

PORTS DECONGESTION DECREE 1985



Decree No. 13

[29th May 1985]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Task Force for the Disposal of Unclaimed Containers (hereinafter referred to as “the Task Force”) which shall be constituted in accordance with, and shall have such functions as are conferred on it by the following provisions of this Decree.

Establish-
ment of the
Task Force
for the
Disposal of
Unclaimed
Containers.

(2) The Task Force shall carry out its functions with all convenient speed and shall conclude its functions on or before 30th September 1985 after which date the Task Force shall stand disbanded.

(3) The ports, airports and customs border stations specified in the Schedule to this Decree may be divided into zones and a task force may be established for each such zone or group of zones.

2.—(1) The Task Force shall consist of the following members :—

Composition
of the Task
Force.

(a) a leader who shall be an officer in the Nigerian Army not below the rank of full colonel or an equivalent rank in the Nigerian Navy or the Nigerian Air Force ;

(b) a police officer not below the rank of deputy commissioner ;

(c) an officer of the Nigerian Security Organisation not below the rank of assistant director ;

(d) an officer of each of the other two arms of the armed forces not being that to which the leader belongs ;

(e) a representative of the Federal Ministry of Finance ;

(f) the Commandant of the Port in whose area of jurisdiction the Task Force is operating ; and

(g) a representative of the Department of Customs and Excise.

(2) An administrative officer in the Federal Civil Service not below the rank of deputy secretary shall be the secretary to the Task Force.

(3) Subject to this Decree, the Task Force shall have the power to coopt such persons as may be necessary and to regulate its own proceedings.

(4) The validity of the proceedings of the Task Force shall not be affected by reason of—

(a) any vacancy in the membership of the Task Force ;

- (b) any defect in the appointment of a member of the Task Force; or
- (c) a person not entitled to do so taking part in its proceedings.

Functions of
the Task
Force.

3.—(1) Subject as hereinafter provided, the Task Force shall be charged with the general responsibility of disposing by retail sale of all goods to which subsection (2) of this section applies, where such goods are found lying in transit sheds and Government warehouses in every airport, port and customs border station specified in the Schedule to this Decree or such other similar place in Nigeria to which the Head of the Federal Military Government may by Order published in the Gazette apply the provisions of this Decree.

(2) The goods referred to in subsection (1) of this section are :—

- (a) prohibited goods, including seized or detained goods, being goods under licence for which no licence was obtained ;
- (b) overtime and abandoned goods; and
- (c) unclaimed goods.

(3) Goods to which subsection (2) of this section apply shall be disposed of in the manner provided in this subsection, that is to say—

(a) all prohibited goods which have been seized and detained shall immediately after inspection be sold by retail sale or auction to the public at the market value of the goods ;

(b) all overtime, unclaimed or abandoned goods which have been lying in the ports or warehouses for a period in excess of six months are to be advertised twice in the Daily Times and the New Nigerian newspapers, requiring the owners thereof to clear such goods within a period of 30 days from the date of the first of such advertisement ; and thereafter, the goods shall be sold by retail sale or auction to the public at the market value thereof ;

(c) all overtime goods that have been in the port or warehouse for a period less than six months, shall be removed to such place as the Task Force shall determine and the same procedure as is specified in paragraph (b) of this subsection shall apply as soon as the goods have remained therein for a period of six months.

(4) All edible goods affected by this Decree shall, in the first instance and with all convenient speed be examined with a view to ascertaining whether they are fit for human consumption by the appropriate Federal Government authority charged with such functions ; and thereafter, shall be sold in retail quantities or by auction to the public at the market value of such goods. .

(5) Where goods affected by this Decree are proved to belong to the Federal Military Government or the Government of a State, the same shall after due inspection, be released to such Government.

(6) Any goods affected by this Decree which after inspection are found to be unfit for human consumption or use shall be destroyed by the Task Force.

Proper
account.

4. Proper inventory shall be kept of all goods detained, seized or otherwise affected by this Decree and the Task Force shall render account of the goods and moneys realised from the sale thereof to the Chief of Staff, Supreme Headquarters at such intervals and in such manner as he may from time to time direct.

5. The Task Force shall not dispose of goods in transit to neighbouring countries and those consigned to Federal or State public bodies and institutions but shall inform and request the consignees of such goods to make arrangements for the evacuation of the goods within 30 days from the date of such notice.

Treatment of goods in transit.

6.—(1) Any person who obstructs or interferes with the Task Force, any of its members or any person duly authorised by the Task Force in the discharge of the functions conferred on the Task Force by this Decree shall be guilty of an offence and liable on conviction to a fine not exceeding ₦500 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Offences.

(2) Where any person whether or not a member of the Task Force commits an offence amounting to fraud or any similar offence in respect of the matters to which this Decree relates, such offence shall be reported to the Special Investigation Panel set up pursuant to the Recovery of Public Property (Special Military Tribunals) Decree 1984 to be dealt with according to law.

Decree No. 3 of 1984.

7.—(1) The powers conferred on the Task Force under this Decree shall, for the period during which this Decree shall remain in force, be exercisable notwithstanding the provisions of any other enactment or instrument to the contrary.

Proceedings against the Task Force.

(2) Notwithstanding the provisions of any other enactment, (including the Constitution of the Federal Republic of Nigeria), no criminal or civil proceedings shall lie or be instituted in any court of law for or on account of or in respect of any act, matter or thing done by the Task Force 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.

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

Interpretation.

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

“ports” means the ports, airports and customs border stations referred to in the Schedule to this Decree and includes transit sheds and government warehouses ;

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

“Task Force” means the Task Force for the Disposal of Unclaimed Containers set up under section 1 (1) of this Decree ;

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

9.—(1) This Decree may be cited as the Ports Decongestion Decree 1985.

Citation and repeal.

(2) This Decree shall, unless further extended, remain in force until 30th September 1985 after which date it shall stand repealed.

SCHEDULE

Section 3 (1)

PORTS, AIRPORTS AND CUSTOMS BORDER STATIONS
TO WHICH THIS DECREE APPLIES

PORTS

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

AIRPORTS

Murtala Muhammed Airport, Ikeja
Aminu Kano International Airport, Kano
Port Harcourt International Airport, Port Harcourt
Calabar International Airport, Calabar

CUSTOMS BORDER STATIONS

Idi-Iroko and all other customs border stations.

MADE at Lagos this 29th day of May 1985.

MAJOR-GENERAL M. BUHARI,
*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 a task force for the purpose of clearing from specified transit sheds and Government warehouses located in the Nigerian seaports, international airports and customs border stations, prohibited, overtime and abandoned goods.

— The method of disposal specified in the Decree is by retail or auction sale.

STATUTORY CORPORATIONS (MODIFICATION, ETC.)
DECREE 1985



Decree No. 14

[29th May 1985]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1.—(1) The Statutory Corporations and Companies controlled by the Federal Military Government mentioned in the Schedule to this Decree (hereinafter in this Decree individually referred to as "corporation affected") shall operate and have effect subject to this Decree; and where constituted under any special enactment that enactment shall be affected by this Decree and be deemed to have been amended to the extent necessary to give effect hereto.

Statutory
corpora-
tions, etc.
affected.

(2) For the purposes of subsection (1) of this section,—

(a) the Nigerian Railway Corporation Act, as amended by the Nigerian Railway Corporation (Amendment) Act 1958, and

Cap. 139.
1958 No. 11.
Cap. 155.
1963 No. 14.

(b) the Ports Act, as amended by the Ports (Amendment) Act 1963; shall have effect subject to this Decree.

2.—(1) The chief executive of each corporation, by whatever name heretofore called, shall on the making of this Decree, be known and referred to as the managing director of that corporation.

Redesigna-
tion of chief
executive
and minor
modifica-
tion
of the boards
of corpora-
tions
affected.

(2) The managing director of a corporation affected shall be the chief executive of the corporation and shall be responsible to the board for the implementation of the policy decisions of the board and for the day to day running of the affairs of the corporation affected.

(3) The managing director shall be a member, but not the chairman, of the corporation and shall have full power to take part as a member of the board in the deliberations of the board of that corporation, shall count towards the quorum and shall have a vote with respect to anything falling to be decided by vote at any meeting of the board.

(4) The managing director shall be appointed by the Head of the Federal Military Government for a term of 4 years in the first instance and renewable for one further period of 4 years only:

Provided that for the purposes of this subsection, the number of years during which any person who, at the date of the making this Decree, was the managing director of a corporation affected has held such office, shall be taken into account in computing his total number of years in such office.

Special
provisions
as to
registered
companies.

3.—(1) Where the corporation affected is a company registered under the Companies Act 1968, the managing director shall lodge with the Registrar of Companies a copy of this Decree together with a certificate relating to that corporation stating that it is a corporation affected, and the Registrar of Companies shall file the copy and certificate without fee and when so filed, the memorandum and articles of association of the company shall be deemed to be amended to the extent necessary to give effect to this Decree.

(2) A certificate for the purposes of this section shall be signed by the managing director of the company.

Citation.

4. This Decree may be cited as the Statutory Corporations (Modification, etc.) Decree 1985.

SCHEDULE

Section 1 (1)

STATUTORY CORPORATIONS AND COMPANIES AFFECTED

- (a) Central Water Transportation Company Limited ;
- (b) National Cargo Handling Company Limited ;
- (c) National Freight Company Limited ;
- (d) Nigerian Airways Limited ;
- (e) Nigerian Ports Authority ;
- (f) Nigerian Railway Corporation ;
- (g) Nigerian National Shipping Line Limited.

MADE at Lagos this 29th day of May 1985.

MAJOR-GENERAL M. BUHARI,
*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-mentioned Decree but is intended to explain its purpose.)

The Decree effects a minor reconstitution of the boards of the statutory corporations affected to redesignate the chief executive thereof as the managing director and to make him a full member, but not the chairman, of the board of the directors of the Corporation.