## PORTS DECONGESTION COMMITTEE DECREE 1979



## Decree No. 66

[24th January 1978]

Commence-

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. There is hereby established a body to be known as the Ports Decongestion Committee (hereinafter referred to as "the Committee") which shall be constituted in accordance with, and shall have such functions as are conferred by or by virtue of, the following provisions of this Decree.

Establishment of Ports Decongestion Committee.

2.—(1) The Committee shall consist of the following members—

Composition of the Committee.

- (a) a Chairman, who shall be a public officer, to be appointed by the Head of the Federal Military Government on the recommendation of the Commissioner for Transport;
  - (b) one representative of the Federal Ministry of Trade;
  - (c) one representative of the Department of Customs and Excise;
  - (d) one representative of the Nigerian Ports Authority;
- (e) a member of the Nigeria Police Force appointed by the Inspector-General of Police; and
- (f) one other person who shall be appointed by the Head of the Federal Military Government and shall hold office for such period as may be specified in his letter of appointment.
- (2) Subject to this Decree, the Committee shall have power to co-opt members as required and regulate its own proceedings.
- (3) The validity of the proceedings of the Committee shall not be affected by reason of—
  - (a) any vacancy in the membership of the Committee; or
  - (b) any defect in the appointment of a member of the Committee; or
  - (c) a person not entitled to do so taking part in its proceedings.
- 3.—(1) Subject as hereinafter provided, the Committee shall be charged with the general responsibility of disposing of all goods to which this subsection applies found and lying in transit sheds and Government warehouses in every port and customs border station specified in the Schedule to this Decree, that is to say—

Functions of Committee.

(a) prohibited goods;

- (b) goods under licence; and
- (c) overtime and abandoned goods.
- (2) Where the consignee of the goods specified under paragraph (a) of subsection (1) above pays all necessary charges within a specified period the Committee shall not dispose of such goods but shall allow the consignee to clear the goods, so however that in respect of—
  - (a) lace;
  - (b) embroidered textiles;
  - (c) sparkling wines and champagne; and
  - (d) cars of cubic capacity of 2,500 cc and above

the goods shall be taken over by the Federal Military Government and disposed of by the Committee in accordance with the provisions of section 2 (2) of the Customs and Excise (Special Penal and Other Provisions) Decree 1977.

(3) The provisions of subsection (2) of this section shall not apply to cars of cubic capacity of 2,500 cc and above where such cars belong to Nigerian diplomats returning to Nigeria.

Method of disposal of goods under licence.

1977 No. 38.

- 4.—(1) Notwithstanding any other enactment but subject to subsection (2) below, the Committee shall, after being satisfied with the documents in respect of goods under licence, issue a licence to the importer of such goods to enable such importer to take immediate delivery of the goods.
- (2) The provisions of subsection (1) of this section shall not apply to the following goods, that is—
  - (a) furniture;
  - (b) carpets;
  - (c) canned and bottled beer; and
  - (d) soft drinks, including malt drinks.
- (3) The Committee shall transfer the goods referred to in subsection (2) above to the Nigerian National Supply Company which shall sell them to the public and pay to the importers compensation based on the c.i.f. value of the goods.

Overtime and abandoned goods.

- 5.—(1) In respect of overtime and abandoned goods, the Committee shall issue licences to the owners to clear them within a specific period after the payment of customs duties and Nigerian Ports Authority's charges by the owners of the goods, but goods not claimed after the expiration of the period specified by the Committee shall be auctioned, disposed of or destroyed by the Committee or dealt with in accordance with the provisions of section 2 (2) of the Customs and Excise (Special Penal and Other Provisions) Decree 1977.
- (2) The powers conferred on the Committee under this section shall be exercisable notwithstanding the provisions of any other enactment or instrument to the contrary.

6. In addition to the powers conferred upon the Committee under the foregoing provisions of this Decree, the Committee may wherever it deems fit, re-export or cause to be re-exported any of the goods affected by the provisions of this Decree. Power of the Committee to re-export.

7. The Committee shall not dispose of goods in transit to neighbouring countries and those consigned to public bodies and institutions but shall inform and request consignees of such goods to make arrangements for the evacuation of the goods without delay.

Treatment of goods in transit, etc.

8. Any person who obstructs or interferes with the Committee or any of its members in the discharge of the functions conferred on the Committee under this Decree, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$\frac{1}{2}500\$ or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

Offences.

9. Notwithstanding the provisions of any other enactment (including the Constitution of the Federation), no criminal or civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by the Committee or any of its members under this Decree, and if any such proceedings have been instituted before or are instituted after the making of this Decree, such proceedings shall abate, be discharged and made void.

Proceedings against the Committee.

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

Interpretation.

"the Committee" means the Ports Decongestion Committee established under section 1 of this Decree;

"overtime and abandoned goods" means goods which had landed in the country and had been lying in transit sheds or Government warehouses for a minimum of 60 days;

"ports" means the ports and airports referred to in the Schedule to this Decree;

"prohibited goods" means goods the importation of which has been prohibited by any enactment;

"unclaimed goods" includes all goods found in transit sheds and Government warehouses whether they are banned goods, goods under licence or overtime and abandoned goods which have not been claimed by the consignee concerned.

11.—(1) This Decree may be cited as the Ports Decongestion Committee Decree 1979 and shall be deemed to have come into force on 24th January 1978.

Citation,

(2) The provisions of this Decree shall have effect notwithstanding any of the provisions of the Customs and Excise (Special Penal and Other Provisions) Decree 1977 or any other enactment relating to customs and excise.

1977 No. 38.

#### SCHEDULE

Section 3 (1)

PORTS AND CUSTOMS BORDER STATION TO WHICH THIS DECREE APPLIES

Ports

Lagos, including Apapa and Tin Can Island Port Harcourt Calabar Burutu Koko Sapele Warri

Airports

Murtala Muhammed Airport, Ikeja International Airport, Kano

Customs Border Station Idi-Iroko.

Bonny

MADE at Lagos this 11th day of September 1979.

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 establishes an interim Ports Decongestion Committee for the purpose, *inter alia*, of clearing transit sheds and Government warehouses located in Nigerian sea ports, international airports and one customs border station of prohibited goods, goods under licence and overtime and abandoned goods.

## NATIONAL MEDICAL COLLEGE DECREE 1979



#### ARRANGEMENT OF SECTIONS

#### Section

- Establishment of National Medical College.
- 2. Functions of the College.
- 3. Constitution of the College.
- Composition of the Governing Board.
- 5. Functions of the Board.
- 6. Composition of the Senate.
- 7. Functions of the Senate.
- Appointment and tenure of office of President and members of the Governing Board and the Senate.

- 9. Faculty Boards.
- 10. Candidacy for examinations.
- 11. Award of diploma.
- 12. Award of honorary fellowships.
- Publication of approved standards and institutions.
- 14. Appointment of secretary and other staff.
- 15. Interpretation.
- 16. Citation.

#### SCHEDULE

Supplementary Provisions relating to the Governing Board, the Senate, etc.

## Decree No. 67

[24th September 1979]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. There is hereby established a National Medical College (in this Decree referred to as "the College") which shall be a body corporate with perpetual succession and a common seal.

Establishment of National Medical College.

2. The College shall have responsibility for the conduct of professional post-graduate examination of candidates in the various specialised branches of medicine, surgery, obstetrics and gynaecology and dental surgery and making awards in relation thereto accordingly.

Functions of the College. Constitution of the College.

- 3.—(1) The College shall consist of all Fellows of the College and its affairs shall be managed by—
  - (a) a Governing Board, and

(b) a Senate,

which shall each exercise such powers as are conferred on it by this Decree.

(2) The supplementary provisions in the Schedule to this Decree shall have effect with respect to the proceedings of the Governing Board and the Senate and the other matters therein mentioned.

Composition of the Governing Board.

- 4. The Governing Board of the College shall consist of-
- (a) the President of the College who shall be chairman;
- (b) the president and registrar of the Nigeria Medical Council;

(c) twelve representatives of the Senate;

- (d) the Federal Director of Medical Services and Training;
- (e) the Permanent Secretary, Federal Ministry of Health or his representative;
  - (f) the Permanent Secretary, Federal Ministry of Finance or his representative;
  - (g) the Permanent Secretary, Federal Ministry of Education or his representative; and
  - (h) one representative of the armed forces who shall be a fully registered medical or dental practitioner.

Functions of the Board. 5. The Governing Board shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finances and property of the College, including its public relations.

Composition of the Senate.

- 6. The Senate shall consist of-
- (a) the President of the College who shall be chairman;
- (b) the chairman and secretary of each faculty board appointed pursuant to section 9 of this Decree; and
  - (c) one representative elected by each Faculty.

Functions of the Senate.

- 7. The Senate shall have responsibility for the running of the academic affairs of the College including—
  - (a) the organisation and control of courses of study at the College and of the examinations held in connection with those courses; and
  - (b) the award of degrees, diplomas and such other qualifications as may be prescribed in connection with examinations held as aforesaid.

Appointment and tenure of office of President and members of the Governing Board and the Senate.

- 8.—(1) Subject to paragraph 1 of the Schedule to this Decree, the President shall be appointed by the Governing Board and shall hold office as such for two years.
- (2) In the event of the death or incapacity of the President or if for any reason other than the effluxion of time the office of President is vacant the Governing Board shall appoint another person as President for the residue of the term of the President.
- (3) Members of the Governing Board appointed under paragraph (b) of section 4 above and members of the Senate appointed under paragraphs (b) and (c) of section 6 above shall hold office for two years.

- (4) Any of the members of the Governing Board or the Senate referred to in subsection (3) of this section may by notice to the Governing Board or, as the case may be, to the Senate resign his appointment, and where any such member ceases to hold office before his term of office would have expired by the effluxion of time, the body by whom he was appointed or elected shall as soon as may be appoint or, as the case may be, elect a person to fill the vacancy for the residue of the term aforesaid.
- 9.—(1) Each Faculty shall comprise all Fellows in the appropriate specialty and the faculties in the College shall be as follows, that is to say—

Faculty Boards,

- (a) the Faculty of Anaesthesia;
- (b) the Faculty of General Dental Practice;
  - (c) the Faculty of Dental Surgery;
  - (d) the Faculty of General Medical Practice;
  - (e) the Faculty of Obstetrics and Gynaecology;
  - (f) the Faculty of Ophthalmology;
  - (g) the Faculty of Paediatrics;
  - (h) the Faculty of Pathology;
  - (i) the Faculty of Physiology;
  - (i) the Faculty of Psychiatry;
  - (k) the Faculty of Public Health;
  - (1) the Faculty of Radiology;
  - (m) the Faculty of Surgery; and
- (n) the Faculty of any other specialty as may be prescribed by the Governing Board of the College.
- (2) Each Faculty shall elect from among its members not less than 8 nor more than 16 persons to serve on its Faculty Board, two of such persons being elected chairman and secretary, respectively, of the Faculty Board. All members so elected to the Faculty Board shall hold office for a period of two years.
- (3) Subject to such standing orders that may be made by the Senate for that purpose, each Faculty Board may carry out its duties as it deems fit.
- (4) Each Faculty Board shall appoint a court of examiners and the court shall be charged with the conduct of examinations under this section.

Thereafter the Faculty Board shall make its recommendations to the Senate.

- (5) Members of a Faculty Board shall not be entitled to any emoluments other than expenses reasonably incurred in travelling on the Board's business but members of a court of examiners shall be entitled to such remuneration as the Governing Board of the College may authorise.
- 10. Where a candidate offers himself for examination under this Decree he shall satisfy the appropriate Faculty Board—
  - (a) that he is a registered medical or dental practitioner as the case may be, so however that if the candidate is on the temporary register he may be examined only by leave of the Senate given either generally or as a special case; and

Candidacy for examinations (b) that he is in possession of and is therein named as the holder of a certificate from an institution recognised by the College showing that he has satisfactorily attended the prescribed course of training in the particular specialised branch and for the prescribed period of the course.

Award of diploma.

11. Where the College awards its diploma under this Decree the holder shall be entitled to status as a Fellow in the specialised branch of which the diploma is evidence.

Award of honorary fellowships and election of fellows.

- 12.—(1) The College may on the recommendation of the Senate award honorary fellowships to persons of distinction in the community who need not be medical or dental practitioners and, subject to subsection (2) below, may on the like recommendation elect fellows who need not have offered themselves for any post-graduate examination conducted by the College.
- (2) No person shall be eligible for election as a fellow unless he already possesses a post-graduate degree, diploma or other qualification registered with the Nigeria Medical Council and satisfies such other conditions as may be prescribed by the College.

Publication of approved standards and institutions.

- 13. The College shall from time to time publish in the Gazette and elsewhere as it may think fit—
  - (a) particulars of the standards which are to be treated as sufficient for the purposes of examinations conducted by the College pursuant to this Decree; and
  - (b) the list of institutions recognised for the purposes of section 10 of this Decree.

Appointment of secretary and other staff.

- 14.—(1) The Governing Board may employ such staff of the College as the Governing Board may consider necessary for the purpose of any of the functions conferred on any body under this Decree.
- (2) The Governing Board shall from among the officers appointed pursuant to subsection (1) of this section select a person to act both as its secretary and as secretary to the Senate.

Interpretation. 1963 No. 9. 15.—(1) In this Decree, unless the context otherwise requires—
"the Act" means the Medical and Dental Practitioners Act 1963;

"the College" means the National Medical College established by section 1 of this Decree;

"Faculty Board" means any Faculty Board established by or pursuant to section 9 of this Decree;

"the Governing Board" means the Governing Board of the College referred to in section 3 of this Decree;

"the Nigeria Medical Council" or "the Council" means the Nigeria Medical Council established by section 1 of the Act;

"the President" means the President of the College;

- "the Senate" means the Senate of the College referred to in section 3 of this Decree.
- (2) Unless the context otherwise requires, expressions used in this Decree have the same meaning as in the Act.

Citation.

16. This Decree may be cited as the National Medical College Decree 1979.

## SCHEDULE Section 3 (2)

## Supplementary Provisions relating to the Governing Board, the Senate, etc.

# Composition of the First Senate and Faculty Boards and election of the First President of the College

- 1.—(1) Notwithstanding anything to the contrary in this Decree, the persons who immediately before the commencement of this Decree were members of any Faculty Boards appointed by the Council shall on the commencement of this Decree become members of the corresponding Faculty Boards for the purposes of this Decree and shall be deemed to have been appointed pursuant to section 9 of this Decree.
- (2) Half of the members of Faculty Boards to whom sub-paragraph (1) above relates shall remain in office for a period of one year and the other half for a period of two years. Thereafter appointments of members of Faculty Boards shall be made in accordance with the provisions of section 9 of this Decree.
- (3) The persons who were chairman and secretary of any Faculty Board referred to in sub-paragraph (1) above shall be deemed to have been duly elected as chairman and secretary for the purposes of section 9 (2) of this Decree. Each Faculty Board shall also elect the first representative of the corresponding Faculty on the Senate as specified in section 6 (c) of this Decree.
- (4) The first meeting of the Senate shall be summoned by the president of the Council and shall be presided over by him. At this meeting the Senate shall elect the person to be recommended to the Governing Board for appointment as the first President of the College as well as the first twelve representatives of the Senate on the Governing Board as specified in section 4 (c) of this Decree.
- (5) The first meeting of the Governing Board shall be called by the President of the Council and shall be presided over by him until the President of the College is appointed in the manner prescribed in section 8 (1) of this Decree.

## Proceedings of the Governing Board, Senate, etc.

- 2.—(1) The Governing Board may make standing orders regulating its proceedings or of any committee of the Board.
- (2) The Senate may make standing orders regulating its proceedings or of any Faculty Board or of any committee of the Senate.
  - 3. The quorum-
  - (a) of the Governing Board shall be 7;
  - (b) of the Senate shall be 14;
  - (c) of any Faculty Board shall be determined by the Senate.
- 4. At any meeting of the Governing Board or the Senate, the President shall preside and if the President is absent the members present shall elect one of their number to preside at that meeting.

## Committees of the Governing Board and Senate

- 5.—(1) The Governing Board may appoint one or more committees to carry out on behalf of the Board such of its functions as the Board may determine but a decision of a committee shall be of no effect until it is confirmed by the Board.
- (2) The Senate may appoint one or more committees to carry out on behalf of the Senate such of its functions as the Senate may determine but a decision of a committee shall be of no effect until it is confirmed by the Senate.

#### Miscellaneous

- 6.—(1) The fixing of the seal of the College shall be authenticated by the signature of the President or of some other member authorised generally or specially by the Governing Board for that purpose.
- (2) 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 the College by any person generally or specially authorised to act for that purpose by the Governing Board.
- (3) Any document purporting to be a document duly executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- 7. The validity of any proceedings of the Governing Board, the Senate or any Faculty Board or of a committee of the Governing Board or the Senate shall not be affected by any vacancy in the membership of the body concerned or by any defect in the appointment of any member or by reason that a person not entitled to do so took part in the proceedings.
- 8. Any member of the Governing Board, and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 24th day of September 1979.

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 establishes a National Medical College and charges it with responsibility for the conduct of professional post-graduate examination of candidates in the various specialised branches of medicine, surgery, obstetrics and gynaecology and dental surgery. The College is to consist of a Governing Board, which will be the governing body of the College; a Senate, which will have responsibility for the College's academic affairs; and Faculty Boards, which shall have responsibility for the conduct of examinations.

# MEDICAL AND DENTAL PRACTITIONERS (AMENDMENT) DECREE 1979



#### Decree No. 68

[24th September 1979]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Medical and Dental Practitioners Act 1963, as amended by the Medical and Dental Practitioners Decree 1969, is hereby amended as follows:—

Amendment of 1963 No. 9. 1969 No. 44.

- (a) in subsection (2) of section 1-
  - (i) for the words "the council shall consist of a total of twenty-seven members, all being citizens of Nigeria, and shall comprise", there shall be substituted the words "the council shall consist of the following members, all of whom shall be citizens of Nigeria, that is to say";
  - (ii) for paragraph (a) there shall be substituted the following new paragraph—
  - "(a) the Director of Medical Services and Training who shall be the president of the council;";
- (iii) in paragraph (c) for the word "twelve" there shall be substituted the word "nineteen";
- (iv) for paragraph (d) there shall be substituted the following new paragraph—
  - "(d) the heads (whether designated as provosts, deans or otherwise howsoever) of the Colleges or Faculties of Medicine of universities in Nigeria or their representatives, so however that no such university shall have more than one representative at any one time;";
- (v) in paragraph (e) for the word "three" there shall be substituted the word "five"; and
- (vi) in paragraph (f) for the word "one" there shall be substituted the word "two";
- (b) in section 2 (1) after the word "year" where it last occurs there shall be inserted the words "and shall include in the estimates the estimates of the expenditure and income of the National Medical College established by the National Medical College Decree 1979.";

1979 No. 67.

- (c) in section 4—
- (i) in subsection (2) for the words "registered as" where they occur in the fifth line there shall be substituted the words "registered as consultants,"; and

- (ii) for subsection (3) there shall be substituted the following new subsection—
  - "(3) Registers shall be maintained as follows-
    - (a) a register of consultants; and
  - (b) separate registers of medical practitioners and dental surgeons each of which shall consist of three parts of which the first shall be in respect of fully registered persons, the second shall be in respect of provisionally registered persons and the third shall be in respect of temporarily registered persons.";
- (d) in section 5-
- (i) in paragraph (a) of subsection (1) for the words "both registers" there shall be substituted the words "the registers"; and
- (ii) in subsection (2) for the words "as being" where they occur in the eighth line there shall be substituted the words "as being registered as a consultant or as being";
- (e) in section 6 immediately after subsection (2) there shall be inserted the following new subsection
  - "(3) Subject as aforesaid, a person shall be entitled to be registered as consultant if he is the holder of a qualification approved by the council in a specialised branch of medicine, surgery, midwlfery or dental surgery and has had such post-qualification experience as may be prescribed by rules made by the council under section 4 of this Act.";
  - (f) section 7A shall be deleted;
- (g) in section 12 (4) for the word "seven" there shall be substituted the word "ten";
- (h) in section 13 (1) for the words from "the tribunal may" up to the end of the subsection there shall be substituted the following—

"the tribunal may, if it thinks fit, give a direction-

- (i) ordering the registrar to strike his name off the relevant register or registers, or
- (ii) suspending that person from practice by ordering him not to engage in practice as a medical practitioner or, as the case may be, dental surgeon, for such period not exceeding six months as may be specified in the direction; or
  - (iii) admonishing that person.";
- (i) in the First Schedule—
- (a) in paragraph 1 (1) for the words "paragraph (d)" there shall be substituted the words "paragraph (e)";
- (b) in paragraph 1 (2) for the words "sub-paragraph (i) or (ii) of paragraph (c)" there shall be substituted the words "paragraph (b) or (c)";
- (c) in paragraph 1 (5) the words "(without prejudice to the powers conferred by paragraph (d) of the said subsection (2)" shall be deleted;

- (j) in the Second Schedule, the existing paragraph 8 shall be renumbered as sub-paragraph (1) and immediately after such sub-paragraph (as so renumbered) there shall be inserted the following new sub-paragraph—.
  - "(2) A person who is a member of the tribunal by virtue of his being a member of the council may, notwithstanding that his term of office as a member of the council has expired, continue to be a member of the tribunal for the purposes of completing any proceedings of the tribunal which was commenced whilst he was a member of the tribunal."
- 2. This Decree may be cited as the Medical and Dental Practitioners Citation. (Amendment) Decree 1979.

MADE at Lagos this 24th day of September 1979.

GENERAL O. OBABANJO,

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 Medical and Dental Practitioners Act 1963 to provide for the enlargement of the membership of the Nigeria Medical Council and to enable that Council, among other things, to maintain a separate register for consultants. The Act is also amended to enlarge the disciplinary powers of the Medical and Dental Practitioners' Disciplinary Tribunal to include power to suspend or admonish an erring medical or dental practitioner.

## CENTRE FOR BLACK AND AFRICAN ARTS AND CIVILISATION DECREE 1979



#### ARRANGEMENT OF SECTIONS

#### Section

- Establishment of the Centre for Black and African Arts and Civilisation.
- 2. Membership of the Board.
- Tenure and other matters relating to members.
- 4. Functions of the Centre.
- 5. Director of the Centre.
- Secretary and other staff of the Centre.
- Appointments and Establishments Committee.
- Power of the Commissioner to give directions.

- 9. Financial provisions.
- 10. Annual reports.
- Dissolution of the International Festival Committee and repeals.
- 12. Regulations.
- 13. Power to make rules.
- 14. Interpretation.
- 15. Citation.

#### SCHEDULE

Supplementary Provisions relating to the Board.

## Decree No. 69

[24th September 1979]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) There is hereby established a body to be known as the Centre for Black and African Arts and Civilisation (in this Decree hereafter referred to as the "Centre") which shall be a body corporate with perpetual succession and a common seal.

(2) The affairs of the Centre shall be managed by a body to be known as the Centre for Black and African Arts and Civilisation Management Board.

Establishment of the Centre for Black and African Arts and Civilisation. Membership of the Board.

- 2. The Board shall consist of a Chairman and the following other members, that is to say—
  - (a) the Director of the Centre;
  - (b) an eminent librarian;
  - (c) an eminent archivist;
  - (d) a university scholar in African studies;
  - (e) a representative of the Federal Department of Antiquities;
  - (f) a representative of the Federal Radio Corporation of Nigeria;
  - (g) a representative of the Nigerian Television Authority;
  - (h) a representative of the Federal Ministry of Information;
- (i) the chairman of the National Committee of the United Nations Educational, Scientific and Cultural Organisation; and
- (j) three persons appointed for their significant contributions to or interest in cultural matters.

Tenure and other matters relating to members.

- 3.—(1) A member of the Board who is not a public officer shall be appointed by the Federal Executive Council on the recommendation of the Commissioner and shall hold office on first appointment for a period of three years and shall be eligible for re-appointment for one further term of three years.
- (2) A member of the Board who is not a public officer may resign his appointment by a letter addressed to the Commissioner and that member's resignation shall take effect as from the date of the receipt of the letter by the Commissioner.
- (3) Any member of the Board may be removed by the Federal Executive Council on the recommendation of the Commissioner for inability to discharge the functions of his office or for misconduct.
- (4) Members of the Board who are public officers shall cease to be members of the Board upon ceasing to hold the office entitling them to appointment to the Board.
- (5) The provisions of the Schedule to this Decree shall have effect with respect to the proceedings of the Board and the other matters therein stated.

Functions of the Centre.

- 4.—(1) The Centre shall be a multi-disciplinary institution and shall, subject to this Decree, have responsibility for the promotion of public interest in Black and African arts and civilisation and for the preservation of such creative work of value—
  - (a) of each participating country during the Second World Black and African Festival of Arts and Culture 1977 (hereinafter in this Decree referred to as "the 1977 Festival") or similar cultural manifestations; or
  - (b) of any other country or individual where such creative work has emanated from or pertains to the 1977 Festival or similar cultural manifestations,

donated to the Centre either directly or through the International Festival Committee of the 1977 Festival or hereafter donated to the Centre by any person or organisation.

- 2. In pursuance of subsection (1) of this section, it shall be the duty of the Centre-
  - (a) to locate, identify and assemble for better preservation all recorded matter, published materials and museum artefacts relating to the 1977. Festival and to prepare an inventory of these works;
  - (b) to promote understanding and appreciation of Black and African arts and culture by involving the general public in its activities through lectures, discussions, symposia, exhibitions, performances and demonstrations of arts and crafts:
  - (c) to acquire from zonal secretariats of the 1977 Festival and any other source, creative records relating to past and future world, regional or national festivals of arts and culture of relevance to Black and African arts and civilisation:
  - (d) to produce guides, catalogues, bibliographies, abstracts and indices to facilitate the use of the materials preserved at the Centre;
  - (e) to make the facilities of the Centre available to members of the public on such terms as the Board may, with the approval of the Commissioner, determine:
  - (f) to organise exhibitions, displays and such other manifestations as are calculated to achieve the objects of the Centre;
  - (g) to make appropriate arrangements for the exchange either by way of lending or gift of materials held at the Centre;
  - (h) to supplement the materials held at the centre by acquiring copies of materials relating to past and future, world, regional or national festivals of arts and culture of relevance to Black and African arts and civilisation;
    - (i) to safeguard the property of the Centre; and
  - (j) to provide such services (other than research) as are usually provided by cultural resources centres.
- 5.—(1) There shall be a director of the Centre (in this Decree referred to as "the Director") who shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

The Director of the Centre.

- (2) The Director shall be the chief executive officer of the Centre and shall be charged with the general responsibility for matters affecting the day to day management and operations of the Centre.
  - 6.—(1) The Board may appoint a Secretary to the Board who shall-
  - (a) keep the records and conduct the correspondence of the Board;
  - (b) perform such other duties of a secretarial nature as the Board or, as the case may be, the Director may from time to time direct.
- (2) The Board shall, subject to the provisions of this Decree, have power-
  - (a) to appoint such other employees as it may determine;
  - (b) to pay its employees such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federa-
  - (c) to determine the conditions of service (including pensions and other retirement benefits) of such employees.

Secretary and other staff of the Board.

Appointments and Establishments Committee. 7. The Board shall set up an Appointments and Establishments Committee consisting of not more than six members of the Board whose functions shall be to advise the Board in matters relating to the appointment, (including appointments on promotion and transfer and confirmation of appointments), conditions of service, advancement, determination of appointment of, and other disciplinary measures against, employees holding or acting in any offices in the Centre.

Power of Commissioner to give directions. 8. Subject to this Decree, the Commissioner may give to the Board directions of a general nature or relating generally to particular matters, but not to any particular individual or case with regard to the exercise by the Board of its functions under this Decree and it shall be the duty of the Board to comply with the directions.

Financial provisions.

- 9.—(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Centre.
- (2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—
  - (a) such moneys as may from time to time be lent or granted to the Centre by the Government of the Federation or of a State;
  - (b) all moneys raised for the purposes of the Centre by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;
    - (c) all subscriptions, fees or charges for services rendered by the Centre;
    - (d) all other assets that may from time to time accrue to the Centre.
- (3) Subject to any general or special direction that may be given in that behalf by the Commissioner pursuant to this Decree, the Board may invest the funds of the Centre and maintain general financial reserves.
- (4) The Board shall cause to be kept proper accounts of the Centre and proper records in relation thereto and shall, not later than 30th June in each financial year, prepare and submit to the Commissioner an estimate of the income and expenditure of the Centre during the next succeeding financial year.
- (5) The Board shall, as soon as may be after the end of the financial year to which the accounts relate, cause the accounts of the Centre to be audited by auditors appointed by the Board with the prior approval of the Federal Executive Council.

Annual reports.

10. The Board shall submit to the Federal Executive Council not later than 30th June in each year a report of the activities of the Centre during the preceding financial year and shall include in the report a copy of the audited accounts of the Centre for that year and of the auditors' report thereon.

Second World Black and African Arts and Culture is hereby dissolved and,

accordingly, the International Festival Committee of the Second World Black

and African Festival of Arts and Culture Decree 1976 is hereby

repealed and the Diplomatic Immunities and Privileges (International

Festival Committee of the Second World Black and African Festival of Arts

and Culture) Order 1975 (which is spent) is hereby revoked.

11. The bedy known as the International Festival Committee of the

Dissolution of the International Festival Committee and repeals. 1976 No. 39. L.N. 16 of 1975.

12. The Commissioner may, with the approval of the Federal Executive Council, make regulations generally for the purpose of giving effect to the provisions of this Decree.

1975. Regulations.

13. The Board may, with the approval of the Commissioner, make rules in respect of any of its functions under this Decree; and without prejudice to the generality of the foregoing, the Board may make rules-

make rules.

(a) for securing the safety of the cultural property at the Centre; and

(b) for preserving order within the Centre and preventing damage to property therein.

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

Interpretation.

"the Board" means the Management Board of the Centre for Black and African Arts and Civilisation established under section 1 (2) of this Decree;

"the Centre" means the Centre for Black and African Arts and Civilisation established under section 1 (1) of this Decree;

"the Commissioner" means the Federal Commissioner charged with responsibility for cultural matters;

"the Director" means the Director of the Centre appointed pursuant to section 5 (1) of this Decree;

"the 1977 Festival" means the Second World Black and African Festival of Arts and Culture held in Nigeria in 1977.

15. This Decree may be cited as the Centre for Black and African Arts Citation. and Civilisation Decree 1979.

## SCHEDULE

Section 3 (5)

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

## Proceedings of the Board

- 1.—(1) There shall be paid to every member of the Board who is not a public officer such remuneration, fees and other allowances in respect of any period spent on the business of the Board as the Federal Executive Council may from time to time approve for payment to members of the boards of statutory corporations.
- (2) The travelling, subsistence and other allowances shall be paid out of the funds of the Centre.
- 2. The chairman of the Board shall preside at meetings of the Board and if he is absent from a meeting the members present shall elect one of their number to preside at that meeting.
  - 3. At a meeting of the Board-
  - (a) seven members shall form a quorum;
  - (b) questions shall be decided by a majority of those present and voting;
  - (c) in the case of an equality of votes, the chairman or other person presiding shall have a second or casting vote.
- 4. Subject to this Decree, the Board may make standing orders regulating the proceedings of the Board or of any committee thereof; and subject to such standing orders, the Board may function notwithstanding any vacancy in its membership or the absence of any member.

#### Committees

- 5. Subject to its standing orders, the Board may appoint such committees as it thinks fit to consider any matter referred to it by the Board but the decision of any committee appointed under this paragraph shall be of no effect until confirmed by the Board.
- 6. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member of the Board by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
- 7. The quorum of any committee of the Board shall be determined , by the Board.

#### Miscellaneous

- 8. The fixing of the seal of the Centre shall be authenticated by the signature of the Chairman of the Board or the Director or any other person authorised either generally or specially in that behalf by the Board.
- 9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Centre shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
- 10. Any member of the Board or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall disclose such interest and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 24th day of September 1979.

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 Centre for Black and African Arts and Civilisation and a Board for the management of the affairs of the Centre. The Centre is charged with the general duty of preserving for public use creative work of value emanating from the 1977 Second World Black and African Festival of Arts and Culture and similar cultural manifestations, past or future.

## NATIONAL OFFICE OF INDUSTRIAL PROPERTY DECREE 1979



## ARRANGEMENT OF SECTIONS

#### Section

#### National Office of Industrial Property

- Establishment of National Office of Industrial Property.
- 2. Governing Council.
- 3. Power of the Commissioner to give directions.
- 4. Functions of the National Office.

#### Registration of Contracts, etc.

- 5. Application for registration of contracts and agreements.
- 6. Registration.
- 7. Effect of registration.
- 8. Cancellation of registration.
- 9. Appeals, etc.

#### Provisions as to Staff and Finances

 Director and other staff of the National Office.

- Service in the National Office to be pensionable.
- 12. Financial provisions.
- 13. Annual estimates, accounts and audit.

#### Miscellaneous and Supplementary

- 14. Power to obtain information.
- Penalties for false returns, obstruction, etc.
- Restriction on disclosure of information by staff and penalty therefor.
- Offences by bodies corporate and unincorporate.
- 18. Annual reports.
- 19. Staff regulations.
- 20. Fees.
- 21. Interpretation.
- 22. Citation.

Schedule—Supplementary Provisions relating to the Council.

## Decree No. 70

[24th September 1979]

Commence-

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

## National Office of Industrial Property

- 1.—(1) There is hereby established a body to be known as the National Office of Industrial Property (hereinafter in this Decree referred to as "the National Office") which shall have the functions conferred on it under or pursuant to this Decree.
- (2) The National Office shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- 2.—(1) There shall be as the governing body of the National Office a council to be known as the Governing Council of the National Office of Industrial Property (hereinafter in this Decree referred to as "the Council") which shall be responsible for the formulation of policy for the National Office and for the discharge of the other functions conferred on it by this Decree.

Establishment of National Office of Industrial Property.

Governing Council.

- (2) The Council shall consist of a Chairman and the following other members, that is—
  - (a) one representative each of the following Federal Ministries-
    - (i) Economic Development,
    - (ii) Finance,
    - (iii) Internal Affairs,
    - (iv) Justice,
    - (v) Trade, and
    - (vi) Works and Housing;
  - (b) one representative of the National Science and Technology Development Agency;
  - (c) one representative of the universities in Nigeria to be appointed by the Commissioner after due consultation;
  - (d) one representative of polytechnics and colleges of technology in Nigeria to be appointed by the Commissioner after consultation with the rectors and principals thereof; and
    - (e) the Director.
- (3) The Chairman shall be the Permanent Secretary of the Federal Ministry of Industries or such other officer of that Ministry not below the rank of Principal Secretary as the Permanent Secretary may designate in that behalf.
- (4) The supplementary provisions in the Schedule to this Decree shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

Power of the Commissioner to give directions 3. The Commissioner may give to the Council directions of a general character or relating generally to particular matters but not to any individual or case with regard to the exercise by the Council or the National Office of its functions under this Decree and it shall be the duty of the Council to comply with the directions or cause them to be complied with.

Functions of the National Office.

- 4. Subject to section 2 (1) of this Decree, the National Office shall carry out the following functions—
  - (a) the encouragement of a more efficient process for the identification and selection of foreign technology;
  - (b) the development of the negotiating skills of Nigerians with a view to ensuring the acquirement of the best contractual terms and conditions by Nigerian parties entering into any contract or agreement for the transfer of foreign technology;
  - (c) the provision of a more efficient process for the adaptation of imported technology;
  - (d) the registration of all contracts or agreements having effect in Nigeria on the date of the coming into force of this Decree, and of all contracts and agreements hereafter entered into, for the transfer of foreign technology to Nigerian parties; and without prejudice to the generality of the foregoing, every such contract or agreement shall be so registrable

if its purpose or intent is, in the opinion of the National Office, wholly or partially for or in connection with any of the following purposes, that is to say—

(i) the use of trade-marks,

(ii) the right to use patented inventions,

(iii) the supply of technical expertise in the form of the preparation of plans, diagrams, operating manuals or any other form of technical assistance of any description whatsoever,

(iv) the supply of basic or detailed engineering,

(v) the supply of machinery and plant, and

- (vi) the provision of operating staff or managerial assistance and the training of personnel; and
- (e) the monitoring, on a continuous basis, of the execution of any contract or agreement registered pursuant to this Decree.

## Registration of Contracts, etc.

5.—(1) Every contract or agreement which on the date of the coming into force of this Decree had been entered into by any person in Nigeria and which still has effect on the commencement of this Decree in relation to any matter referred to in section 4 (d) of this Decree shall be registered with the National Office in the prescribed manner not later than six months after the commencement of this Decree.

Application for registration of contracts and agreements.

- (2) As from the commencement of this Decree, every contract or agreement entered into by any person in Nigeria with another person outside Nigeria in relation to any matter referred to in section 4 (d) of this Decree shall be registered with the National Office in the prescribed manner not later than 60 days from the execution or conclusion thereof.
- (3) Every application for the registration of a contract or agreement under this section shall be addressed to the Director and shall be accompanied by such number of certified true copies of such contract and agreement and by all other related documents including annexures thereto and such other documents and information as may be specified in any particular case by the Director.
- 6.—(1) Where the Director is satisfied that none of the specifications mentioned in subsection (2) of this section has been contravened he shall issue the applicant therefor a certificate in such form as may be prescribed.

Registration.

- (2) The Director shall not register any contract or agreement where he is satisfied that it falls within any of the following specifications, that is to say—
  - (a) where its purpose is the transfer of technology freely available in Nigeria;
  - (b) where the price or other valuable consideration therefor is not commensurate with the technology acquired or to be acquired;
  - (c) where provisions are included therein which permit the supplier to regulate or intervene directly or indirectly in the administration of any undertaking belonging to the transferee of the technology and are, in his opinion, unnecessary for the due implementation or execution of such contract or agreement;

- (d) where there is an onerous or gratuitous obligation on the transferee of the technology to assign to the transferor or any other person designated by the transferor patents, trade-marks, technical information, innovations or improvements obtained by such transferee with no assistance from the transferor or such person;
- (e) where limitations are imposed on technological research or development by the transferee;
- (f) where there is an obligation therein to acquire equipment, tools, parts or raw materials exclusively from the transferor or any other person or given source;
- (g) where it is provided that the exportation of the transferee's products or services is prohibited or unreasonably restricted or where there is an obligation on such transferee to sell the products manufactured by it exclusively to the supplier of the technology concerned or any other person or source designated by the transferor;
- (h) where the use by the transferee of complementary technologies is prohibited;
- (i) where the transferee is required to use permanently or for any unconscionable period personnel designated by the supplier of the technology;
- (j) where the volume of production is limited for sale and where re-sale prices are, in contravention of the Price Control Decree 1977 or any other enactment relating to prices, imposed for domestic consumption or for exportation;
- (k) where the transferee is required to appoint the supplier of technology as the exclusive sales agent or representative in Nigeria or elsewhere;
- (1) where the contract or agreement is expressed to exceed a period of 10 years or other unreasonable term where this is less than 10 years;
- (m) where the consent of the transferor is required before any modification to products, processes or plant can be effected by the transferee;
- (n) where an obligation is imposed on the transferee to introduce unnecessary design changes;
- (o) where the transferor, by means of quality controls or prescription of standards, seeks to impose unnecessary and onerous obligations on the transferee;
- (p) where there is provision for payment in full by the transferee for transferred technology which remains unexploited by him;
- (q) where there is a requirement for the acceptance by the transferee of additional technology or other matter, such as consultancy services, international sub-contracting, turn-key projects and similar package arrangements, not required by the transferee for or in connection with the principal purpose for which technology is to be or has been acquired by him;
- (r) where the transferee is obliged to submit to foreign jurisdiction in any controversy arising for decision concerning the interpretation or enforcement in Nigeria of any such contract or agreement or any provisions thereof.

1977 No. 1.

- (3) Notwithstanding the foregoing provisions of this section, in any case where the Council is satisfied that it would be in the national interest so to do, it may direct the Director to issue a certificate to an applicant notwithstanding any convergence between the terms and conditions of a contract or agreement and the specifications laid down in subsection (2) above.
- (4) Where the parties, on the direction or advice of the Director, subsequent to a refusal by the Director to issue a certificate of registration, make required adjustments in respect of any contract or agreement or terms and conditions thereof, the Director may issue the requisite certificate of registration.
- 7. For the purposes of the Exchange Control Act 1962 and subject to section 8 of this Decree, no payment shall be made in Nigeria to the credit of any person outside Nigeria by or on the authority of the Federal Ministry of Finance, the Central Bank of Nigeria or any licensed bank in Nigeria in respect of any payments due under a contract or agreement mentioned in section 4(d) of this Decree, unless a certificate of registration issued under this Decree is presented by the party or parties concerned together with a copy of the contract or agreement certified by the National Office in that behalf.

Effect of registration. 1962 No.

8.—(1) Where the Director is satisfied that any contract or agreement has, subsequent to the registration thereof, been amended or modified in contravention of the provisions of this Decree, he shall give notice in writing to the parties concerned of his intention to cancel the certificate of registration and the provisions of section 9 of this Decree relating to appeals shall apply to any such notice as if it were a notice to reject an application for registration.

Cancellation of registration.

- (2) Where no appeal is lodged as provided under subsection (1) above, the Director shall with the approval of the Council cancel the certificate of the party concerned.
- 9.—(1) Any person aggrieved by the proposal of the Director to reject an application for registration may, within 60 days after the date of notice of intention to reject the application is given to him, lodge with the Secretary a notice of appeal to the Council.

Appeals,

- (2) The notice of appeal shall be in writing setting out the grounds on which it is made and the Secretary shall lay it before the meeting of the Council next holding after the notice of appeal was lodged with him.
- (3) Where an appeal is allowed the Council shall cause the Director to issue a certificate of registration in that behalf and where an appeal is disallowed the aggrieved party shall, subject to the applicable rules of court, have a right of further appeal to the Federal Revenue Court.
- (4) Appeals shall lie from decisions of the Federal Revenue Court under this section in the same manner and to the same extent as appeals from the decisions of the Court in civil proceedings given by that Court sitting at first instance.

## Provisions as to Staff and Finances

10.—(1) There shall be an officer of the National Office to be known as the Director who shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

Director and other staff of the National Office.

- (2) The Director shall be the chief executive officer of the National Office and shall hold office on such terms and conditions as may be specified in his letter of appointment or on such other terms and conditions as may be determined from time to time by the Federal Executive Council and, generally, by the Council in relation to the other staff of the National Office.
- (3) There shall be appointed by the Council, a Secretary who shall carry out such duties as the Council or the Director may specify or as may be imposed on him by this Decree.
- (4) There may be appointed from time to time by the Council such other staff as may be required for the purposes of the efficient performance of the functions conferred on the National Office under or pursuant to this Decree.

Service in the National Office to be pensionable. Cap. 147.

- 11.—(1) Notwithstanding the provisions of the Pensions Act it is hereby declared that service in the National Office shall be approved service for the purposes of that Act and, accordingly, officers and other staff of the National Office shall in respect of their service in the National Office be entitled to such pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation, so however that nothing in this Decree shall prevent the appointment of a person to any office in the National Office on terms which preclude the grant of a pension or gratuity in respect of that office.
- (2) For the purposes of the application of the provisions of the Pensions Act in accordance with this Decree—
  - (a) subsection (1) of section 7 of that Act (which confers on the Federal Commissioner for Establishments power to waive the requirement to give notice of desire to retire at the age of 45) shall have effect as if for references therein to that Commissioner they were substituted references to the Council; and
  - (b) the power under subsection (1) of section 9 of that Act to require an officer to retire at any time after attaining the age of 45, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

Financial provisions.

- 12.—(1) The National Office shall establish and maintain a fund the proceeds of which shall be applied—
  - (a) to the cost of administration of the National Office and the Council;
  - (b) for reimbursing members of the Council or of any committees set up by the Council for such expenses as may be authorised by the Council and in accordance with the rates approved in that behalf by the Federal Executive Council;
  - (c) to the payment of salaries, allowances or other emoluments and pensions, gratuities and other terminal benefits of the employees of the National Office:
  - (d) for the maintenance of any property vested in or acquired by the National Office; and
  - (e) for or in connection with all or any of the functions of the National Office or the Council under or pursuant to this Decree.

- (2) There shall be paid and credited to the fund established pursuant to subsection (1) above—
  - (a) such sums as may be provided in each financial year by the Government of the Federation for payment into the fund;
  - (b) fees charged for registration of contracts and agreements and for other services rendered by the National Office; and
  - (c) all other sums accruing to the National Office under or pursuant to this Decree.
- 13.—(1) The Council shall cause to be prepared not later than 31st December in each year an estimate of the expenditure and income of the National Office during the next succeeding financial year, and when prepared they shall be submitted through the Commissioner for approval by the Federal Government.

Annual estimates, accounts and audit.

- (2) The Council shall cause to be kept proper accounts of the National Office and proper records in relation thereto and when certified by the Council the accounts shall be audited as provided in subsection (3) below.
- (3) The accounts of the National Office shall be audited as soon as may be after the end of each financial year by auditors appointed by the Council with the approval of the Federal Executive Council and the fees of the auditors and the expenses of the audit generally shall be paid from the moneys available to the National Office.
- (4) Before appointing any auditor pursuant to subsection (3) above, the Council shall consult the Federal Commissioner for Finance.

## Miscellaneous and Supplementary ...

14.—(1) The Director or any other staff of the National Office may by notice in writing served on any person carrying on an industrial or commercial undertaking require that person to furnish in such form as he may direct, information on such matters as may be specified by him.

Power to obtain information.

- (2) A person required to furnish returns pursuant to subsection (1) above shall within 45 days of the notice comply with such notice.
- 15.—(1) If any person required to furnish returns pursuant to section 14 of this Decree fails to furnish those returns as required thereunder he shall be guilty of an offence and liable on conviction to a fine of N2,000 or imprisonment for six months or to both such fine and imprisonment.

Penalties for false returns, obstruction, etc.

- (2) If a person in purported compliance with a requirement to furnish returns as aforesaid knowingly or recklessly makes any statement in the returns which is false in a material particular he shall be guilty of an offence and liable on conviction to a fine of №1,000 on imprisonment for six months or to both such fine and imprisonment.
  - (3) Any person who-
  - (a) wilfully obstructs any employee of the National Office acting in the execution of his duties under this Decree; or
  - (b) without reasonable cause fails to give any such employee acting as aforesaid any information or other assistance which such employee may reasonably require of him for the purposes of the performance by such employee of his functions under this Decree, or of any subsidiary legislation made hereunder,

shall be guilty of an offence and liable on conviction to a fine of \$\frac{1}{41,000}\$ or imprisonment for six months or to both such fine and imprisonment.

Restriction on disclosure of information by staff and penalty therefor.

- 16.—(1) Any person appointed or employed for the due administration of this Decree who communicates to any other person (not being a member of the Council or another employee of the National Office authorised to receive such communication) any document, drawing, photograph, plan, model or other information whatsoever which to his knowledge describes, represents or illustrates—
  - (a) any existing or proposed machinery, plant, installation or other structure whatsoever; or
    - (b) any patent, process or any design :

submitted by any person to the National Office for or in connection with any application for registration under this Decree shall be guilty of an offence.

(2) Any person found guilty of an offence under this Decree shall on conviction be liable to a fine of N2,000 or to imprisonment for two years or to both such fine and imprisonment.

Offences by bodies corporate and unincorporate.

- 17. Where an offence under this section is committed by a body corporate or firm or other association of individuals—
  - (a) every director, manager, secretary or other similar officer of the body corporate;
    - (b) every partner or officer of the firm;
  - (c) every person concerned in the management of the affairs of the association; or
- (d) every person who was purporting to act in such capacity as aforesaid, shall severally be guilty of that offence and liable to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Annual reports.

18. The Council shall, not later than 30th June in each year, submit to the Commissioner a report on the activities of the National Office during the immediately preceding year and shall include in such report the audited accounts of the National Office.

Staff regulations.

- 19.—(1) Subject to the provisions of this Decree, the Council may make staff regulations relating generally to the conditions of service of the employees of the National Office and, without prejudice to the generality of the foregoing, such regulations may provide for—
  - (a) the appointment, promotion and disciplinary control (including dismissal) of the employees of the National Office; and
  - (b) appeals by such employees against dismissal or other disciplinary measures;

and until such regulations are made, any instrument relating to the conditions of service of public officers shall, with such modifications as may be necessary, be applicable to the employees of the National Office.

(2) Staff regulations made under subsection (1) above shall not have effect until approved by the Commissioner; when so approved they may not be published in the *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

20. The fees payable for registration of a contract or agreement or for other services rendered by the National Office (and any variations to such fees) shall be such as may be fixed by the Council with the prior approval of the Commissioner.

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

Interpretation.

"the Chairman" means the Chairman of the Council;

"the Commissioner" means the Federal Commissioner charged with responsibility for industry;

'contract or agreement" includes any arrangement whatsoever which is capable of enforcement between the parties concerned or by an interested or affected third party;

"the Council" means the Governing Council of the National Office established by section 2 of this Decree;

"the Director" means the Director of the National Office appointed under section 10 of this Decree;

"member" means any member of the Council including the Chairman;

"the National Office" means the National Office of Industrial Property established by section 1 of this Decree:

"prescribed" means prescribed by regulations made by the Commissioner:

"the Secretary" means the Secretary to the Council appointed under section 10 of this Decree.

22. This Decree may be cited as the National Office of Industrial Citation. Property Decree 1979.

#### SCHEDULE

Section 2

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

## Proceedings of the Council

1.—(1) Subject to this Decree and to section 26 of the Interpretation Act 1964 (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

- (2) The quorum of the Council shall be the Chairman and four other members, and the quorum of any committee of the Council shall be determined by the Council.
- 2.—(1) The Council shall meet not less than four times in each year and, subject thereto, the Council shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by not less than three other members he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- (2) At any meeting of the Council, the Chairman shall preside, but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

- (3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.
- (4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Commissioner.

#### Committees

- 3.—(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such of its functions as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, who need not necessarily all be members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

#### Miscellaneous

- 4.—(1) The fixing of the seal of the National Office shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially to act for that purpose by the Council.
- (2) 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 the National Office by any person generally or specially authorised to act for that purpose by the Council.
- (3) Any document purporting to be a document duly executed under the seal of the National Office shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- 5. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved from time to time by the Federal Executive Council.
- 6. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or of a committee, or by reason that a person not entitled to do so took part in the proceedings.
- 7. Any member of the Council, and any person holding office on a committee of the Council, 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 and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 24th day of September 1979.

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 establishes the National Office of Industrial Property to monitor, on a continuing basis, the transfer of foreign technology to Nigeria. For this purpose, the National Office is empowered to scrutinise every contract or agreement relating to transfer of technology before registration thereof.

Penalties are provided for in the Decree for any contravention of its provisions while foreign exchange will not be released in respect of any contract or agreement which is not so registered.

#### SECURITIES AND EXCHANGE COMMISSION DECREE 1979



## Decree No. 71

[1st April 1978]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

Establishment, functions, etc. of the Securities and Exchange Commission

1.—(1) There is hereby established a body to be known as the Securities and Exchange Commission (hereafter in this Decree referred to as "the Commission").

Establishment of Securities and Exchange Commission.

- (2) The Commission shall be a body corporate with perpetual succession and a common seal.
- (3) The Commission shall have power to sue and be sued in its corporate name and may, for the purpose of its functions, acquire, hold or dispose of property (whether movable or immovable).
  - 2.—(1) The Commission shall consist of the following members, that is—
- Membership of the Commission.

- (a) one representative of the Central Bank of Nigeria;
- (b) one representative of the Nigerian Stock Exchange;
- (c) one representative of the Nigerian Enterprises Promotion Board;
- (d) one representative each (who shall be persons of the rank of Deputy Secretary and above) of the following Federal Ministries, that is—
  - (i) Finance,
  - (ii) Trade, and
  - (iii) Industries;
  - (e) the Executive Director of the Commission; and
- (f) five other persons to be appointed by the Federal Executive Council on the recommendation of the Commissioner, being persons who by reason of their ability, experience or specialised knowledge of securities and exchange matters or of business or professional attainments would in his opinion be capable of making useful contributions to the work of the Commission.
- (2) The Chairman of the Commission shall be appointed by the Commissioner from among the members of the Commission.

Tenure of office.

- 3.—(1) Persons appointed under paragraph (f) of section 2(1) of this Decree shall hold office for five years and be eligible for re-appointment: provided that the first five persons to be appointed thereunder one shall be for one year, one for two years, one for three years, one for four years and one for five years.
- (2) Any member appointed under the provisions of section 2 (1) (f) may resign his appointment by a notice in writing under his hand addressed to the Commissioner.
- (3) Members of the Commission appointed under the provisions of section 2 (1) (f) shall be paid such remuneration and allowances as the Federal Executive Council may from time to time determine.
- (4) No member appointed under the provisions of section 2 (1) (f) shall, while remaining a member of the Commission engage in any stock market business of a character subject to the regulations of the Commission without full disclosure to and approval of the Commission prior to the particular transaction.

Cessation of membership of the Commission.

- 4.—(1) Any member of the Commission shall cease to hold office if—
- (a) he becomes of unsound mind or incapable of carrying out his duties;
- (b) he becomes bankrupt or suspends payment to or compounds with his creditors;
  - (c) he is convicted of a felony or of any offence involving dishonesty;
  - (d) he is guilty of serious misconduct in relation to his duties;
- (e) in the case of a person possessed of professional qualifications, he is disqualified or suspended (other than at his own request) from practising his profession in any part of the world by the order of any competent authority made in respect of him personally.
- (2) The Commissioner may in writing under his hand at any time remove any member of the Commission from office if the Commissioner is of the opinion that it is not in the public interest for the member to continue in office.

Proceedings of the Commission. 1964 No. 1.

- 5.—(1) Subject to this section and 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 second or casting vote), the Commission may make standing orders regulating its proceedings.
- (2) The Chairman shall preside at every meeting of the Commission but in his absence, the members present at the meeting shall elect one of their number to preside at the meeting.
  - (3) The quorum for meetings of the Commission shall be six.

Functions of the Commission. 1968 No. 51. 1977 No. 3.

- 6. The Commission shall, notwithstanding anything to the contrary in the Companies Decree 1968 or the Nigerian Enterprises Promotion Decree 1977, be charged with the duty of—
  - (a) determining the amount of, and time at which, securities of a company are to be sold to the public either through offer for sale or subscription;
  - (b) registering all securities proposed to be offered for sale to, or for subscription by, the public or to be offered privately with the intention that the securities shall be held ultimately other than by those to whom the offers were made.

- (c) maintaining surveillance over the securities market to ensure orderly, fair and equitable dealings in securities;
- . (d) registering stock exchanges or branches, registrars, investment advisers, securities dealers and their agents and controlling and supervising their activities with a view to maintaining proper standards of conduct and professionalism in the securities business:
- (e) protecting the integrity of the securities market against any abuses arising from the practice of inside trading;
- (f) acting as regulatory apex organisation for the Nigerian Stock Exchange and its branches to which it would be at liberty to delegate powers;
- (g) creating the necessary atmosphere for the orderly growth and development of the capital market;
- (h) undertaking such other activities as are necessary or expedient for giving full effect to the provisions of this Decree.
- 7.—(1) No public company and no enterprise in which aliens participate whether constituted as a public or private limited or unlimited liability company or partnership, shall issue or sell any of its securities without having obtained the prior approval of the Commission with respect to—
  - (a) the price at which the securities are to be sold;
  - (b) the timing and amount of sale :
  - (c) in the case of a company whose securities have been granted a quotation on any stock exchange, the timing and amount of any subsequent issue or supplementary offers for sale and the price at which the securities shall be sold;
  - (d) whether the initial or subsequent issue or sale of the securities issued by the enterprise shall be restricted or made public and when such an enterprise shall seek quotation on the stock exchange.
- (2) The Commission shall have the power to direct what information should be provided by the company or the issuing house, stock-broker or other financial bodies authorised by the Commission to offer securities for sale or subscription to the public.
- (3) If a body to which this section relates acts in contravention of this section, then, subject to section 10 below—
  - (a) the body shall be guilty of an offence and liable on conviction to a fine of N100,000 and in addition to a penalty of N1,000 per day for the period during which the offence subsists;
  - (b) every director, manager, secretary or other similar officer, servant or agent of the body (or any person purporting to act in any such capacity) who knowingly and wilfully authorises the contravention shall also be guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for not less than three years or both.
- 8.—(1) The Commission shall have the power to prescribe the maximum period, after appropriate consultation, within which the registrar or the company or the issuing house as the case may be, shall return surplus monies due to subscribers to the issues of securities.
- (2) The Commission may, subject to subsection (3) below, prescribe the rate of interest payable to subscribers whose surplus monies are held beyond the prescribed period.

Approval of Commission before offer of shares and debentures or sale by companies.

Return of surplus monies to subscribers, etc. (3) The interest payable under the foregoing subsection shall not be less than ½ of 1% above the Central Bank of Nigeria minimum rediscount rate and the Commission may—

(a) in addition, require a company which fails to honour its obligation under this section to pay a higher rate of interest on the surplus monies; and

(b) direct that such increased interest be paid into the Consolidated Revenue Fund of the Federation.

(4) Any person who fails to comply with the provisions of this section shall be guilty of an offence under this Decree and shall be liable on conviction to a fine of N10,000.

Power of the Commission to call for information.

- 9.—(1) The Commission shall have the power to examine the records and affairs of, to call for information from, any company, enterprise, stock exchange, registrar, issuing house, stockbroker or any other person or institution engaged or involved in the issuing, sale or buying or other trading in securities of companies and enterprises covered by the provisions of this Decree or in respect of trading in other companies or enterprises whose securities are covered by the provisions of this Decree or in respect of trading in other enterprises whose securities may reasonably be suspected to be involved in the activities of the affected companies or enterprises.
- (2) If in the light of any examination conducted pursuant to subsection (1) above, it is discovered that an attempt has been made to render ineffective the provisions of this Decree or of any regulations made thereunder with regard to—

(a) the fixing of the price at which the securities of the enterprises covered by this Decree are to be sold;

(b) ensuring a fair and reasonable distribution of such securities; and

(c) promoting just and equitable principles of trading in the securities market;

such irregular transactions shall be deemed to be null and void and the Commission shall have the power to prescribe the appropriate measures to rectify such irregularities.

Compounding of offences. 10. Without prejudice to section 104 the Constitution of the Federation (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law), the Commission may compound any offence punishable under this Decree by accepting such sums of money as it thinks fit, not exceeding the amount of the maximum fine to which that person would have been liable if he had been convicted of that offence.

Commission to ensure that shares issued by banks are by way of public offer.

- 11.—(1) The Commission shall ensure that any shares issued by any bank, otherwise than by capitalisation out of the reserves of the bank, shall be by way of public offer.
- (2) The reference to "bank" in subsection (1) of this section shall not include any bank to which the provisions of section 28 (1) of the Companies Decree 1968 apply.

## Executive Director and other staff of the Commission

Executive Director and other staff. 12.—(1) There shall be appointed by the Federal Executive Council on the recommendation of the Commissioner an Executive Director of the Commission.

- (2) The Executive Director who shall be the chief executive officer of the Commission shall hold office on such terms and conditions as may be specified in his letter of appointment.
- (3) The Commission shall employ such other employees as may be necessary for the carrying out of the functions of the Commission under this Decree.
- (4) Without prejudice to subsection (1) above, the terms and conditions of service (including terms and conditions as to remuneration, allowances, pensions, gratuities and other retiring benefits and medical benefits) of the employees of the Commission shall be such as may be determined from time to time by the Commission with the approval of the Commissioner.
- 13.—(1) Any person aggrieved by any decision of the Commission relative to an application made by that company or enterprise pursuant to this Decree may appeal to the Commissioner who may, after considering the appeal, confirm or modify any decision of the Commission.

Right of appeal.

- (2) The decision of the Commissioner on any appeal shall be final.
- 14.—(1) There shall be constituted an Allotment Committee of the Commission which shall be responsible for the allotment of securities of public companies, selling their securities to the public with or without a stock exchange quotation under such rules and regulations as may be laid down by the Commission.

Allotment Committee.

- (2) The Allotment Committee shall consist of the following members—
- (a) two representatives of the Commission of whom one shall be the chairman;
  - (b) a representative of the Nigerian Stock Exchange;
  - (c) a representative of the Nigerian Enterprises Promotion Board;
  - (d) a representative of the appropriate issuing house.
- 15.—(1) Any act, matter or thing done or purported to be done by the Capital Issues Commission established by the Capital Issues Decree 1973 (hereafter in this section referred to as "the old Commission") or any member of the old Commission in relation to the timing and fixing of the price and amount of public issues of capital, whether quoted or unquoted, shall be and be deemed always as valid as if made under or pursuant to the provisions of this Decree.

Validation of acts, etc. and exclusion and abatement of certain proceedings. 1973 No 14.

(2) Any action or proceeding which has been or is instituted before, on or after the commencement of this Decree against the Commission or any member thereof or against the Government of the Federation shall abate and be discharged and be void.

#### Miscellaneous

16. The Commission shall submit an annual report on its activities for its financial year ending 31st March in each year to the Commissioner not later than three months thereafter.

Annual reports

- 17.—(1) The Commission may, with the approval of the Federal Executive Council, make regulations generally for the purpose of giving effect to the provisions of this Decree, and may in particular, without prejudice to the generality of the foregoing provisions, make regulations—
  - (a) prescribing the forms for returns and other information required under this Decree :

Regulations.

- (b) prescribing the procedure for obtaining any information required under this Decree;
- (c) requiring returns to be made, within the period specified therein, by any company or enterprise to which this Decree applies;
  - (d) prescribing any fees payable under this Decree.
- (2) Any regulations made pursuant to subsection (1) above may, where appropriate, prescribe penalties not exceeding a fine of N100 for every day of default or imprisonment for six months or both for any contravention of the regulations.

Interpretation.

- 18. In this Decree, unless the context otherwise requires—
- "alien" means a person or association whether corporate or unincorporate other than a Nigerian citizen or association;

"the Commission" means the Securities and Exchange Commission established by section 1 of this Decree;

"the Commissioner" means the Federal Commissioner for Finance; "registrar" means a company registrar engaged in the keeping of register of members and shareholders and performing other auxiliary functions for his company or other companies or institutions.

Citation and commencement.

19. This Decree may be cited as the Securities and Exchange Commission Decree 1979 and shall be deemed to have come into force on 1st April 1978.

MADE at Lagos this 24th day of September 1979.

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 it is intended to explain its purpose)

The Decree establishes the Securities and Exchange Commission and vests it with the functions, among other things, of determining the price at which the initial securities of a company are to be sold to the public, the timing and amount of any subsequent issues, registration of all securities proposed to be offered for sale to the public and generally maintaining a surveillance over the securities market.

## NIGERIAN EXPORT PROMOTION COUNCIL (AMENDMENT) DECREE 1979



## Decree No. 72

[24th September 1979]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :-

Amendment of Decree No. 26 of 1976.

- 1. The Nigerian Export Promotion Council Decree 1976 is hereby amended as follows :-
- (a) for section 4 thereof, there shall be substituted the following new sections, that is-

"Member-

- 4. The Council shall consist of a Chairman to be appointed ship of the by the Commissioner and the following other members, that is-
  - (a) the Permanent Secretary of each of the following Federal Ministries or any officer thereof designated in that behalf by the Permanent Secretary, that is-
    - (i) Agriculture and Water Resources,
    - (ii) Economic Development,
    - (iii) External Affairs,
    - (iv) Finance,
    - (v) Industries.
    - (vi) Trade, and
    - (vii) Transport;
  - (b) seven representatives of the States to be appointed in rotation, so however that no State shall have more than one representative at any one time and no such representative shall serve for more than one term;
  - (c) the Governor of the Central Bank of Nigeria or his representative :
  - (d) one representative of the Nigerian Chambers of Commerce, Industry, Mines and Agriculture;
  - (e) one representative of the Manufacturers' Association of Nigeria; arodi and by the Meppin to

- (f) four persons to be appointed by the Commissioner to represent special interests in insurance, banking and similar commercial institutions; and
  - (g) the Director.

Director and other employees of the Council.

- 4A.—(1) There shall be appointed by the Commissioner, on the nomination of the Council, a Director of the Council who shall be the chief executive officer of the Council and shall be responsible for the execution of the policy of the Council and the day to day running of the affairs of the Council.
- (2) The Council may appoint such other persons as it may determine as employees of the Council to assist the Director in the exercise of his functions under this Decree.
- (3) The Council may, subject to such conditions as it may think fit, delegate any of its powers relating to the appointment of or exercise of disciplinary control (including dismissal) over its employees to the Director or to any other employee of the Council.

Service in the Council to be pensionable. Cap. 147.

- 48.—(1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Council shall be approved service for the purposes of that Act and, accordingly, the Director and other employees of the Council shall in respect of their service in the Council be entitled to pensions, gratuities and any other retirement benefits as are enjoyed by persons holding equivalent grades in the public service of the Federation.
- (2) For the purposes of the application of the Pensions Act in accordance with this Decree—
  - (a) subsection (1) of section 7 of that Act (which confers on the Federal Commissioner for Establishments power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for references to that Commissioner there were substituted references to the Council; and
  - (b) the power under subsection (1) of section 9 of that Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.
- (3) Nothing in the foregoing provisions of this section shall be construed as preventing the appointment of a person to any office in the Council on terms which preclude the grant of a pension and gratuity or any other retirement benefits in respect of that office.";
- (b) in section 10 thereof, there shall be inserted in alphabetical sequence the following new definition, that is—
  - "the Director" means the Director of the Council appointed pursuant to section 4A of this Decree;

- (c) in the Schedule thereto-
- (i) for sub-paragraph (1) of paragraph 1 thereof, there shall be substituted the following new sub-paragraph, that is—
- "(1) A member of the Council, other than a member holding office by virtue of paragraph (a), (c) or (g) of section 4 of this Decree, shall hold office for a term of three years and, subject to the provisions of section 4 (b) and of sub-paragraph (2) of this paragraph, shall be eligible for appointment for one further term of three years.",
- (ii) immediately after paragraph 4 thereof there shall be inserted the following new paragraph 4A, that is—
  - "4A. Without prejudice to paragraph 4 above, the Council may establish an export committee for each State in the Federation and each such committee shall—
    - (a) constitute a forum for the promotion of exportation of the principal export products of the State concerned;
    - (b) advise the Council on the best means of achieving the objective hereinabove specified; and
    - (c) carry out such other functions as the Council may direct from time to time.";
- (iii) in sub-paragraph (2) of paragraph 5 thereof, the words "from the States" shall be deleted, and
- (iv) for sub-paragraph (2) of paragraph 6 thereof, there shall be substituted the following new sub-paragraph—
  - "(2) Nine members, two of whom shall represent the States, shall form a quorum at any meeting of the Council."
- 2. This Decree may be cited as the Nigerian Export Promotion Council (Amendment) Decree 1979.

Made at Lagos this 24th day of September 1979.

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 makes sundry amendments to the Nigerian Export Promotion Council Decree 1976 and provides for—

- (a) the reconstitution of membership of the Council;
- (b) the appointment of a Director and other employees of the Council and the provision of pensions in respect of their service; and
- (c) the establishment of export committees in the States in the Federation to assist the Council in promoting exportation of the principal export products of the State concerned.