

THE BORROWING BY PUBLIC BODIES (AMENDMENT)
DECREE 1966



Decree No. 35

[Section 1 : 15th January 1966]
[Sections 2 and 3 : 28th May 1966]

Commence-
ment.

THE NATIONAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Section 1 of the Borrowing by Public Bodies Act 1965 (which specifies the bodies to which that Act applies) shall be amended in paragraph (b), by substituting for the words “over which the Government of the Federation has control”, the words “in or of which the Government of the Republic holds any shares or debentures”.

Amend-
ments of
Borrowing
by Public
Bodies Act
1965.
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(2) Section 3 (3) of the said Act of 1965 is hereby repealed.

(3) For section 5 of the said Act of 1965 (which relates to guarantees given before the commencement of that Act) there shall be substituted the following section—

“Guarantees under Act of 1959 deemed to have been given under this Act, 1959 No. 19.

5. Any guarantee given or deemed to have been given under the Statutory Corporations (Guarantee of Loans) Act 1959 before the commencement of this Act in respect of any loan which has not been repaid in full (including all interest and other charges) before the commencement of this Act shall be deemed for all purposes to have been given under and in accordance with section 3 or 4 of this Act, according to whether the loan is an external loan or not.”

(4) In section 6 of the said Act of 1965—

(a) in subsection (1), for the definition of “control” there shall be substituted the following—

““debenture” and “share” have the same meanings as in the Companies Act;”

Cap. 37.

(b) in subsection (2), for the word “over”, in both places where it occurs, there shall be substituted the words “in or of which”, and for the words “has control”, in both places where they occur, there shall be substituted the words “holds any shares or debentures”.

(5) For the purposes of section 12 of the Constitution (Suspension and Modification) Decree 1966 (which provides for the modification of existing law) the foregoing provisions of this section shall be deemed to have been in force immediately before 16th January 1966.

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Commence-
ment of
Borrowing
by Public
Bodies Act
1965.
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Citation.

2.—(1) The Borrowing by Public Bodies Act 1965, as amended by section 1 of this Decree, shall come into force on the date on which this Decree is made; and accordingly section 7 (2) of that Act is hereby repealed.

(2) Without prejudice to section 1 (3) of this Decree, section 5 (2) of the said Act of 1965 shall be deemed never to have come into force.

3. This Decree may be cited as the Borrowing by Public Bodies (Amendment) Decree 1966.

DATED at Lagos this 28th day of May 1966.

MAJOR-GENERAL J. T. U. AGUIYI-IRONSU,
*Head of the National Military Government,
Supreme Commander of the Armed Forces,
Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purposes)

The main purpose of this Decree is to make the Borrowing by Public Bodies Act 1965 apply to any company in or of which the National Military Government holds shares or debentures, even if the holding in question does not amount to a controlling interest. The Decree also restricts section 5 of the Act to guarantees given to National statutory corporations under the Statutory Corporations (Guarantee of Loans) Act 1959.