

SUPPLEMENTARY APPROPRIATION (1970-71)
(No. 2) DECREE 1971



Decree No. 41

[28th August 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The aggregate of the amounts mentioned in section 1 of the Appropriation Decree 1970 and section 1 of the Supplementary Appropriation (1970-71) Decree 1971 (which enactments together provide for the issue out of the Consolidated Revenue Fund of the Federation in respect of the financial year ending on 31st March 1971, of sums not exceeding in aggregate two hundred and sixty-nine million, two hundred and twenty-seven thousand and fifty-four pounds (£269,227,054) shall be increased by three million, seventy thousand and nine hundred and twenty pounds (£3,070,920) and this additional amount shall be appropriated to the Head of Expenditure specified in the Schedule hereto; and section 1 (3) of the Appropriation Decree 1970 (which provides for the lapse of balances outstanding at the end of the said financial year) shall be construed subject to this Decree.

Issue and
Appropriation of
£3,070,920
from the
Consolidated
Revenue
Fund for
Contingencies Fund
for 1970-71.
1970 No. 35.
1971 No. 5.

2. This Decree may be cited as the Supplementary Appropriation (1970-71) (No. 2) Decree 1971 and shall apply throughout the Federation.

Citation and
extent.

SCHEDULE

<i>Head</i>	<i>Amount</i>
	£
101. Reimbursement to the Contingencies Fund	3,070,920

MADE at Lagos this 28th day of August 1971.

MAJOR-GENERAL Y. GOWON,
*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 increases the aggregate amounts mentioned in section 1 of the Appropriation Decree 1970 and section 1 of the Supplementary Appropriation (1970-71) Decree 1971, for expenditure during the financial year ending 31st March 1971, by £3,070,920.

2. The said additional amount is to be appropriated as specified in the Schedule to the Decree.

NIGERIAN LIVESTOCK AND MEAT AUTHORITY DECREE 1971



ARRANGEMENT OF SECTIONS

Section

- | | |
|--------------------------------------------------------------------|----------------------------------------|
| 1. The Authority. | 15. Accounts. |
| 2. Members of the Authority. | 16. Audit. |
| 3. Removal from office, revocation of appointment and resignation. | 17. Annual report. |
| 4. Other matters relating to members. | 18. Staff. |
| 5. Secretary to the Authority. | 19. Advisory committees. |
| 6. Appointment of agents. | 20. Regulations. |
| 7. Functions of the Authority. | 21. Repeal, etc. |
| 8. Funds and resources of the Authority. | 22. Interpretation. |
| 9. Borrowing by the Authority. | 23. Citation, extent and commencement. |
| 10. Application of sums received. | |
| 11. Power to invest. | |
| 12. Expenditure of the Authority. | |
| 13. Bad debts. | |
| 14. Power to make loans or grants. | |

SCHEDULES

- SCHEDULE 1—Supplementary Provisions relating to the Authority.
- SCHEDULE 2—Transitional and Saving Provisions.

Decree No. 42

[1st April 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) With a view to the development and better organisation of the livestock and meat industry in the Federation there is hereby established a body called the Nigerian Livestock and Meat Authority, which shall be a body corporate by that name with perpetual succession and a common seal and shall have the functions conferred upon it by or under this Decree.

The
Authority.

(2) The Authority shall have power to enter into contracts and to acquire, purchase, hold, lease, mortgage, sell and dispose of movable and immovable property, and may sue and be sued in its corporate name.

(3) The supplementary provisions contained in Schedule 1 shall have effect in relation to the Authority.

2.—(1) The Authority shall consist of the Chairman and ten other members who shall be appointed by the Commissioner.

Members of
the
Authority.

(2) Subject to section 3, a member shall hold office for such period not exceeding three years as is stated in the instrument by which he is appointed and shall be eligible for re-appointment.

3.—(1) Any member may be removed from office at any time by the Commissioner.

Removal
from
office,
revocation
of appoint-
ment and
resignation.

(2) Without prejudice to the generality of subsection (1) above, if the Commissioner is satisfied that a member—

(a) has been absent from three consecutive meetings of the Authority without the permission of—

(i) in the case of the Chairman, the Commissioner, and

(ii) in the case of any other member, the Chairman, or

(b) has become bankrupt or made an arrangement with his creditors, or

(c) has been convicted of an offence involving or necessarily implying fraud or dishonesty, or

(d) is incapacitated by physical or mental illness from performing his functions as a member, or

(e) has such a financial or other interest in the operations of the Authority or otherwise as in the opinion of the Commissioner is likely to affect prejudicially the discharge by him of his functions as a member, or

(f) is otherwise unable or unfit to discharge the functions of a member, the Commissioner may revoke the appointment of that member.

(3) Notwithstanding anything contained in the instrument by which he is appointed, a member may resign his office by notice in writing to the Commissioner, and upon receipt of the notice by the Commissioner the appointment of that member shall be terminated.

Other
matters
relating to
members.

4.—(1) There shall be paid to each member out of the funds of the Authority such remuneration, if any, whether by way of salary, fees, or allowances for travelling or other expenses, as the Commissioner may from time to time determine.

(2) Where a member is temporarily incapacitated by illness from performing the functions of his office, is temporarily absent from Nigeria or is absent on leave within Nigeria—

(a) the Commissioner may appoint any person to hold temporarily the office held by that member during the period of that member's incapacity or absence, and

(b) all the functions of that member shall devolve upon the person so appointed.

(3) A member shall not be personally liable for any act, omission or default by the Authority so long as the act, omission or default is done or made in the course of the operations of the Authority and in good faith.

Secretary
to the
Authority.

5.—(1) Subject to section 18, there shall be a Secretary to the Authority who shall conduct its correspondence and keep its records and exercise such other functions as the Authority may from time to time direct or as may be conferred on him by or under this Decree or any other written law.

(2) The Secretary shall be an officer, but not a member, of the Authority.

Appointment
of agents.

6.—(1) The Authority may, with the approval of the Commissioner, appoint an agent to exercise any of its functions.

(2) For the purposes of subsection (1) above "agent" means any person, and includes a ministry or department of government of the Federation or a State, any public officer and any local government authority (howsoever known) constituted by or under any law in force in any State.

Functions
of the
Authority.

7.—(1) The general functions of the Authority shall be—

(a) to keep under review and conduct research into the production, handling, marketing and slaughtering of livestock, the preparation for sale of livestock, meat and any products thereof, and the marketing, consumption, treatment and use of any such product,

(b) to advise and assist the Federal Military Government and the States in matters relating to the livestock and meat industry and any products thereof, and

(c) to exercise such other functions as may be entrusted to the Authority by or under this Decree or any other written law.

(2) Without prejudice to the generality of subsection (1) above, the Authority shall have power—

(a) to advise persons on the carrying on and establishment of commercial enterprises connected with the livestock and meat industry and any products thereof,

(b) to establish and maintain abattoirs and services ancillary thereto,

(c) to establish and maintain farms for the purpose of breeding and fattening livestock,

(d) to carry on or participate in the carrying on of any business connected with the livestock and meat industry which is acquired by the Authority or in which the Authority has an interest,

(e) to establish and maintain projects for the provision of food for animals,

(f) to promote or assist in the development or rehabilitation of livestock producing areas,

(g) to purchase or sell livestock, meat and any products thereof in any part of Nigeria, so however that the power to purchase conferred by this paragraph should be restricted in any particular State to a power to purchase from the owner of the thing purchased or from a dealer licensed by the appropriate State Commissioner to deal in things of that kind,

(h) to control and regulate the inter-State activities of traders,

(i) to establish and maintain wholesale markets for meat,

(j) to prescribe grades of livestock and meat and any products thereof in relation to inter-State or international trade,

(k) to provide such information and advisory services as the Federal Military Government or a State may require to persons engaged in the livestock and meat industry or in any industry concerned with any products of the livestock and meat industry, and

(l) to purchase and sell hides and skins.

(3) In the performance of its functions under this Decree the Authority shall comply with any other written law affecting or governing the performance of those functions.

(4) The Commissioner with the concurrence of the Federal Executive Council may by order in the Federal Gazette confer on the Authority such additional functions as he may think fit, being either—

(a) functions of a kind similar to the functions specified in subsections (1) and (2) above, or

(b) functions which in the opinion of the Commissioner can be conveniently exercised by the Authority in association with the functions so specified.

8. The funds and resources of the Authority shall consist of—

(a) all such sums as may from time to time be lent or granted to the Authority by the Federal Military Government or a State,

(b) all such sums as may from time to time be lent to the Authority by any person,

(c) all property and investments acquired by or vested in the Authority and all moneys earned or arising therefrom,

(d) all sums from time to time received by or falling due to the Authority in respect of the repayment of any loan made by the Authority or the interest payable in respect of any such loan,

(e) all sums derived from the sale of livestock, meat and any products thereof,

(f) all sums derived from the sale of hides and skins, and

(g) all sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its functions.

Funds and
resources
of the
Authority.

9.—(1) The Authority may with the consent of the Commissioner borrow (by mortgage or otherwise and on such terms or conditions as the Authority with the consent aforesaid may determine) such sums of money as may be required in the exercise of the functions conferred on the Authority by this Decree or any other written law.

Borrowing
by the
Authority.

(2) There may be attached to any consent to borrow under subsection (1) above the condition that the money borrowed shall be utilised for a specified purpose or for specified purposes.

(3) A person lending money to the Authority shall not be bound to inquire whether the borrowing of money is within the power of the Authority.

Application
of sums
received.

10. All sums received by the Authority shall be credited to the funds of the Authority.

Power to
invest.

11. The Authority may from time to time invest money standing to its credit and not for the time being required for the purposes of its functions in securities approved either generally or specifically by the Commissioner, and the Authority may from time to time vary or sell any such investments.

Expenditure
of the
Authority.

12. The Authority may from time to time apply the funds at its disposal—

(a) to or in connection with the purchase of livestock, meat and any products thereof,

(b) to or in connection with the purchase of hides and skins,

(c) to the cost of administration of the Authority,

(d) to the remuneration, honoraria and expenses of any member or class of members in respect of his or their functions under this Decree, so however that no remuneration, honoraria or expenses (except such as may be expressly authorised by the Commissioner) shall be paid to any person who is in receipt of emoluments from the Federal Military Government or a State,

(e) to the cost of administration of any advisory committee and the remuneration, honoraria and expenses of any member or class of members of any such committee,

(f) to the payment of the salaries, allowances, gratuities or pensions of the servants of the Authority, so however that no salary, allowance, gratuity or pension (except such as may be expressly authorised by the Commissioner) shall be paid to any person who is in receipt of emoluments from the Federal Military Government or a State,

(g) to the repayment of any money borrowed under section 9 and of any interest payable thereon,

(h) to the development and rehabilitation of the livestock and meat industry and any products thereof and the development and rehabilitation of livestock producing areas, and to the cost of scientific and other research into all matters concerning the same, and

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

Bad debts.

13. The Authority may with the approval of the Commissioner write off bad debts.

Power to
make loans
or grants.

14. The Authority may make loans or grants to any State out of moneys standing to the credit of the Authority upon such terms as may be agreed by and between the Authority and the State in question.

Accounts.

15. The Authority shall keep such accounts and related records as the Commissioner shall direct.

16.—(1) The accounts of the Authority for each year shall be audited as soon as possible after the end of the year by auditors appointed by the Authority with the approval of the Commissioner, and the fees of the auditors and the expenses of the audit generally shall be paid by the Authority.

Audit.

(2) As soon as the accounts of the Authority have been audited under subsection (1) above, the Authority shall send to the Commissioner a copy of the income and expenditure account and the balance sheet, together with the report of the auditors thereon.

17. The Authority shall in each year make a report to the Commissioner of its proceedings under this Decree during the preceding year containing—

Annual Report.

(a) an account of its operations and transactions throughout that preceding year, and

(b) a statement of the accounts of the Authority for that preceding year audited in accordance with section 16.

18.—(1) Subject to this section, the Authority may appoint, engage, employ or dismiss such officers and servants as it considers necessary for the due discharge of its functions under this Decree upon such terms and conditions as to remuneration or otherwise as it may determine.

Staff.

(2) Subject to subsection (1) above, there shall be a General Manager who shall be the chief executive officer of the Authority and who shall be responsible for the execution of the policy of the Authority and the transaction of its day to day business.

(3) The Authority shall not appoint, engage, employ or dismiss any officer or servant whose salary is equal to or in excess of the prescribed salary without the approval in writing of the Commissioner.

(4) The Commissioner may by order in the Federal Gazette determine the prescribed salary for the purposes of subsection (3) above.

(5) The Authority may with the approval of the Commissioner—

(a) grant pensions, gratuities or retiring benefits to any of its officers or servants and may require its officers or servants to contribute to any pension or contributory scheme, and

(b) grant loans to its officers and servants for such purposes as the Authority may approve.

(6) The Authority may perform any of its functions through or by any of its officers, servants or agents duly authorised by the Authority in that behalf.

19.—(1) For the purpose of giving advice and assistance to the Authority in the discharge of its functions the Authority may, and when the Commissioner so directs, shall, establish an advisory committee or advisory committees.

Advisory committees.

(2) An advisory committee may include persons who are not members of the Authority :

Provided that at least one-third of the members of every advisory committee shall be members of the Authority.

(3) The number of members of an advisory committee, their terms of office and the matters in respect of which they are to advise shall be determined by the Authority.

(4) The quorum at a meeting of an advisory committee shall be determined by the Authority.

(5) The person presiding at a meeting of an advisory committee shall, when the votes on any question are equal, have a casting vote in addition to his original vote.

(6) Paragraphs 1, 6 and 11 of Schedule 1 shall apply in relation to an advisory committee as they apply in relation to the Authority.

Regulations.

20. The Authority may, with the approval of the Commissioner, make regulations for carrying into effect the provisions of this Decree.

**Repeal, etc.
N.N. No. 9
of 1966.**

**I.A.C.L.N.
11 of 1968.**

21.—(1) The Livestock and Meat Authority Edict 1966 is hereby repealed, the Northern Nigeria Livestock and Meat Authority Edict (Amendment) Directions 1968 are hereby revoked and the Authority established by the said Edict is hereby dissolved.

(2) The transitional and saving provisions in Schedule 2 shall have effect notwithstanding subsection (1) above or any other provision of this Decree.

**Interpreta-
tion.**

22.—(1) In this Decree, unless the context otherwise requires—

“advisory committee” means an advisory committee appointed under section 19;

“the Authority” means the Nigerian Livestock and Meat Authority established by section 1;

“the Chairman” means the Chairman of the Authority;

“the Commissioner” means the Federal Commissioner for Agriculture and Natural Resources;

“hides” means the hides of cattle;

“livestock”, subject to subsection (2) below, means cattle, camels, sheep, goats, swine or poultry;

“meat” means meat of livestock, and includes a carcass thereof;

“member” means a member of the Authority, and includes the Chairman;

“skins” means the skins of sheep or goats;

“State” means State of the Federation;

“trader” means a person who carries on the business of buying and selling livestock, meat and any products thereof, and includes an agent of any such person.

(2) The Commissioner may by order in the Federal Gazette vary the definition of livestock contained in subsection (1) above.

(3) In this Decree, unless the context otherwise requires, a reference to a numbered section or schedule is a reference to the section or schedule so numbered in this Decree.

**Citation,
extent and
commence-
ment.**

23.—(1) This Decree may be cited as the Nigerian Livestock and Meat Authority Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 1st April 1971.

SCHEDULES

SCHEDULE 1

Section 1

Supplementary Provisions relating to the Authority

1. Subject to this Decree, the Authority may regulate its own proceedings and make standing orders for that purpose.

2. The Authority shall hold at least two meetings in every year, and (subject to paragraph 3 below) shall hold such further meetings as may be necessary for the due fulfilment of its functions.

3. Any three members may by notice in writing signed by them request the Chairman to call a special meeting of the Authority for the purposes set out in the notice, and the Chairman shall thereupon call a special meeting.

4. The Chairman shall preside at meetings of the Authority if he is present and, if he is not present or the office of chairman is vacant, the members present shall choose one of their number to preside.

5. Every question at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting, and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

6. Where upon any special occasion the Authority desires to obtain the advice of any person on any particular matter, the Authority may co-opt that person to be a member for so many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

7. A quorum at a meeting of the Authority shall be the Chairman (or other person presiding) and four other members.

8. The affixing of the common seal of the Authority shall be authenticated by the signature of the Chairman (or some other member authorised by the Authority to act in that behalf) and the signature of the Secretary to the Authority.

9. 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 Authority by the Secretary to the Authority or by any person generally or specially authorised to act for that purpose by the Authority.

10. Any document purporting to be duly executed under the seal or on behalf of the Authority shall be received in evidence and presumed to be so executed unless the contrary is proved.

11. The validity of any proceedings of the Authority shall not be affected—

(a) by any vacancy in its membership, or

(b) by any defect in the appointment of a member, or

(c) by reason that a person not entitled to do so took part in the proceedings.

12. Service upon the Authority of any notice, order or other document may be effected by delivering it or sending it by registered post addressed to the Secretary to the Authority.

SCHEDULE 2

Section 21

Transitional and Saving Provisions

1. By virtue of this Decree there shall be vested in the Authority (referred to in this Schedule as "the new Authority") on the commencement of this Decree without any further assurance all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Decree were vested in the Authority dissolved by this Decree (referred to in this Schedule as "the old Authority").

2. Where before the commencement of this Decree the Interim Common Services Agency had decided that any property, holding or other interest in the Mokwa Project or the Minna Piggery should be transferred to the old Authority, then, whether or not the transfer was executed before the commencement of this Decree, the property, holding or other interest shall, for the purposes of paragraph 1 above, be deemed to have been vested in the old Authority immediately before the commencement of this Decree.

3. As from the commencement of this Decree—

(a) the rights, interests, obligations and liabilities of the old Authority existing immediately before the commencement of this Decree under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Decree be assigned to and vested in the new Authority,

(b) any such contract or instrument as is mentioned in paragraph (a) above shall be of the same force and effect against or in favour of the new Authority and shall be enforceable as fully and effectively as if instead of the old Authority, the new Authority had been named therein or had been a party thereto, and

(c) the new Authority shall be subject to all the obligations and liabilities to which the old Authority was subject immediately before the commencement of this Decree, and all other persons shall as from the commencement of this Decree have the same rights, powers and remedies against the new Authority as they had against the old Authority immediately before the commencement of this Decree.

4. Any proceeding or cause of action pending or existing immediately before the commencement of this Decree by or against the old Authority in respect of any right, interest, obligation or liability of the old Authority may be commenced, continued or enforced by or against the new Authority as it might have been against the old Authority if this Decree had not been made.

5. Notwithstanding the dissolution of the old Authority by section 21, any person who immediately before the commencement of this Decree held office under the old Authority shall, on its commencement, be deemed to have been appointed to the corresponding office in the new Authority.

6. Within the twelve months next following the making of this Decree the Commissioner, if he thinks fit, may by order in the Federal Gazette make transitional or saving provisions relating to the officers and servants of the old Authority; and without prejudice to the generality of the foregoing, any such order may provide for service under the old Authority to be regarded as service under the new Authority for pensions purposes.

MADE at Lagos this 28th day of August 1971.

MAJOR-GENERAL Y. GOWON,
*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 a Livestock and Meat Authority as a body corporate and entrusts to the Authority, among other things, the function of—

- (a) advising and assisting the Federal Military Government and the States in matters relating to the livestock and meat industry,
- (b) reviewing and conducting research into the production, marketing and slaughtering of livestock, meat and other products,
- (c) carrying on or participating in the carrying on of any business connected with the livestock and meat industry, and
- (d) advising persons on the carrying on and establishment of enterprises connected with the livestock and meat industry.