

NEW NIGERIA SALT COMPANY LIMITED (TAKE-OVER)  
DECREE 1978



Decree No. 27

[20th September 1978]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Notwithstanding the provisions of any other enactment, all shares of whatever description and however held in the company known as the New Nigeria Salt Company Limited (other than shares held by the Federal Military Government) are hereby forfeited to the Federal Military Government free of all encumbrances without any further assurance apart from this Decree.

2.—(1) The Commissioner shall cause a copy of this Decree to be served upon the secretary or other officer or agent of the company having charge of, or control over, the register of members of the company and the secretary or other officer or agent aforesaid shall strike out the name of the holder of any share to which section 1 of this Decree relates and substitute therefor the name of the Federal Military Government.

(2) The Commissioner shall likewise cause a copy of this Decree to be served upon the Registrar of Companies who shall similarly rectify his records relating to the names of the members of the company accordingly.

3.—(1) All persons rectifying any register or other records of, or relating to, the company in pursuance of this Decree shall stand indemnified in respect thereof ; and no suit or other legal proceedings shall lie at the instance of any person aggrieved for anything done in intended pursuance of this Decree.

(2) The question whether any provision of Chapter III of the Constitution of the Federation has been, is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be inquired into in any court of law and, accordingly, sections 31, 32 and 117 (2) (b) of the Constitution shall not apply in relation to any such question.

4. In this Decree—

“the Commissioner” means the Federal Commissioner for Industries ;

“the company” means the New Nigeria Salt Company Limited registered pursuant to the Companies Decree 1968 ;

“enactment” includes any agreement or any other instrument whatsoever.

Commencement.

Take-over of shares by Government.

Rectification of certain registers.

Indemnity and exclusion of rights.

Definitions.

1968 No. 51.

Citation.

5. This Decree may be cited as the New Nigeria Salt Company Limited (Take-Over) Decree 1978.

MADE at Lagos this 20th day of September 1978.

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 provides for the complete take-over by the Federal Military Government of the shares held in the New Nigeria Salt Company Limited by a certain private organisation.

## EXCLUSIVE ECONOMIC ZONE DECREE 1978



## Decree No. 28

[2nd October 1978]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Subject to the other provisions of this Decree, there is hereby denominated a zone to be known as the Exclusive Economic Zone of Nigeria (hereinafter referred to as the “Exclusive Zone”) which shall be an area extending from the external limits of the territorial waters of Nigeria up to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial waters of Nigeria is measured.

Delimitation  
of Exclusive  
Economic  
Zone of  
Nigeria.

(2) Notwithstanding subsection (1) above but subject to the provisions of any treaty or other written agreement between Nigeria and any neighbouring littoral State, the delimitation of the Exclusive Zone between Nigeria and any such State shall be the median or equidistance line.

(3) For the purposes of this section, “the median or equidistance line” means the line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Nigeria and the State concerned are measured.

2.—(1) Without prejudice to the Territorial Waters Decree 1967, the Petroleum Decree 1969 or the Sea Fisheries Decree 1971, sovereign and exclusive rights with respect to the exploration and exploitation of the natural resources of the sea bed, subsoil and superjacent waters of the Exclusive Zone shall vest in the Federal Republic of Nigeria and such rights shall be exercisable by the Federal Military Government or by such Federal Commissioner or agency as that Government may from time to time designate in that behalf either generally or in any special case.

Exploitation,  
etc. of  
Exclusive  
Zone.  
1967 No. 5.  
1969 No. 51.  
1971 No. 30.

(2) Subsection (1) of this section shall be subject to the provisions of any treaty to which Nigeria is a party with respect to the exploitation of the living resources of the Exclusive Zone.

3.—(1) For the purpose of exploring and exploiting, conserving and managing the natural resources and other activities for the economic exploitation and exploration of the Exclusive Zone, the appropriate authority may establish, or permit the establishment, operation and use by any other person subject to such conditions as may be prescribed, in designated areas—

Power to  
erect instal-  
lations, etc.  
and offences  
in relation  
thereto.

- (a) artificial islands ;
- (b) installations and structures.

(2) The appropriate authority may, for the purpose of protecting any installation in a designated area by order published in the *Gazette*, prohibit ships, subject to any exceptions provided in the order, from entering without its consent such part of that area as may be specified in such order.

(3) If any ship enters any part of a designated area in contravention of an order made under this section, its owner or master shall be liable on conviction to a fine of ₦5,000 or imprisonment for 12 months or to both unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

(4) In this section, "designated area" means any area of the Exclusive Zone so designated by the appropriate authority for the purposes of subsection (1) above.

Applica-  
bility of  
criminal and  
civil laws,  
etc.

4.—(1) Any act or omission which—

(a) takes place on, under or above an installation in a designated area or any waters within 200 metres of such an installation ; and

(b) would, if taking place in any part of Nigeria, constitute an offence under the enactment in force in that part,

shall be treated for the purposes of that law as taking place in Nigeria.

(2) Offences under subsection (1) above shall be triable by the Federal Revenue Court whether or not such offence would, if actually committed in Nigeria, be triable under the applicable enactment by a court other than the Federal Revenue Court.

(3) The prosecution of any offence under this Decree shall be at the instance of the Attorney-General of the Federation.

(4) In this section, "enactment" means any Act, Decree, Law, Edict relating to criminal or civil law (including torts) and any subsidiary instrument made thereunder including rules of court and, in matters other than criminal matters, rules of law applicable to or adopted in any part of Nigeria.

Offences by  
bodies  
corporate.

5.—(1) Where a body corporate is guilty of an offence under this Decree and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate or of any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of this section, "director" in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Interpre-  
tation.

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

"the appropriate authority" means the Federal Military Government or any other person or authority designated in that behalf by the Federal Military Government by virtue of section 2 of this Decree ;

"designated area" has the meaning assigned thereto by section 3 (4) of this Decree ;

"the Exclusive Zone" means the Exclusive Economic Zone of Nigeria as delimited by section 1 of this Decree ;

"territorial waters of Nigeria" has the meaning assigned thereto by the Territorial Waters Decree 1967. 1967 No. 5.

7. This Decree may be cited as the Exclusive Economic Zone Decree 1978. Citation.

MADE at Lagos this 2nd day of October 1978.

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 purport)*

The Decree delimits the Exclusive Economic Zone of Nigeria, being an area extending up to 200 nautical miles seawards from the coasts of Nigeria. Within this Zone, and subject to universally recognised rights of other states (including land-locked States), Nigeria would exercise certain sovereign rights especially in relation to the conservation or exploitation of the natural resources (minerals, living species, etc.) of the seabed, its subsoil and superjacent waters and the right to regulate by law the establishment of artificial structures and installations and marine scientific research, amongst other things.

**MERCHANT SHIPPING (AMENDMENT) (No. 2)  
DECREE 1978**



**Decree No. 29**

[13th August 1978]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In section 2 of the Merchant Shipping (Amendment) Decree 1978 for the words "and shall come into force ninety days after the date of its making" therein, there shall be substituted the words "and shall come into force on such date as the Commissioner may appoint by order published in the *Gazette*".

Amendment  
of 1978 No.  
9.

2. This Decree may be cited as the Merchant Shipping (Amendment) (No. 2) Decree 1978 and shall be deemed to have come into force on 13th August 1978.

Citation and  
commence-  
ment.

MADE at Lagos this 2nd day of October 1978.

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)*

By virtue of the amendment made by the Decree, the prohibition on foreign ships trading in or from Nigerian waters will no longer become effective from 13th August 1978 but such later date as may be appointed by the Federal Commissioner for Transport.

**THE EXTERNAL LOANS (REHABILITATION,  
RECONSTRUCTION AND DEVELOPMENT)  
(AMENDMENT) DECREE 1978**



**Decree No. 30**

[26th September 1978] Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

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| <p>1. The External Loans (Rehabilitation, Reconstruction and Development) Decree 1970 is hereby amended in section 1 (1) (a) by substituting the sum "five billion Naira" for the sum "one billion Naira".</p> | <p>Amendment<br/>of 1970<br/>No. 38.</p> |
| <p>2. This Decree may be cited as the External Loans (Rehabilitation, Reconstruction and Development) (Amendment) Decree 1978.</p>   | <p>Citation.</p>                         |

MADE at Lagos this 26th day of September 1978.

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 increases the ceiling of external borrowings at any one time from one billion Naira to five billion Naira.