) Decree 1969 is consequentially repealed.

1968 No. 50
1969 No. 4.

11.—(1) Each Commodity Board shall keep proper accounts in respect of each financial year and proper records in relation to such accounts.

Accounts
and audit.

(2) Unless the Commissioner otherwise directs, where a Board deals with more than one commodity a separate account for all purchases and other transactions in relation to each commodity in the group of commodities for which it is responsible shall be kept.

(3) Each Board shall cause its accounts to be audited as soon as may be after the end of each financial year to which such accounts relate by a firm of auditors approved with respect to that year by the Federal Commissioner for Finance.

(4) The financial year of each Board shall be such as may be determined by the Board concerned.

Bad debts.

12. Each Commodity Board may, with the approval of the Federal Executive Council, write off bad debts.

PART III—PRICE FIXING AUTHORITY, ETC.

Applica-
tion of this
Part.

13. This Part shall apply to such of the commodities contained in Schedule 2 to this Decree as may be determined by the Price Fixing Authority.

Price Fixing
Authority.

14.—(1) Subject to subsection (3) of this section, the Head of the Federal Military Government shall be the Price Fixing Authority.

(2) The authority—

(a) shall have power to fix for each season the price at which a Board shall purchase each produce (hereinafter referred to as "the producer price"); and

(b) may give guidelines concerning the price at which each Board shall sell such produce (hereinafter referred to as "the sale price"), whether or not for export.

(3) Before exercising the powers conferred on him under this Part, the authority shall consult the National Council of States.

(4) In this section and the other provisions of this Decree the references to season include references to any period which is shorter or longer than a cropping season.

Technical
Committee
on Producer
Prices.

15.—(1) There shall be established a body to be known as the Technical Committee on Producer Prices (hereinafter referred to as "the Technical Committee").

(2) The Technical Committee shall consist of—

(a) the Permanent Secretary, Federal Ministry of Finance, who shall be the chairman ;

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

(i) Agriculture and Rural Development ;

(ii) Co-operatives and Supply ;

(iii) Industry ;

(iv) Trade ; and

(v) Economic Development,

(c) the Governor of the Central Bank of Nigeria or his representative ;
and

(d) the General Manager of each Commodity Board.

(3) The Secretary to the Technical Committee shall be a person designated as such in the Central Bank of Nigeria and such other staff as may be required to assist the Secretary in the discharge of his duties shall also be appointed from that Bank.

16. The functions of the Technical Committee shall be—

Functions
of the
Technical
Committee.

(a) to advise the authority on the producer prices to be fixed for each produce for each season and sales policy relating thereto ;

(b) to advise the authority on any matter incidental to the fixing of the producer prices for produce including administrative and other overheads ;

(c) to advise the authority on the disposal of any trade surplus or, as the case may be, trading deficit at the close of each of season in respect of each commodity account kept pursuant to section 11 (2) of this Decree ;

(d) to keep constantly under review trends in world prices, local production costs and other factors relevant to the production and marketing of each commodity and to submit periodic records thereon as often as the authority may direct ; and

(e) to advise the authority generally on the discharge of his duties under this Decree or on such aspects thereof as he may from time to time direct.

17.—(1) Subject to this Decree, the Technical Committee may make standing orders regulating the proceedings of the Technical Committee and its sub-committees.

Proceedings
of the
Technical
Committee,
etc.

(2) The quorum of the Technical Committee shall be six and shall consist of—

(a) at least two members under paragraphs (a) and (b) of section 15 (2) of this Decree ; and

(b) at least two members under paragraph (d) of the said section.

(3) The validity of any proceedings of the Technical Committee or of any sub-committee thereof shall not be affected—

(a) by any vacancy in the membership of the Committee or of any such sub-committee, or

(b) by any defect in the appointment of any such member.

(4) The Technical Committee shall meet not less than twice in each year and on such other occasions as may be necessary.

(5) The Secretary to the Technical Committee shall attend meetings of the Technical Committee but shall not be entitled to a vote.

(6) The Technical Committee shall permit such number of advisers to accompany each member to the meetings of the Committee as it thinks fit and any such adviser may take part in the deliberations of the Committee but shall not have a right to vote.

18.—(1) Subject to its standing orders, the Technical Committee may from time to time appoint such sub-committees as it thinks fit to consider and report on any matter with which the Technical Committee is concerned.

Sub-commit-
tees.

(2) Every sub-committee appointed under the foregoing provisions of this section shall be presided over by a member of the Technical Committee and shall be made up of such number of persons, not necessarily all members of the Technical Committee, as the Technical Committee may determine in each case.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Industrial
processing.

19.—(1) Notwithstanding anything to the contrary in this Decree, any person who engages in industrial processing of any commodity to which this Decree applies—

(a) shall be entitled to purchase the relevant commodity at a price not less than that fixed from time to time by the Price Fixing Authority ; and

(b) where he is a primary producer of such commodity, shall not be under any obligation to sell such commodity to the Board concerned.

(2) In this section—

“industrial processing” means any industrial or large scale process or operation which has the effect of altering the character, nature or composition of any commodity to which this Decree applies ; and

“primary producer” means a person who grows or tends any commodity aforesaid.

False repre-
sentation.

20. Any person who falsely holds himself out or represents himself to be a licensed agent or a person acting on the authority or instructions of a Commodity Board shall be guilty of an offence and shall be liable on conviction to a fine of ₹1,000 or imprisonment for twelve months or to both such fine and imprisonment.

Appeals as
to licences.

21.—(1) Any person aggrieved by the refusal of a Commodity Board to grant or to renew an agent's licence or by any condition imposed by such a Board in connection with such licence may within thirty days appeal to the Commissioner.

(2) The Commissioner shall give a decision (whether or not subject to such conditions as he may deem fit) on any appeal lodged in accordance with this section not later than thirty days after the date of its receipt by him.

(3) The Commissioner shall cause to be given to the applicant notice in writing of his decision (which shall be subject to no appeal) ; and if the appeal is allowed, the Commodity Board concerned shall comply with such decision.

Annual
reports.

22.—(1) Each Commodity Board shall prepare and submit to the Commissioner not later than 18 months after its establishment, and once every year thereafter, a report in such form as the Commissioner may direct on the activities of the Board during the last preceding financial year and shall include in the report a copy of the audited accounts of the Board for that year and of the auditor's 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 and shall also send a copy to each of the Military Governors of the States concerned.

(3) For the purposes of each Board's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year commencing as begins with the date of the first meeting of the Board concerned.

23.—(1) The following enactments are hereby repealed and the respective bodies established by or pursuant to those enactments are hereby dissolved, that is to say—

Dissolution of certain bodies and transfer of their assets and liabilities ; repeals and savings.

(a) the Marketing Board Law of former Northern Nigeria as in force in the Bauchi, Borno, Gongola, Kaduna, Kano, Kwara, Niger and Sokoto States and the Northern States Marketing Board ;

LL. of N.N. 1963.

Cap. 70.

(b) the Marketing Board Law of former Western Nigeria as in force in the Ogun, Ondo and Oyo States and the Western Nigeria Marketing Board ;

LL. of W.N. 1959.

Cap. 75.

(c) the East-Central State Marketing Board Edict 1970 as in force in the Anambra and Imo States and East-Central State Marketing Board ;

ECS. Edict No. 1 of 1970.

(d) the Marketing Board Law of Lagos State and the Lagos State Marketing Board ;

LL. of LS 1972.

Cap. 83.

(e) the Mid-Western Nigeria Marketing Board Edict 1971 as in force in the Bendel State and the Bendel State Marketing Board ;

MWN. Edict No. 1 of 1972.

(f) the Rivers State Marketing Board Edict 1970 and the Rivers State Marketing Board ;

RS. Edict No. 10 of 1969.

(g) the Marketing Board Edict 1972 of the former Benue-Plateau State as in force in the Benue and Plateau States and the Benue-Plateau Marketing Board ; and

BPS. Edict No. 8 of 1972.

(h) the South-Eastern State Marketing Board Edict 1968 of the former South-Eastern State as in force in the Cross River State and the Cross River State Marketing Board.

SES. Edict. No. 2 of 1968.

(2) Notwithstanding the provisions of the Companies Decree 1968 or any other enactment (including the articles of association of the Company) the Nigerian Produce Marketing Company Limited is hereby dissolved and the Export of Nigerian Produce (Special Provisions) Decree 1968 is hereby repealed and the following enactments are hereby consequentially repealed, that is—

1968 No. 51.

1968 No. 14.

(a) the Export of Nigerian Produce (Special Provisions) (Amendment) Decree 1971 ; and

1971 No. 31.

(b) the Export of Nigerian Produce (Special Provisions) (Amendment) Decree 1973.

1973 No. 45.

(3) As from the date of commencement of this Decree—

(a) the assets and liabilities of the Nigerian Produce Marketing Company Limited shall be transferred to the Federal Military Government ; and

(b) the assets and liabilities of any body established under or pursuant to any enactment repealed under this section shall be transferred to the relevant State or States, that is to say in respect of each such body, the State or States in which the enactment setting it up is in force immediately before the date of commencement of this Decree,

and, accordingly, the transitional and saving provisions contained in Schedule 3 to this Decree shall have effect notwithstanding anything contained in this Decree or any such aforementioned enactment.

(4) Notwithstanding any other provision of this Decree, any agent licensed pursuant to any enactment repealed by this section may continue to function as such agent until other provision is made relative to licensed agents pursuant to this Decree.

1964 No. 1.

(5) Without prejudice to section 4 (2) (c) of the Interpretation Act 1964, any subsidiary instrument made under any enactment repealed by this section and which is still in force immediately before the date of commencement of this Decree shall, in so far as such instrument is not inconsistent with the provisions of this Decree, continue in force as if made under this Decree.

Power to
amend Sched-
ule 2, etc.

24. The Head of Federal Military Government may by order published in the *Gazette* delete from, add to or otherwise vary the list of commodities contained in Schedule 2 to this Decree and any such order shall also make consequential provision with respect to the group of commodities to be dealt with by each Board pursuant to section 5 (2) of this Decree.

Regulations.

25. Subject to the other provisions of this Decree, the Commissioner may, with the prior approval of the Federal Executive Council, make regulations generally for carrying into effect the provisions of this Decree and, without prejudice to the generality of the foregoing, such regulations may make provision—

(a) for the licensing of agents ;

(b) requiring books of accounts to be kept by licensed agents and for inspection thereof ;

(c) prescribing fees ;

(d) imposing penalties for offences against regulations made under this Decree to a limit of a fine of ₦200 or imprisonment for six months or to both such fine and imprisonment.

Interpre-
tation.

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

“agent” or “licensed agent” means any buying, ginning or other agent licensed by the Board pursuant to this Decree ;

“the authority” means the Price Fixing Authority referred to in Part III of this Decree ;

“the Commissioner” means the Federal Commissioner for the time being charged with responsibility for Commodity Boards ;

“commodity” means any produce designated in Schedule 2 to this Decree, and “relevant commodity” has the meaning assigned thereto in section 5 of this Decree ;

“Commodity Board” means any of the seven Boards established pursuant to section 1 of this Decree and when used in the plural means all of them ;

“export” with its grammatical variations and cognate expressions means to take or cause to be taken out of Nigeria ;

“produce” means any commodity dealt in by a Board ;

“producer price” and “sale price” have the meanings respectively assigned thereto in section 14 of this Decree ;

“the Technical Committee” means the Technical Committee on Producer Prices established pursuant to section 15 of this Decree.

27. This Decree may be cited as the Commodity Boards Decree 1977 and shall be deemed to have come into force on 1st April 1977.

Citation and commencement.

SCHEDULES

SCHEDULE 1

(Section 2)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMODITY BOARDS

Term of Office

1. A member of the Board, not being an ex-officio member, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for two further terms of three years each.

2. A member of the Board, not being an ex-officio member, may resign his appointment by a letter addressed to the Commissioner and the resignation shall take effect on the date of receipt of the letter by the Commissioner.

3. A member of the Board, not being an ex-officio member, shall hold office on such terms as may be specified in his letter of appointment.

Proceedings of the Boards

4. Subject to the provisions of 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 person presiding to have a casting vote), each Board may make standing orders regulating its proceedings or any committee thereof.

1964 No. 1.

5. The quorum for meetings of each Board shall be six of whom at least two shall be members appointed to represent State Governments having representation on the Board concerned.

6. Each Board shall meet not less than four times in each year and on such other occasions as the Board may consider necessary.

Export Commodity Co-ordinating Committee

7. The Commodity Boards shall establish a body to be known as the Export Commodity Co-ordinating Committee which shall comprise—

(a) all the General Managers of the Boards ;

(b) a representative of the Federal Ministry of Co-operatives and Supply ; and

(c) a representative of the Federal Ministry of Trade.

8. The Co-ordinating Committee shall have power to regulate its own proceedings.

9. There shall be a Secretary to the Co-ordinating Committee who shall be a public officer designated as such in the Federal Ministry of Trade and the secretariat of the Committee shall be located in that Ministry.

10. The Co-ordinating Committee shall be responsible for advising the Commodity Boards on the export of any commodity (whether processed or not) and for other matters ancillary thereto.

Miscellaneous

11. Any member of a Board or any committee thereof who has any interest in any contract or arrangement entered into or proposed to be entered into by such Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any questions relating to the contract or arrangement.

12. The fixing of the seal of each Board shall be authenticated by the signature of the Chairman thereof or any other member of the Board concerned authorised in that behalf by the Board.

13. 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 a Board by any person generally or specially authorised by such Board to act for that purpose.

14. Any document purporting to be a document executed under the seal of the Board and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

15. The validity of any proceedings of a Board shall not be affected by any vacancy in the membership of such Board or by any defect in the appointment of a member of the Board.

SCHEDULE 2

(Section 13)

COMMODITIES TO WHICH THIS DECREE APPLIES

- A. (1) Cocoa
- (2) Coffee
- (3) Tea

- B. (1) Groundnuts
- (2) Soya Beans
- (3) Beniseed
- (4) Sheanuts
- (5) Ginger

- C. (1) Seed Cotton
- (2) Cotton lint
- (3) Cottonseed
- (4) Kenaf

- D. (1) Palm Oil
- (2) Palm Kernel
- (3) Copra

E. Rubber

F. (1) Guinea Corn

- (2) Maize
- (3) Millet
- (4) Wheat
- (5) Rice
- (6) Beans

G. (1) Yams

- (2) Cassava

SCHEDULE 3

(Section 23)

TRANSITIONAL PROVISIONS RELATING TO THE TRANSFER OF CERTAIN
ASSETS AND STAFF, ETC. OF THE DISSOLVED BODIES

1. Such of the assets, funds, resources, and movable and immovable property, rights and interests of the Nigerian Produce Marketing Company Limited vested in the Federal Military Government by virtue of section 23 of this Decree as the Commissioner may determine shall be apportioned by the Commissioner between the Commodity Boards in accordance with such formula as the Commissioner may deem appropriate.

2.—(1) Within the next 12 months after the making of this Decree, the Commissioner, after consultation with the relevant State or States, may by order vest in such of the Commodity Boards as may be specified in the order and without any further assurance but for such order, such of the assets, funds, resources, and movable and immovable property, rights and interests vested in the relevant States by virtue of section 23 of this Decree as the Commissioner may determine.

(2) Any order made pursuant to this paragraph may be given retrospective effect to any date not earlier than the date of commencement of this Decree and may appoint different vesting dates in respect of any matter mentioned in sub-paragraph (1) above and for different Commodity Boards; and provision may be made in any such order by the Commissioner in respect of such incidental and supplementary matters as he may deem necessary for the purposes of this paragraph.

3. Subject to this Schedule, any proceeding or cause of action pending or existing immediately before the appointed day by or against any dissolved body in respect of any matter vested in a Commodity Board pursuant to paragraphs 1 and 2 above, may be continued or as the case may be, commenced by or against such of the Commodity Boards as the Commissioner may in any particular case nominate, to the same extent as the proceeding or cause of action might have been continued or commenced by or against a dissolved body if this Decree had not been made.

4. Notwithstanding the dissolution effected by section 23 of this Decree, but subject to such directions as may be issued by the Commissioner, any person who immediately before the appointed day held office under any of the dissolved bodies shall, on the appointed day, be deemed to have been appointed to such one of the Commodity Boards as may be directed by the Commissioner on terms and conditions not less favourable as those applicable to him immediately before the appointed day; and service under the dissolved bodies shall be regarded as service under the Boards for pensions purposes.

5. Within the next twelve months after the making of this Decree the Commissioner, if he thinks fit, may by order in the *Gazette* make additional transitional or saving provisions to those provided for in paragraph 2 of this Schedule for the better carrying-out of the objectives of this Schedule.

6. In this Schedule—

“the appointed day” means the date of commencement of this Decree ;

“the dissolved bodies” means the bodies dissolved pursuant to section 23 of this Decree.

MADE at Lagos this 5th day of April 1977.

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 dissolves the Nigerian Produce Marketing Company Limited and all the States' Marketing Boards and sets up, in their place, seven new Commodity Boards to which certain staff and assets of the dissolved bodies would be transferred in accordance with the formula stipulated therein.

Also, the Decree establishes a Technical Committee on Producer Prices whose main function would be to advise the Price Fixing Authority on seasonal variations to be made to the fixed prices of the various commodities concerned.